
Boumediene Released from Guantanamo Bay

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After nearly seven-and-a-half years in prison, Lakhdar Boumediene, the lead petitioner in the Supreme Court case *Boumediene v. Bush*, was released on Friday, May 15 from Guantanamo Bay and greeted by relatives in France.

Boumediene was arrested at the demand of the US, along with five other Algerians in October 2001 in Bosnia based on later abandoned allegations of a bomb plot against the US embassy in Sarajevo. He arrived at Guantanamo in January 2002.

The release of Boumediene—whose case established the constitutional right for all Guantanamo prisoners to challenge the lawfulness of their detentions in federal court—to a leading European nation where he had not lived before, carries symbolic and political importance.

“We are elated with the release of Mr. Boumediene and extremely grateful to France for agreeing to welcome him and his family. This generous act represents real movement toward relieving the US of the controversy that is Guantanamo,” says Robert Kirsch, a partner and member of WilmerHale's team that has provided pro bono representation for Boumediene and five other co-defendants since July 2004.

The move was made possible thanks to high—ranking diplomatic talks between France and the US that at times included French President Sarkozy and President Obama.

Finding residences for Guantanamo detainees is a pivotal sticking point that must be addressed before the island prison is closed. Boumediene's release and acceptance by France is a sign of progress on that front.

Boumediene's reunion in France with friends and family came nearly five months after US District Court Judge Richard J. Leon ruled that the government had no legal basis to support its detention of Boumediene, as well as fellow detainees Mustafa Ait Idir, Hadj Boudella, Mohamed Nechla and Saber Lahmar. Ait Idir, Boudella and Nechla returned home to Bosnia in December 2008.

After years of pro bono efforts by scores of WilmerHale attorneys and staff on behalf of the men detained in Guantanamo Bay, the firm continues to work to ensure that all of its clients at Guantanamo are freed.

“Four out of our five clients who were ordered released last fall are now free. We are thankful for their liberty, which was denied to them for seven years,” notes Stephen Oleskey, a leading partner in the firm’s efforts to defend these detainees. “But we are continuing to fight for the same result for our two remaining clients at Guantanamo: Saber Lahmar, who was also ordered freed by Judge Leon on November 20, 2008, but remains imprisoned nonetheless, and Belkacem Bensayah, whose denial of habeas we are appealing.”

Nearly 30 WilmerHale attorneys have contributed hundreds—in some cases thousands—of hours of work on behalf of the imprisoned men. The case has led the team on nearly two dozen visits to Guantanamo Bay and on investigatory and negotiating visits to Bosnia; has prompted meetings with government officials of various countries, both in Washington DC and Europe; and has prompted filings at federal courts in Washington and Boston and in the European Court of Human Rights in Strasbourg, France.

At times over the past four years, WilmerHale’s decision to represent these six men has been the subject of criticism from various quarters, including those who have prejudged all Guantanamo prisoners to be “the worst of the worst” and view the representation of Guantanamo detainees in habeas proceedings as an inherently suspicious enterprise. Notwithstanding these challenges, and inspired in no small part by the firm’s pro bono legacy—including its historic defense of the United States Army against Sen. Joseph R. McCarthy’s allegations of Communist infiltration, which hastened the demise of McCarthy’s Communist witch-hunts—WilmerHale attorneys have never wavered in their commitment to their clients.

For further coverage, please see the following WilmerHale press releases from [December 17, 2008](#) (Three Guantanamo Detainees Released), [November 20, 2008](#) (Five Guantanamo Detainees Ordered Released) and [June 12, 2008](#) (Supreme Court Rules that Guantanamo Detainees Have Constitutional Right to Habeas Corpus).