

Bosnia and Herzegovina  
FEDERATION OF BOSNIA AND HERZEGOVINA  
SUPREME COURT OF  
THE FEDERATION OF BOSNIA AND HERZEGOVINA  
**Ki-101/01**  
Sarajevo, 17 January 2002

The Supreme Court of the Federation of Bosnia and Herzegovina, the Investigative Judge Zdenko Eterović, in the investigative case against the accused **Belkacem Bensayah et al.** for the criminal offense under Article 168 (1) of the Criminal Code of the Federation of Bosnia and Herzegovina, in conjunction with Articles 20 (1) and 353 (1) of the Criminal Code of the Federation of Bosnia and Herzegovina, pursuant to Article 189 of the Criminal Procedure Code, on 17 January 2002 rendered the following

## DECISION

For the accused:

- 1. Belkacem Bensayah**, son of Ahmed and the mother Alija, nee Esabahi, born on 10 September 1960 in the place Miswar, Sana, state of Yemen, residing in Zenica, Lukovo Polje, at Goraždanska St. number 184, the citizen of Yemen and Bosnia and Herzegovina, farmer by occupation, married, father of two minor children, currently in detention.
- 2. Saber Lahmar**, son of father Mahvud and mother Akila, nee Šeih, born on 22 May 1969 in Algeria, the place of Constantine, with permanent residence in Sarajevo, at Mahmutovac No. 24, a high-school teacher of the Arabic language, employed in the Islamic Center of the High Saudi Committee in Sarajevo, married, father of one minor child, Muslim, national of the Republic of Algeria, his identity was established based on the travel document number 0705315 issued by the Embassy of the Republic of Algeria in Rome.
- 3. Ait Idir Mustafa**, son of father Hašemi and mother Sadije or Tasadi, nee Sachrat, born on 9 July 1970, in the place of Sidi Mhamed, the Republic of Algeria, permanently residing at Tome Mendeše St. No. 26/1, Sarajevo, Vogošća Municipality, BSc in information technology, married, father of two minor children, employed in the humanitarian organization Taibah, Muslim, the citizen of Bosnia and Herzegovina and the Republic of Algeria, holds the travel document of Bosnia and Herzegovina, number 9699980, the Algerian passport: 0189352, based on which his identity was established.
- 4. Boudella Hadž**, son of father Omar and mother Ajsa, born on 18 April 1965 in Laghouat, the Republic of Algeria, residing in Sarajevo, at Dobojska St. No. I/IV, a religious officer by profession, employed in the humanitarian organization Human Appeal, married, father of five minor children, Arab, Muslim, holds citizenships of the Republic of Algeria and Bosnia and Herzegovina.



**5. Boumediene Lakhdar**, son of father Kada and mother Džebli Rahma, born on 27 April 1966 in the town of Aynsultan, the Republic of Algeria, residing in Sarajevo, at Samira Frašte St. No. 16, a mechanics and administrator by profession, married, employed in the humanitarian organization Red Crescent from the United Arab Emirates, married, father of two minor children, Muslim, holding the citizenships of the Republic of Algeria and Bosnia and Herzegovina.

**6. Nechle Mohamed** aka Sharfuldi, son of Avdel Kader and mother Keljtim, nee Keljtim, born on 2 April 1968 in Laghvat, the Republic of Algeria, residing in Bihać at Zavnobih St. No. 16/4, an administrator by profession, administrator, employed in the humanitarian organization Red Crescent, Office in Bihać, married, father of two minor children, Arab, Muslim, holding the citizenships of the Republic of Algeria and Bosnia and Herzegovina.

### **CUSTODY IS HEREBY TERMINATED AS OF 17 JANUARY 2002**

As follows:

1. Belkacem Bensayah, ordered into custody under the Decision by Investigative Judge of the Supreme Court of the Federation of Bosnia and Herzegovina, number Ki-101/01 of 25 October 2001
2. Saber Lahmar
3. Ait Idir Mustafa
4. Boudella Hadž
5. Boumediene Lahdar, and
6. Nechle Mohamed

Custody extended under the Decision of Special Panel of the Supreme Court of the Federation of BiH, number Kv-84/01 of 16 November 2001

Thus, the above listed accused shall be immediately released.

### **REASONING**

The Federal Prosecutor's Office submitted the motion to conduct an investigation, number KT-115/01 of 19 October 2001, against the accused Belkacem Bensayah et al. for the criminal offense under Article 168 (1) of the Criminal Code of the Federation of Bosnia and Herzegovina, in conjunction with Articles 20 (1) and 353 (1) of the Criminal Code of Bosnia and Herzegovina, and moved the Court to order the accused into custody.

Under the Decision of the Investigative Judge of the Supreme Court of the Federation, number Ki:101/01 of 25 October 2001, pursuant to Article 183(2)(3)(4) of the Criminal Procedure Code, the accused Belkacem Bensayah was ordered into custody in duration of one month, starting from the date of termination of custody ordered under the Decision of the Municipal Court in Zenica, number Kri: 659/01, under which custody lasted from 8 October 2001, 17.30 hrs; thus under this Decision the accused has been in custody from 16 January 2002, 20.30 hrs, while in relation to the accused Saber Lahmar, Ait Idir Mustafa, Boudella Hadž, Boumediene Lakhdar and Nechle Mohamed, under the Decision of the Supreme Court of the Federation of Bosnia and Herzegovina, number Kv-84/01 of 16 November 2001, the custody was extended for additional two months, so as to last for the accused Saber Lahmar and Ait Idir Mustafa up to 18 January 2002, Nechle Mohamed

up to 19 January 2002, Boumedién Lakhdar up to 20 January 2002 and Boudella Hadz up to 21 January 2002.

In its submission number KT-115/01 of 17 January 2002, the Federal Prosecutor's Office informed the Investigative Judge that they held that the grounds and circumstances on which the custody was ordered to ensure the presence of the accused in the criminal proceedings, have ceased to exist, and moved the Court to terminate custody for all accused stated herein and release them.

While considering the motion submitted by the Deputy Federal Prosecutor and the state of the case file, the Investigative Judge upheld with this motion, and as the grounds based on which custody was ordered and extended ceased to exist, it was decided pursuant to Article 189(1)(2) of the CPC, as stated in operative part herein.

Investigative Judge  
Zdenko Eterović  
/signed/

Round seal (illegible content)

Legal remedy: An appeal against this Decision may be lodged to the Criminal Panel of this Court within 3 days as of the receipt thereof

*'Hereby I certify that this is a true translation of the original document prepared in Bosnian'*

*Sarajevo, 14 October 2008*

*Jasminka Crnkic  
Certified Court Interpreter for English*

