

Citizens No More

'War on Terror' Abuses in Bosnia and Herzegovina

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CAGEPRISONERS

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TABLE OF CONTENTS

INTRODUCTION.....	3
TIMELINE.....	4
HISTORY	5
Genocide in Bosnia and Herzegovina.....	5
Entry of foreign fighters and humanitarian aid workers.....	5
The Dayton Peace Accords on Bosnia	5
TUZLA BASE.....	6
Nihad Karsic and Almin Hardaus	6
Abdel Halim Khafagy	7
Complicity of Italian and German authorities.....	8
BOSNIAN ALGERIANS IN GUANTANAMO BAY.....	9
Arrest and detention.....	9
Bosnian authorities.....	9
Detainee treatment	10
Harrassment	11
The children.....	12
International media.....	12
NATURALISED BOSNIANS FACING DEPORTATION	14
Attempted revocation of citizenship.....	14
Commission for the Revision of Decision on Naturalisation	14
Abu Hamza Emad Alhusin	15
Abdelilah Daudi Karrache	16
Fadhil Al Hammadani.....	17
RECOMMENDATIONS.....	19
ACKNOWLEDGMENTS	20

INTRODUCTION

When they extradite me to Iraq, they will do so as a terrorist, not like a man without papers, but as a terrorist. I will more than likely go missing as soon as I land there.

(Fadhil Al Hammadani – Bosnian national)

The US administration claims the face of terrorism is never the same and the global nature of the threat necessitates that there must be global responses. The 'War on Terror' has spanned the entire world crossing continents in order to capture Al Qaeda – however as the tentacles of the war machine cross the world, so do the abuses of human rights which seem to follow in its wake.

Many herald Operation Enduring Freedom and the assault on Afghanistan as the beginning of the 'War on Terror'. However, as this report demonstrates, the 'War on Terror' had already begun in Bosnia and Herzegovina before the decision to attack Afghanistan had been made. What has been witnessed; is a policy of placing pressure on governments and foreign agencies in order to circumvent international standards of justice and human rights to propagate the extrajudicial detention of suspected terrorists.

The report highlights the cases of three individuals detained only two weeks after 11th September 2001 who were placed through a system very much akin to the procedures used against detainees sent to Guantanamo Bay. Not only did random detentions take place, but also the manifest abuses that follow them.

The report also expounds upon the plight of Bosnian Algerians who were made scapegoats by the Bosnian government in order for the US to show the world that Al Qaeda exists globally. After five years of illegal detentions and innumerable evidence that they have been wrongly incarcerated, they still remain detained in Guantanamo Bay.

The report finally seeks to draw attention to the plight of naturalised Bosnians who are facing the revocation of their citizenships due to pressure being placed on the Bosnian government to have them returned to their countries of origin. These men face the very real prospect of being deported to countries such as Syria, Algeria, Morocco and Libya where they will face the very real threat of unlawful detention and torture.

The policies of the 'War on Terror' have spread far and wide destroying the lives of thousands of people. Despite any threat to international peace and security, there can not be any shift from the basic standards of human rights which protect civilised society.

(Asim Qureshi – Researcher, Cageprisoners)

Cageprisoners

Cageprisoners was formed in October 2003 as a human rights organisation with the sole purpose of raising awareness of the plight of the prisoners in Guantanamo Bay and other detainees held as part of the 'War on Terror'.

The organisation works by attempting to provide a comprehensive resource of information on Guantanamo Bay and other detainees to the public and professionals in order to ensure that their plight is continually highlighted and never forgotten and to act as a voice for the voiceless.

By bringing together sources from all media outlets around the world, lawyers, activists and families of the detainees are often able to use the website as a one-stop resource for all aspects of detentions in the 'War on Terror'.

TIMELINE

- 1992** Invasion of Bosnia and Herzegovina (BiH) by Yugoslav forces.
- 1992** Citizenships granted to foreigners fighting in Bosnian army
- 1995** The Dayton Peace accords on Bosnia signed. The Accords require all foreign fights and aid works to leave BiH.
- 1995 – 1996** Citizenships granted to foreigners married to Bosnian women or to those who fought in the conflict
- 1996 – 2001** Two commissions on the revision of citizenships are carried out in order to remove those in Bosnia illegally. Both commissions find no concern over those being deported today.
- 11/09/2001** Attacks by Al Qaeda against targets in the US.
- 24/09/2001** Detention of Abdel Halim Khafagy.
- 25/09/2001** Detentions of Nihad Karsic and Almin Hardaus.
- 10/2001** Detention of Bosnian Algerians.
- 14/11/2001** Minister for Interior Tomislav Lemov revokes 108 citizenships.
- 17/01/2002** Supreme Court of Bosnia orders release of Bosnian Algerians however they are kidnapped and rendered to Guantanamo Bay.
- 04/12/2003** Supreme Court of Bosnia orders the revocation of citizenships to be unlawful.
- 03/2006** Commission for the Revision of Decision on Naturalisation of Foreign Citizens is formed.

HISTORY

Genocide in Bosnia and Herzegovina

On 1st March 1992, Independence was declared by Bosnia and Herzegovina from the Former Socialist Republic of Yugoslavia (FRY). With the FRY breaking up and States seceding from the republic, the Serbian population in the region mobilised itself as the army of Yugoslavia. What resulted led to war within the Balkan regions and a programme of ethnic cleansing in Bosnia and Herzegovina (BiH) where Muslims were being killed by Serbians.

Entry of foreign fighters and humanitarian workers

Backed by the Clinton administration, a path was opened for the Bosniaks (Bosnian Muslims) to receive arms and help from countries such as Iran, Pakistan, Saudi Arabia, Malaysia, Sudan and other Muslim countries. Estimates have been given that anywhere in the region of 1,000 to 4,000 foreign fighters entered into Bosnia to fight alongside the Bosniaks.

Humanitarian organisations came flooding into Bosnia in order to help the relief effort. Muslims all over the world volunteered themselves in order to provide aid to the Bosniak people, arriving with organisations many of which are based in the Muslim world. These organisations include:

The Saudi Joint Relief Committee
The Umm Al Qura' Foundation
The Saudi High Commission
International Humanitarian Hifsorganization
Red Crescent Iran

The list goes on and is by no means exhausted. Through the efforts of these aid agencies, vital supplies and equipment reached those cut off from any support.

The Dayton Peace Accords on Bosnia

In 1995, the Dayton Peace Accords were agreed by Presidents Izetbegovic, Tudjman, Milosevic and Clinton. One of the provisions agreed was the removal of all foreigner fighters from Bosnia and Herzegovina (BiH) in the aim to keep stability in the region. The provision in the Accords relating to the removal of foreigners states:

"In particular, all foreign Forces, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighbouring and other States, shall be withdrawn from the territory of Bosnia and Herzegovina..."¹

By December 1995, in complying with the agreement, 90% of all foreign fighters left Bosnia via Zagreb Airport. Although the condition was aimed at Serbians and Croats as well, in reality it only affected Muslims living in BiH. However, despite the mass departure of foreigners from BiH, still 10% of the foreigners remained in Bosnia due to having married Bosnian women or for having claims of citizenship due to having fought in the conflict.

With the formation of the Federation of Bosnia and Herzegovina, the Bosnian Serbs and Croats began to place much pressure on the removal of the last remnants of foreign Muslim fighters in the region now the balance of power was not proportionate to their demographic in BiH. During the presidency of Alija Izetbegovic, President Clinton and the Croat and Serb elements in Bosnia pressured him to remove all remnants of foreign fighters, this continued all the way until 2000 when he resigned over the interference of international elements in BiH.

¹ The Dayton Peace Accords 21 November 1995 – Annex 1A: Agreement on the Military Aspects of the Peace Settlement, Article III (2)

TUZLA BASE

Nihad Karsic and Almin Hardaus



Only two weeks after the attack on America in 2001, US agents in BiH began a process of detentions which would be emulated in Afghanistan, Iraq and over the world wherever detentions took place.

On 25th September 2001, Nihad Karsic and Almin Hardaus were arrested at their workplace in Sarajevo. The two worked for the Saudi High Commission for Relief in Sarajevo which provided for war orphans in Bosnia.

Circumstances of arrest:

During the afternoon of the 25th, Nihad was seized by three Italian Carabinieri (part of the Italian peacekeeping force) armed with hand-guns. He was told to get into a vehicle and was then taken to Butmir base in Sarajevo.

On the same day, the office of the Saudi High Commission where Almin was working was stormed by armed and masked Italian Carabinieri who brutally hit Almin,

"They handcuffed me and threw me on the floor. They started to interrogate me with various weapons pointed at me...I was on the floor for half an hour. They lifted me up, hooded me, two kicked me on my sides and they took me out..."²

Almin was then put into a vehicle and taken to Butmir base. During their abduction, the two of them were told nothing about where they were going.

Detention in Butmir Base:

During Nihad's detention in Butmir base, he was interrogated repeatedly over a period of five hours by the Italians. Nothing was said in relation to the purpose of his detention. He was merely asked a series of questions, e.g. in relation to the whereabouts of the terrorists. Nihad was also offered money, protection and the opportunity to study abroad in exchange for information. He was later taken to another destination within Butmir base where he was detained in a metal cage and subjected to further interrogation by the Italians.

During Almin's detention in Butmir, he was detained in a metal cage where he was handcuffed and a hood placed over his head all night. He too, was interrogated repeatedly by an American soldier.

The two men were then taken to the US military base in Tuzla, Bosnia.

Detention in Tuzla Base:

During their journey to Tuzla, both Nihad and Amin were hooded, hand-cuffed and had earphones placed over their ears. Nihad spoke about his journey to Tuzla,

"...they handcuffed me, hooded me, and placed earphones over my ears....I had these ski glasses, but blacked out, and a hood over my head. I had a

² Cageprisoners interview with Almin Hardaus, Zenica 10/06/2007

problem with breathing due to this but they didn't want to respond. I complained but they didn't want to listen to me at all."³

During their detention in Tuzla, both men were subjected to horrific treatment. They were held in solitary confinement, forcibly stripped naked, forcibly kept awake, repeatedly beaten, being verbally harassed, deprived of food and photographed. Nihad explained,

"...They were putting me through sleep deprivation. This went on for many days. The first few days it was very intensive, soldiers were coming, they were shouting at me terrorist and so on...One other agent came, in the late evening, because I did not have daylight, but I assumed it was late evening. All this time I didn't have access to daylight. From my instinct I could tell when it was day and night, due to noise and my own drowsiness...They fed me very badly, - they brought us very little amount of food, and this was timetabled- in the first two or three I didn't have anything to eat.

*When I went to the toilet once, the US beat me on my leg and back. They would constantly kick me over and over again. They put a bucket over my head and with a stick they hit it over and over again. It caused a great noise. I opened my mouth in order to help the noise escape otherwise my ears would break. They were hitting so hard that the stick broke from the force. Another time a soldier beat me. When the interrogator entered the cell, I had to stand up and turn my face to the wall, when they entered into the cell. I stood up slowly, the guard ran over and hit me hard over my head. This one particular guard would abuse me all day long...Four times, this same guard beat me with a steel rod on my shoulder and back..."*⁴

In his account, Almin spoke about his treatment by the US agents in Tuzla,

"For three or four days they were very bad – they were making noise, they were hitting the walls of the container – they put me through lots of sleep deprivation. They told me that I had to remain standing all day long.

*They handcuffed our hands and legs and hooded us. They took us on small chairs in a van. A few US guards were with us in the van they took us to the airstrip and they were driving the van crazily in circles and they would then do emergency brakes. Inside the van we would fall left and right they would be laughing while doing this. They did this for 40 minutes. They wanted to humiliate me..."*⁵

The testimony of the two men clearly confirms that the same techniques being used in Afghanistan during the Afghan war in terms of sensory deprivation were already being used in Bosnia with these men. The process of using metal containers such as those in the massacre of Mazar-i-Sharif, shackling, blindfolding and hooding was in place only two weeks after the events of 11th September.

Abdel Halim Khafagy

In September 2001, Abdel Halim Khafagy, an Egyptian-born Munich based publisher, journeyed to Bosnia in order to distribute copies of the Qur'an.

Circumstances of arrest:

On the night of 24th September 2001, Abdel Halim Khafagy's hotel room in Sarajevo was stormed by masked men who brutally hit the 69-year-old man and then arrested him along with a Jordanian companion.

³ Ibid

⁴ Cageprisoners interview with Nihad Karsic, Zenica 10/06/2007

⁵ Cageprisoners interview with Amin Hardaus, Zenica 10/06/2007

Detention:

The two men were abducted to the US military Eagle base in Tuzla and remained at their undisclosed location for several weeks.

Treatment in detention:

Abdel was beaten during his detention. Two days after the arrival of the two men in Tuzla, German Intelligence Service (BND) officials were ordered by the US to assist in interrogations and help examine documents. The officials arrived in Tuzla on 2nd October 2001. According to the testimony of one BND official to the German television programme *Frontal21*,

"I can still remember that the majority of...seized documents were heavily covered in blood...The Americans were obviously proud of the fact that the head wound incurred during the arrest had needed 20 stitches."

Abdel was released after two months following his transfer to Egypt. Waltner Lechner – an attorney instructed by Abdel's family to investigate his disappearance – spoke of his recollection of Abdel's arrival in Munich. He states that he met a, *"severely haggard elderly gentleman, who was under heavy shock, his nerves had been shattered and he was fully aware of what had happened to him."*

Complicity of Italian and German authorities

All three cases have served to make clear the complicity of the Italian and German authorities in illegal practises carried out the US as part of its so-called 'War on Terror'. As early as two weeks after the attacks of 11th September abuses by the US administration began with the aid of other foreign agencies all willingly allowing for abuse to occur.

The cases highlight that Italian and German security agencies were involved at an early stage in violations of human rights practised by the US. Not only have the Italian and German authorities been aware of instances of kidnapping and the severe abuse of alleged terror suspects since the end of September 2001, they were actively involved in practices of the illegal arrests, transferrals and abuse of prisoners.

BOSNIAN ALGERIANS IN GUANTANAMO BAY

My children are no longer children, they are grown up persons. My son, Abdul Aziz once said to me, I will go in front of the US Embassy and make some trouble, so they will send me to Guantanamo to be with my Baba.

(Nadja Dizdarevic - wife of Boudella Haji) ⁶

Emina Lahmar, wife of Saber Lahmar.

Sabiha Delic, wife of Mustafa Ait Idir.

Kobilica Anela, wife of Bensayah Belkacem.

Nadja Dizdarevic, wife of Boudella Haji.

Arrest and detention

Bensayah's illegal entry in to Bosnia, using a forged Yemeni passport provided a viable excuse for the Bosnian authorities to distance themselves from the criticism which was to follow, and the subsequent accusations of an abandonment of its duties towards its citizens.⁷

Other attempts were made to revoke Bosnian citizenship from the group. It appears that in some cases, like that of Mustafa Ait Idir, the revocations were purely punitive with little legal basis, and designed only to expedite their removal from the country at the behest of the US.⁸

Bensayah's arrest in Zenica, in October 2001, based on spurious evidence of telephone conversations with Abu Zubaydah in Afghanistan, precipitated further arrests among the Algerian Bosnians.

The process of arrest followed a similar pattern for the entire group. The arrests were made at the men's homes by Bosnian police accompanied by members of SFOR or IPDF. Their questioning initially revolved around nationality and citizenship, with little or no reference to terrorism. The allegations relating to threats to US and UK embassies in Sarajevo came days later. After Mustafa's initial investigation, there was no questioning.

Bosnian authorities



"I was standing in front of the prison all day and all night. At midnight they tried to take him out of the prison, there were around 3,000 people in front of the prison as the Supreme Court had given the decision that the 6 should be released and we went to receive them.

"That is when the trouble started – the police tried to take them out but there was a huge mob who had tried to stop them from leaving. The police put hoods over the men and took them out of the prison. In one moment they opened the window and I shouted to my husband I was there."

⁶ Cageprisoners interview with Nadja Dizdarevic, Sarajevo 17/06/2007

⁷ According to Kobilica Anela, Bensayah's Bosnian wife of ten years and mother of his two children, Bensayah used his original documents, obtained from the Algerian embassy in Milan, Italy.

⁸ "In February of 1995 he applied in Split in Croatia for Bosnian citizenship, and they approved it through the Bosnian Consulate – according to Bosnian law he had the right to apply." - Cageprisoners interview with Sabiha Delic, Sarajevo 19/06/2007

Leaving aside for a moment the flagrant disregard of the court's orders, the supporters of the six were brutally beaten back. Kobilica recalled the particular feeling of betrayal at the hands of her own countrymen:

*"At 4am I saw a French policeman again who was in charge of the European police in Bosnia. As soon as he left, the police began to beat us hard. It was all the Bosnian police forces. At 5:15am they opened the blockade. By 6am everything was over. "*⁹

Detainee treatment



The detainees' treatment during their stay in Guantanamo Bay does not appear to have been any better. Severe beatings in detention and a lack of medical attention were reported by some of the wives. Sabiha Delic spoke of reports from her lawyer that her husband, Mustafa Ait Idir, went ten days with no care after an encounter with guards. He was left with broken fingers, and a partially paralysed face following a stroke.¹⁰

There have also been allegations of underhand tactics even in medical treatment at the base. Mustafa was told he had cancer of the stomach, something which the ICRC later discovered to be completely unfounded. This bitter pill was unfortunately not an isolated incident of psychological torture.¹¹

The lack of contact with the detainees through letters, or even messages passed on through lawyers, was another common theme which ran through the women's testimonies. Kobilica explained how it was two years before she had her first contact with her husband. He would later spend 18 months in solitary confinement, she added, with access to light for only 10 days.



According to Emina Lahmar, the last time her lawyer was at Guantanamo Bay (January 2007) he was told that Saber was refusing visits. Uncertainty over their health, even life was particularly painful, with no real guarantees but what could be deciphered from scant news reports.

Any letters, infrequent but most welcomed, vetted and highly censored, have offered a token of comfort to the wives.

⁹ Cageprisoners interview with Kobilica Anela, Zenica 15/06/2007

¹⁰ Cageprisoners interview with Sabiha Delic, Sarajevo 19/0/2007

¹¹ The last sentence has no reference except the statement of Sabiha. Whether this is a widespread practice or an isolated case, cannot be established from this alone, however is much in line with the testimonies of other detainees subjected to similar treatment.

"His letters are full of confidence. The other detainees ask how he can act as if he is in a hotel and not in a prison. He replied that this is Qadr Allah (fate determined by God) and that this is the only way to live and survive."¹²

Statements such as these have only firmed the resolve of the women to continue their struggle. The calmness and determination of purpose could be seen in hardened glances as they recalled with precision and confidence the events which must have unfolded before them as a sudden storm on a haven.

"I will never quit in my fight for him. I have fought for more than 6 years now, and I will never quit."

Harassment

For Nadja Dizdarevic, the wife of Boudella Haji, mental anguish has not been the only test.



"From the beginning of my struggle I received a lot of threats. I got threats by phone, on the house number and my mobile. Because I could not find out where the calls were coming, I bought a device which shows number and I put this on the phone. After a half an hour I got a call and I saw the number. I hung up and called information services. But they said that it I could not get access to any information on the number. I had to go to the Institution fo Information and after 4 months I got a document saying that the call was made from the police headquarters in Elija, Sarajevo. I have the documents showing this."

The threats escalated over the years. Her home was burgled and ransacked on more than one occasion, but the only thing stolen were documents relating to the case. In May 2004, things became even more serious;

"Two people approached me from behind when I was opening the door at the front of my building. I turned to see who it was when someone put their hand on my mouth and grabbed me. He took me inside of the house.

He appeared to know my apartment well by the way he took me round. The second man entered, but I could not see anything except for a ring on his finger.

..The man who beat me was a foreigner, speaking English very quickly, mostly swearing. I tried to fight back. I managed to hit the man who was holding me between the legs and bite the other on the hand.

*When I kicked the guy, he raised his head and his eyes were bloody like an animal. He took my head and hit me on the wall three times before kicking me in the stomach. The last thing I remember, because the stomach hit was so strong I was about to lose consciousness, was that he said "**Salaam from Bush**".¹³*

¹² Cageprisoners interview with Sabiha Delic, Sarajevo 19/0/2007

¹³ Interview with Nadja Dizdarevic, Sarajevo 17/06/2007

The children



Despite their own hardships, it was only when describing the effect of the kidnappings on their children, aged between (now aged between 6 and 12) that the women betrayed any frailty or emotion, before hurriedly regaining their composure.

*"Sara was born 20 days after my husband was abducted. For my daughter it is easier as she has never met her father. It is easier to explain that he is away and that he will come back one day. It is more difficult for other children who knew their father. She doesn't know the meaning of the term father, she calls my father 'father'."*¹⁴

Kobilica related her family's subdued celebration of the Eid festival.



*"Once I brought a present on Eid for them, and I told them it was from their father. Shayma took the present and threw it. She said why are you lying to us, my father is in wires with soldiers guarding him. Then I understood that I cannot keep lying to them and it was the first time I cried in front of them."*¹⁵

Although full of hope for their husbands return remains, the effect on minds of their children could prove longer lasting.

*"My children are no longer children, they are grown up persons. My son, Abdul Aziz (now 12 years old) once said to me, I will go in front of the US Embassy and make some trouble, so they will send me to Guantanamo to be with my Baba."*¹⁶

International media

The role of the media in the events has also drawn criticism from several quarters. According to Kobilica, on the day of her husband's arrest, new stations and papers were already describing the capture of the first Al Qaeda officer in Bosnia.

*"I asked my lawyer why they were very hard on him out of the whole group, the lawyer said to me that the reason why he was tortured so much was because of the media articles – especially the one from the New York Times."*¹⁷

¹⁴ Cageprisoners interview with Emina Lahmar, Sarajevo 17/06/2007

¹⁵ Cageprisoners interview with Anela Kobilica, Zenica 15/06/2007

¹⁶ Cageprisoners interview with Nadja Dizdarevic, Sarajevo 17/06/2007

¹⁷ Cageprisoners interview with Anela Kobilica, Zenica 15/06/2007

Given the circumstances which brought peace to the region, the perception that the US was the only western power on the side of the Bosnians, it is only natural that the Bosnian media has generally perceived US presence as benign.

Since 9/11 there have been constant attempts from the some politicians, particularly in Serbia to connect the War on Terror with the Bosnian conflict. They portray it was part of the same conflict, saying look and see who we were fighting.

Conversely, the Bosnians have been trying to prove their credentials to the US. It has been near impossible to look back at the Balkan war from the perspective of the Islamic groups.

“They have been demonised as although being part of the war being part of a legacy of detriment to Bosnia.”¹⁸

The media feel that the Bosnians who fought are relics of the past, and an obstacle to progress (often interpreted as admission into the European Union). They have attempted to create a situation where the very sight of someone with an Islamic shape, particularly Wahabi or Salafi, is enough to connect him to violence. Then there is no need for thorough investigation.

When the Algerians were sent to Guantanamo, the media were not concerned at all by the obvious injustice.

Wedged between these two groups in the media, the Algerians face an uphill struggle.

¹⁸ Cageprisoners interview with Amer Dizhana – media consultant, Sarajevo 14/06/2007

NATURALISED BOSNIANS FACING DEPORTATION

Attempted revocation of citizenships

On 14th November 2001, the Interior Minister, Tomislav Limov, issued an order for the revocation of 108 citizenships from foreigners who had become naturalised Bosnians. This decision was made without the approval of any commission or body and contradicted the decisions of two former commissions tasked with reviewing citizenships between 1996 and 2001. The official reasoning given for the cancellations of citizenships was that they had been incorrectly filed at the time they had been given.

According to Abdelillah Daudi Karrache, one of the naturalised Bosnians facing deportation,

"In 1995 – 1996 they gave us citizenships through Acts but at the same time they did not put these in the institutional archives but are now saying these citizenships are fiction and do not really exist! All the foreigners got their passports and ID cards and even travelled on the documents given from the government – so how can they not be real?"¹⁹

On 13th December 2001 Limov, the Interior Minister, was prosecuted by a number of the naturalised Bosnians who had their citizenships revoked. On 4th December 2003 the Supreme Court in Sarajevo concluded that the revocations had been illegal and that the citizenships of those naturalised Bosnians must stand especially in light of the two previous commissions already convened to review citizenships.

All those foreign fighters and aid workers who settled in Bosnia with Bosnian families once again came under the purview of the BiH government despite the ruling of the Supreme Court. By using the policies of the 'War on Terror' the BiH Interior Ministry attempted to claim that those people that were being deported and extradited were part of a global terrorist organisation. Abu Hamza Alhusin, a naturalised Bosnian and facing deportation to his country of origin Syria, explains,

"Some of those people from the list were extradited to France because France had asked for them. They called them the French Group. They tried to connect those people with some group in France by calling them terrorists.

After that the Ministry Council changed the law for citizenship three times to make a decision of taking citizenship very easy. One of the men, Hisham, in the French group was in prison for four and a half years after the end of the judgment against him. France did not deport him to Morocco due to issues of human rights, but they deported him to Bosnia and they asked the Bosnian government to give guarantees that they would not send him to Morocco. The Bosnians guaranteed this, but after a few months broke the guarantee and sent him there."²⁰

Commission for the Revision of Decision on Naturalisation of Foreign Citizens

In March 2006, a State Commission was formed for the purpose of once again reviewing the citizenships of foreign citizens despite two previous commissions which had done the same review. The Commission was assigned the role of reviewing citizenships which had been acquired in BiH between 6th April 1992 and 1st January 2006.

Immense pressure was being placed on the Bosnian government to bring about these deportations regardless of the implications behind their removal. According to Abu Hamza,

¹⁹ Cageprisoners interview with Abdelillah Daudi Karrache, Bocinja 15/06/2007

²⁰ Cageprisoners interview with Abu Hamza Alhusin, Sarajevo 14/06/2007

"I was told by our contact within the government that they Americans had given the Bosnian government fifteen names of foreign fighters and humanitarian workers and emphatically stated that their citizenships would be taken under any conditions. They said to our contact that they would break every law and human right if need be in order to take away these citizenships because that would be the price of Bosnia getting into the European Union."

The structure of the Commission is such that there are two Bosnian Muslims, two Bosnian Serbs, two Bosnian Croats and three foreigners from the international community. When the Commission was originally being put together, the US demanded that there be three US citizens on the panel as the three foreigners. However the European Union blocked this and allowed for one member from the US with the other two being from Spain and Bulgaria.

The specific goal of this Commission was to look at those individuals within Bosnia who had descent from Africa or Asia. They began by asking all foreign persons to bring their papers. Before the proceedings, those under review would be told that they had no right to complain against any decision of the Commission, the decision would be final and all avenues of appeal would have to be made after the deportation took place by charging Bosnia as a country, but no other appeal mechanism would be permitted.

Difficulties are faced by the naturalised Bosnians in front of the Commission due to the manner in which it has been constituted. As part of the evidentiary standard that is required for each defendant to make their case of citizenship, the Commission requests many original documents from their countries of origin. Original papers are requested even in the circumstance where no such papers exist. This condition is often not fulfilled and thus used as a means to make a case for the revocation of citizenship.

Further difficulties facing these naturalised Bosnians include maintaining access to legal counsel. Lawyers refuse to take on their case for whenever they do, the lawyers are harassed and abused by what appear to be governmental agents. One of the lawyers for the Bosnians, Kadrija Kolic (awarded the fleur-de-lis during the war) had his offices broken into on three separate occasions and each time only the files on the deportees were stolen along with his laptop.

The political nature of these deportations is not lost on these men, they are aware of what is taking place and how politicking behind the scenes at an international level is affecting their lives,

"When we started to fight we didn't think about papers and documents. In 1995 when we had the opportunity to gain citizenship, we took it. We did not fight for the country, we fought for justice. Now we want to prove to the people that we achieved our citizenship by legal means, we are fighting them to prove they are lying. It is not a question of law, it is a question of politics and we are aware of that."²¹

Abu Hamza Emad Alhusin

I am originally from Syria, and came to the Federal Republic of Yugoslavia in 1983 in order to study medicine. I had been initially in Croatia and studied until 1992 when at the start of the war I came to Bosnia. During the early part of the conflict I was acting as an aid worker coordinating humanitarian organisations coming in and out of the country.

In 1993 I decided to marry a Bosnian national and by 1994 we had a child together. Also in 1994 I received citizenship and since then I have not left the boundaries of Bosnia other than once to make the pilgrimage to Makkah.

²¹ Cageprisoners interview with Fadhil Al Hammadani, Zenica 15/06/2007

In 2005 I heard that they were going to put together a Commission in order to review our citizenships. One day I received a call that I had to bring my Bosnian passport and they forbade me from leaving Bosnia until they asked me question. If I moved anywhere, I would have to immediately give them my new address.

I was the second one who received the decision by the Commission of taking away my citizenship. They have charged me now by saying that I was lying to the government when I was taking citizenship. That was because someone who made this decision by giving this citizenship, he made a mistake and gave it to the whole group before Bosnia was an internationally recognised country. Someone jumped the gun and put us all in a bad situation unfortunately. They are trying to get rid of me on a technicality.

Now it appears that I have two citizenships, one before Bosnia was made in 1992 and the second in 1994. The person who made it in 1992 did not give us any papers but in the government papers there is a paper that shows that we have citizenship before 1992.

Now the commission is charging me that I was lying in 1994 as I had received citizenship in 1992 which was incorrect anyway. Due to that, they are saying that the citizenship of 1994 is deleted. They are saying that in the law if you lie about your personal information, then they can remove your citizenship.

After that I claimed to the court and tried to take the decision from 1992 and I went to all the ministries that could be connected to the case and no one can give me any decision. All of them admitted that there is no case of 1992 only 1994. When I claimed to the court, as we know the court has to be correct and neutral, and in this case they have to see my arguments and the other sides and then make their decision – they put away all my arguments and the courts find out three other new reasons why to take away my citizenship. That means the court has simply taken the Commission's word.²²

Abdelilah Daudi Karrache

I came here in 1992 from Morocco and I went back the same year and then returned to Bosnia in 1994. I came to fight in the war, there was a serious massacre taking place and I wished to help protect the people. I married in Bosnia to a Bosnian national and had three children, we married in 1995.

Since the end of the war all I have done is to live peacefully with my family working in the marketplace.

The Commission asked me to give them a statement on 26th February 2006 about gaining nationality in 1992 – but I didn't even know I had been given this citizenship. We had just been given papers being told we had nationalities, but the formal processes had not been finished. I wasn't even aware that I had been given nationality in this informal manner. The mistake was of the administration – not ours!

When I applied in 1995 for citizenship, the Minister of the Interior told us that first they must cancel our first citizenships of 1992 and only then could they start the process again for formal citizenship in the correct manner. They gave me citizenship in 1995 but they never cancelled the one from 1992.

I then made a request according to this conclusion that I put my name in the Book of Birth so that I can get the rest of my documents – but they failed to do this. After I applied for the new ID at a high security level, I received this. It is ridiculous I received this ID and cannot get more simple documents.

What we found out later was that they had proceeded with my 1992 citizenship and stopped my 1996 one as there were problems with the 1992 one – it is clear that the

²² Cageprisoners interview with Abu Hamza Alhusin, Sarajevo 14/06/2007

administration knew that they would be able to revoke my 1992 citizenship at any time due to the procedural problems attached.

On 30th January 2007 they cancelled all my citizenships since 1992, this was by the Commission. The reason for this was that they gave citizenship in 1996 and by this time I was supposed to be out of Bosnia according to the Dayton Accords.

I did everything I could to stay here properly and through the process – but all they want to do is to get rid of me using whatever means they can. My wife and children are Bosnian and they still want to get rid of me.

Due to the mistake on my permanent residence I am in complete legal limbo – I don't know how to get any kind of stay in this country.

Because I voluntarily fought out of Morocco without asking permission – this is an offence over there. This is illegal there. They would probably send me to prison, there is a 90% chance they will send me to prison for what I have done.²³

Fadhil Al Hammadani

I am from Iraq and I arrived in Bosnia on 13th October 1979. I came to study Engineering in Zenica and afterwards I went to study the Bosnian language in Sarajevo. I studied first from 1980 – 1984 but in my final year had to take a break from my studies due to needing to find work in order to help finish my studies. If I got a degree I would have had to go back to Iraq and so I quit temporarily to look for work here. I was working and also giving my exams at the same time.

In 1987 I got married to a Bosnian national from Zenica and I continued to work.

When the war started, I only had one exam to finish but then the war started. I joined the army in 1993 and fought until the end of the war in 1995.

I was given Bosnian citizenship in 1995 before the Dayton Accords in February 1995.

In February 1995 – I had three children and all of the information when I applied for nationality was complete. In 2001 when they gave me my decision to cancel my citizenship I had four children and one on the way.

I have been told that I am an unwelcome person in Bosnia.

In 2006 we all got a call about the new Commission to revise citizenships. I went to the Commission and gave documents and statements to the Commission. When I gave the documents they gave me a receipt of them for the 29th June 2006. 29th August 2006 – I received the decision for the cancellation of my citizenship and they said three reasons why they removed it:

1. The citizenship of 1992 – the one I knew nothing about – which there is even no proof over. This is not possible as I knew nothing of this and they do not have anything in archives.
2. According to Dayton I was supposed to leave as a foreigner. I got citizenship before Dayton.
3. That I did not come to the Commission in 2006 – which is a lie because I was there and had attended.

By the law the Commission is supposed to give all my information to the Court – all of my documents, but they did not do so. The court did not know I was in the army and because of that the Court said that I must go back to the Commission from the beginning.

²³ Cageprisoners interview with Abdelillah Daudi Karrache, Boinja 15/06/2007

In the decision of 29th August – I do not have the right to appeal – but I have the right to prosecute them. If I have the right to appeal – then I would be safe. But as I do not have the right of appeal, so in this case there is no guarantee that I will not be captured and extradited.

When they extradite me to Iraq, they will do so as a terrorist, not like a man without papers, but as a terrorist. I will more than likely go missing as soon as I land there.²⁴

²⁴ Cageprisoners interview with Fadhil Al Hammadani, Zenica 15/06/2007

RECOMMENDATIONS

Cageprisoners calls for the following actions to be taken with all expediency in order to combat the abuses of human rights taking place in Bosnia and Herzegovina:

Calls on the Council of Europe to immediately:

- Begin an inquiry into the policies of the 'War on Terror' in Bosnia and Herzegovina.
- To look at the cases of the Bosnian Algerians in Guantanamo Bay and make representations on their behalf to the US administration in order to secure their release and return to their families.
- To investigate further into the presence of bases in BiH and detentions and torture taking place at the hands of internal and foreign agencies.
- To demand that the government of BiH uphold its obligations under international human rights law and stop any deportations to countries with a record of torture.
- Refuse to accept any application of BiH to the European Union until it is able to uphold its human rights obligations.

Calls the public to:

- Write to both the home and foreign ministries of Bosnia raising issue relating to the Bosnian Algerians being held in Guantanamo Bay and also those naturalised Bosnians facing the possibility of return to their countries of origin.
- Organise events in your locality raising awareness relating to the issues surrounding the situation in BiH and call for an end to the abuses being carried out there.

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