

Center for Constitutional Rights

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://ccrjustice.org/home/blog/2015/10/17/obama-shows-his-commitment-close-guant-namo-fighting-release-74-pound-hunger>

Public Facing Advocacy Writing

The CCR blog

That is the cruel and absurd world of Guantnamo, where [Tariq Ba Odah](#), long cleared for release by every U.S. security agency, still languishes in a cell 13 years on, waiting for the State Department and the Pentagon to [finally agree](#) on when to free him.

On Thursday, I joined Tariqs attorney, CCRs [Omar Farah](#), in Washington DC, where he [urged](#) U.S. District Court Judge Hogan to order the Obama administration to release Tariq on medical grounds. Tariq has been on [hunger strike](#), protesting his indefinite detention, since 2007. At 36-years old, he weighs roughly the same amount as the average 10-year old American boy just 74 pounds. For more than 8 years he has been force-fed by prison staff every day.

Judge Hogan repeated these damning facts throughout the hearing, clearly concerned about Tariqs grave medical condition and his prolonged imprisonment. Im not sure what the government is doing, he said. I dont understand the delays.

Omar argued that whether or not the government ever had the authority to imprison Tariq to begin with, that authority had surely now expired under section 3-12 of Army Regulation 190-8, which incorporates elements of the Geneva Conventions into US law and calls for the humanitarian release of gravely ill prisoners. The governments lawyers were asked directly, but could give no explanation as to why Tariqs weight hasnt increased even though he is forcibly-fed 2600 calories a day. Still they asserted that at 74 pounds he is clinically stable, and therefore ineligible for these humanitarian law protections. Moreover, they tried to convince the Court to stay-its-hand in this urgent dispute by claiming that Tariq is not entitled to these basic humanitarian law protections because the government unilaterally declared that he lacks prisoner-of-war status.

Thats the Obama Justice Department in 2015 making the *same* Bush-era arguments, taking exception to the Geneva Conventions, that President Obama once disavowed and the Supreme Court roundly criticized in [Boumediene v. Bush](#).

It is troubling, indeed [schizophrenic](#), that this is what the Obama administration says in court to a dying man, all while trying to convince the American public that it has a new plan to empty the prison. If the administration cant work together to free Tariq, how could it possibly close Guantnamo?

Meanwhile, Tariqs life is on the line, and with each additional day the consequences of the presidents inaction get more dire. In his concluding remarks, Omar articulated why the courts intervention is so necessary.

The government does not actually oppose Mr. Ba Odahs release. It is here fighting on principleso that the government can maintain the right to warehouse Mr. Ba Odah and force-feed his 74-pound frame to keep him alive only to prolong his detention, though he is cleared, so it can release him at the time and place of the governments choosing That's an alarming distortion of the government's detention authority. The Court should determine that this has gone on long enough.

We hope Judge Hogan will not let this cruel injustice continue.

[View the discussion thread.](#)

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