

Massachusetts Lawyers Weekly Names Kirsch and Oleskey “Lawyers of the Year”

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Massachusetts Lawyers Weekly today named [Robert Kirsch](#) and Stephen Oleskey “Lawyers of the Year” for their pro bono representation of six men imprisoned by the US without charge at Guantanamo Bay. The two have led a four and one half year effort by scores of WilmerHale attorneys and staff members on behalf of the six men, which, in November 2008, culminated in the first ever *habeas corpus* trial of Guantanamo prisoners.

On December 16, nearly a month after the federal court upheld the claim of five Bosnian-Algerian men that the US Government had no lawful basis for imprisoning them (after the men had been held for nearly seven years), three of the five men— Mustafa Ait Idir, Hadj Boudella, and Mohamed Nechla—were returned home to Bosnia and Herzegovina.

One month earlier, US District Court Judge Richard J. Leon was the first judge to rule that the government had insufficient evidence to hold a Guantanamo detainee. He granted the writ of habeas corpus to five WilmerHale clients, including the three who are now home. These are the first releases from Guantanamo Bay as a result of a court ruling. The case was the first of nearly 200 habeas corpus hearings scheduled since June 2008 when the Supreme Court ruled in favor of WilmerHale’s clients in the landmark decision of *Boumediene v. Bush*, which granted all Guantanamo prisoners the constitutional right to contest their detentions in federal court. (Judge Leon concluded that the US government could continue to detain one of the firm’s six client’s, Belkacem Bensayah—a ruling that Kirsch and Oleskey will appeal.)

Asked by *Massachusetts Lawyers Weekly*, about the firm’s decision to take on this case, Kirsch said, “The question of whether people may be held prisoner by our government without charge goes to the very core of our legal system. The opportunity to vindicate such a fundamental right was one we could not, as lawyers, pass up.”

It is for Kirsch and Oleskey’s leadership and unflagging support and dedication to this effort over the past four and a half years that they have been named “Lawyers of the Year” for 2008. To learn more about the case, please visit <http://www.wilmerhale.com/boumediene>.