

EXHIBIT A

water, a toilet, and a sleeping area. Detainees receive three nutritionally sound meals prepared in compliance with their specific religious, cultural, and, where applicable, medical dietary requirements. Detainees in each detention area within JTF-GTMO receive regular opportunities for recreation and regular opportunities to maintain adequate personal hygiene. There are no detention areas at JTF-GTMO that can be defined as solitary confinement; in all detention areas detainees have regular contact at least with guards, medical corpsmen who conduct sick call several times a week, and other personnel involved in the delivery of other services to detainees. As explained below, detainees also typically are able to communicate with other detainees either face-to-face or by spoken word.

4. As with any custodial or correctional institution, custody and control measures are in place to maintain good order and discipline and protect the welfare of all security personnel and detainees alike. The detention facilities at JTF-GTMO use a detainee status classification system with levels of rewards (e.g., recreation time, library items, comfort items above basic issue). This is a system based on the premise that a detainee's behavior determines the extra privileges allowed and the cellblock (location) within Camp Delta where the detainee is housed. Based on this sound correctional principle, moves within Camp Delta, and ultimately from maximum security to medium security, are earned by good behavior and compliance with camp rules and guard force instructions. Likewise, moves the other way, will result from bad behavior, indiscipline, or lack of compliance with camp rules and instructions. In order to be effective, such discipline-related moves must be prompt and consistent; any delay of more than a few days in such moves would serve to undermine the effectiveness of the corrective

discipline, both with respect to the detainee who is moved and with respect to the deterrent effect upon other detainees. Also, within any particular block, the location of a detainee within the block, as well as the proximity of a detainee's cell to other detainees and the arrangements for a detainee's exercise time, is based on a variety of factors, including operational, discipline, and intelligence-related considerations.

5. I am personally familiar with the Petitioner in this case, Salim Ahmed Hamdan. I can determine from the official detention records that from approximately 17 November 2004 to 30 August 2005, the Petitioner was residing on a general population block. On this type of block, a detainee is housed in an individual cell. The cells are all the same size; they each have a bunk, a sink, and an Asian-style toilet. The cell walls have an open steel mesh construction and each cell has a window. Most of the blocks have 48 cells per block. There are four blocks that have fewer cells per block. At the end of each block is an exercise yard and four shower stalls. With the exceptions of the mental health block and the discipline blocks, the other cellblocks in Camps 1, 2, 3 and 4 are considered general population cellblocks. Detainees can talk to each other between cells, see each other, exercise with or around each other, and pray with each other.

6. From approximately the week of 18 October 2004 until 17 November 2004, petitioner resided on "Tango Block," a block that is considered a general population type cellblock except that it was reserved for detainees involved in the military commission process.

7. On or about 21 January 2005 Petitioner's counsel complained to the Department of Justice about petitioner's conditions of confinement. On 22 January 2005 Petitioner was moved for operational and intelligence reasons to another general

population block. Other detainees occupied several cells in the immediate vicinity of petitioner's new cell.

8. On 30 August 2005, Petitioner was admitted into Camp Four, a medium security detention facility. Camp Four differs from other individual-cell, general population blocks because the detainees live communally together in open bays with 10 beds per bay. There are four bays per building. The detainees in Camp Four are able to be outside at tables or in the soccer, volleyball, or basketball recreation yards for up to eight hours per day. Vetting into Camp Four is limited only to the most compliant detainees in the Camp. The structure of the Camp Four operation requires that the detainees who live there consistently follow the rules and comply with the orders and instructions of the guards.

9. On the evening of 5 October 2005, the Petitioner incited a disturbance in Camp Four. He failed to follow instructions of the guards and attempted to have the other detainees in two bays refuse to follow guard instructions to return inside their bays. Petitioner then became verbally abusive to a block Non-Commissioned Officer. As a disciplinary response to this misconduct, Petitioner was moved out of Camp Four the next morning back to a general population block with individual detainee cells.

10. After the move to the new block, Petitioner had more disciplinary problems. On 13 November 2005 he damaged property (he altered pillow cases and his T-shirt which had to be confiscated and replaced) and, in response, he was then moved for his indiscipline to a discipline cellblock on 16 November 2005. Once on that cellblock, Petitioner refused meals and was encouraging other detainees on the cellblock not to eat.

11. After having refused several meals while on the discipline block, and because of his continued encouragement for other detainees to participate in a hunger strike, on 21 November 2005, Petitioner was moved out of the discipline block to back to the block from which he had just previously been moved (which was in the process of being closed) and then to Tango Block, both of which are general population, non-discipline cellblocks.

12. At the time of Petitioner's recent move to Tango Block, it was populated by three of the nine military commissions candidates in the Camp (Ali Hamaz Ahmed Sulayman Al Bahlul, David M. Hicks, and Ibrahim Ahmed Mahmoud Al Qosi). The six other commissions candidates are spread throughout other areas of the Camps based on, among other things, their level of compliance with camp rules.

13. Petitioner's move to Tango Block was sound and appropriate from a detention standpoint. Petitioner was moved to Tango Block because the other detainees on Tango have personalities that would not likely be influenced by petitioner's disruptive behavior; specifically, they would not follow his instructions to not eat or to participate in a hunger strike. Petitioner's move to Tango Block was not based on Petitioner's status as a commission candidate. Tango Block was considered appropriate in deciding on petitioner's move as it houses other detainees who have personalities that are not likely to be influenced by Petitioner's disruptive behavior. The decision to move Petitioner to Tango Block was not intended to place Petitioner in pre-commissions segregation or the like. After his move to Tango Block, the other detainees on the block welcomed him, but were not influenced by him.

14. I am unaware of any attempt by Petitioner's counsel to contact any leader in the JTF to attempt to resolve the issue he has raised concerning the move to Tango Block. After being made aware of Petitioner's emergency motion, I directed Petitioner to be moved from Tango Block to another general population non-discipline block. This move was directed so as to avoid the perception or even the appearance of an attempt to interfere with Petitioner's relationship with his attorney. Currently, petitioner is housed on a standard, compliant level, general population block with other detainees. The petitioner is not isolated or segregated and can see and speak with other detainees. He is also permitted to go to recreation with other detainees

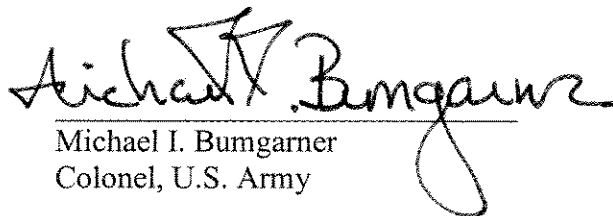
15. Petitioner's counsel's characterization of Tango Block is inaccurate. Contrary to the insinuations of counsel, Tango Block is not isolated. While the block does have fewer cells than some other larger blocks, all of the cells are the exact same size and construction as those on other individual cell blocks in Camp Delta. In addition, because there are fewer cells on the block, the detainees who reside there are often actually closer to each other. Currently, there is only one open mesh cell between each detainee. All of the detainees can talk freely with each other. For the few days that he was on Tango Block, Petitioner was neither isolated by language or culture. The detainees on Tango read books to each other, pray together, have almost an unlimited opportunity to exercise together, and converse with each other on a regular basis. While Tango Block has a dedicated guard force (rather than one which rotates daily), contrary to the allegation of Petitioner's counsel, the chain of command for Tango Block follows the normal structure of the remainder of the Camp Delta. Also, while detainee Al Bahlul has not been receptive to efforts of counsel, both detainee Hicks and detainee Al Qosi are

represented by counsel. Petitioner was never housed in the same cell as detainee Al Bahlul. Detainee Hicks, the person who was housed in the cell closest to Petitioner, routinely meets and works with his attorneys and has been provided an additional cell for library books and attorney client mail that he can access at any time. The argument that Petitioner was placed in Tango Block as part of a plan to influence Petitioner against his counsel or otherwise undermine Petitioner's relationship with his counsel is patently false.

16. Since my arrival as the Commander of the Joint Detention Group, all of the moves of Petitioner within the Camp have been considered to be, and were routine, based on disciplinary concerns, and were in no way intended, planned, designed, or even considered as an action that would interfere with counsel's relationship with Petitioner. Petitioner was not singled out for disparate treatment, but rather was moved for sound operational considerations based on his compliance with camp rules.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Dated: December 15, 2005


Michael I. Bumgarner
Colonel, U.S. Army