

EXHIBIT B



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

January 28, 2005

Charles D. Swift
Lieutenant Commander,
Judge Advocate General Corps
United States Navy
Detailed Defense Counsel
Department of Defense
1620 Defense Pentagon
Washington, D.C. 20301-1620

Re: Hamdan v. Rumsfeld, No. 04-1519(JR)


Dear Mr. Swift:

I am writing on behalf of respondents in the above-referenced action in response to your letter dated January 21, 2005, regarding the conditions of your client's confinement in Camp Delta at the Guantanamo Naval Base. On November 8, 2004, the district court ordered that Hamdan "be released from the pre-Commission detention wing of Camp Delta and returned to the general population of Guantanamo detainees, unless some reason other than the pending charges against him requires different treatment." In compliance with that order, your client was moved to a general population block in Camp Delta on November 17, 2004. His conditions of confinement there did not violate the court's order. Hamdan was moved for operational and intelligence reasons on January 22, 2005, to another cell block in the general population. It is our understanding that several cells in his immediate vicinity are occupied.

As with all detainees housed in the general population of Camp Delta, your client is able to communicate with other detainees. Contrary to the contentions in your letter, Hamdan has not been singled out for adverse treatment, but rather, his

treatment has been based on the neutral application of operational and intelligence considerations applicable to the general detainee population.

Sincerely,


Jonathan L. Marcus
Assistant to the Solicitor General

cc: Karen L. Hecker, Office of the DoD General Counsel