

Statement by WilmerHale counsel, December 16, 2008

Nearly a month after the federal court upheld the claim of five Bosnian-Algerian men that the U.S. Government had no lawful basis for imprisoning them at Guantanamo Bay—where they had been held for nearly seven years—the release of three of the five men is underway. Mustafa Ait Idir, Hadj Boudella, and Mohamed Nechla have been returned home to Bosnia and Herzegovina.

Last month, U.S. District Court Judge Richard J. Leon was the first judge to rule that the government had insufficient evidence to hold a Guantanamo detainee. These are the first releases from Guantanamo Bay made by the Bush administration as a result of a court ruling. This was the first of nearly 200 detainee hearings scheduled after the Supreme Court upheld WilmerHale's arguments in the landmark June 2008 decision of *Boumediene v. Bush* and granted all Guantanamo detainees the constitutional right to contest their detentions in federal court.

The three men, originally from Algeria, have been returned to Bosnia and Herzegovina, where they had obtained citizenship by the time they were detained in 2001. At the time, the American government said it had evidence that they and three others (also originally from Algeria) had been planning a bomb attack on the United States Embassy in Sarajevo. In an action coordinated with the Bosnian government, the men were detained by U.S. troops as they left a detention center. The men were flown to Guantanamo Bay in January 2002 and remained there until today.

"We welcome the release of these three men, but continue to focus on having all of our clients returned home to their families," said WilmerHale's Robert Kirsch, who has represented these men since 2004. The two other men ordered released, Saber Lahmar and Lakhdar Boumediene, remain at Guantanamo.

"Now, after seven years of indefinite detention by the U.S. military, these men will be returned to their wives and children. They have long insisted that their detention was a grave error that implicated the highest levels of the Bush administration, and we couldn't be more pleased to have this corrected and see these men return home," noted Stephen Oleskey, a leading partner in WilmerHale's efforts to defend these six detainees. Oleskey added, "We trust that the Bosnian authorities will allow these three men to be reunited with their families right away and enable them to begin the process of putting this dreadful ordeal behind them."

After years of pro bono efforts by scores of WilmerHale attorneys and staff members on behalf of the six men detained in Guantanamo Bay, the firm continues to work to ensure that all six of its clients are freed. Judge Leon concluded that the U.S. government could continue to detain one of the firm's six clients, Belkacem Bensayah—a ruling WilmerHale attorneys will appeal.