

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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MOHAMMED ABDULLAH MOHAMMED	:	
BA ODAH, <i>et al.</i> ,	:	
	:	
Petitioners,	:	
	:	Civil Action No. 06-1668 (TFH)
v.	:	
	:	
BARACK H. OBAMA, <i>et al.</i> ,	:	
	:	
Respondents.	:	
_____	x	

**STATUS REPORT**

Pursuant to this Court’s bench request during the June 5, 2012 Status Conference, undersigned counsel to Petitioner Tariq Ali Abdullah Ahmed Ba Odah (ISN 178) respectfully submits this report to advise the Court of the status of litigation in the above-captioned matter.

As stated in Petitioner’s Unopposed Motion to Stay Habeas Proceedings (Dkt. No. 83), prior counsel from the law firm Clifford Chance US LLP filed this action in reliance upon an authorization provided by Petitioner’s brother as “Next Friend.” After their introductory visits, however, Petitioner refused prior counsel’s meeting requests. On January 13, 2009, then-presiding Judge Kennedy granted an open-ended stay of these proceedings, but allowed the protective order to remain in effect. Dkt. No. 85. This preserved prior counsel’s ability to continue their efforts to meet with Petitioner. Undersigned counsel appeared in this matter on March 6, 2009, roughly two months after the stay went into effect.

Representation of Petitioner is complicated by his physical condition. Since 2007, Petitioner has been on a hunger strike to protest his indefinite detention at Guantánamo Bay – one of the longest running hunger strikes of any prisoner detained there. As a result, Petitioner is force-fed twice daily via nasogastric intubation. By all accounts, the process is extremely painful. Petitioner’s attendant physical and psychological distress impedes his ability to assess the legal choices he faces and to make decisions about how he wishes to proceed in this matter.

Further, as with prior counsel, Petitioner has (until recently) often declined or been unable to attend meetings. In fact, since 2009, despite numerous attempts, undersigned counsel has met with Petitioner during just three visits to Guantánamo for a total amount of time roughly equivalent to one full workday.

Nonetheless, during recent visits in late March and early June of this year, Petitioner attended multiple scheduled meetings with undersigned counsel. On the basis of these interactions, undersigned counsel is confident that Petitioner desires continued access to legal advice and will continue to attend counsel meetings in the future. Though it appears that undersigned counsel and Petitioner are establishing rapport, under these extraordinary circumstances, it is a delicate, time-intensive process.

In light of the above, undersigned counsel respectfully submits that the stay in this case ought to remain in effect. Though logistics have not yet been finalized, undersigned counsel expects to return to Guantánamo in the Fall and Winter of this year. Thus preserving the status quo will afford undersigned counsel additional opportunities to meet with Petitioner for purposes of further confidence-building. Undersigned counsel proposes to file a supplemental status report six months from the date of this filing, on January 7, 2013, to address in greater detail at

that time whether Petitioner intends to pursue this action and whether he authorizes undersigned counsel to do so on his behalf.

Dated: New York, New York  
July 5, 2012

Respectfully submitted,

/s/ Omar A. Farah

Omar A. Farah (Pursuant to LCvR 83.2(g))  
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