

## **EXHIBIT 4**

## **DECLARATION OF BRIGADIER GENERAL JAY HOOD**

Pursuant to 28 U.S.C. § 1746, I, Brigadier General Jay Hood, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate, and correct:

1. I am a Brigadier General in the United States Army and have served on active duty for \_\_\_ years. I currently serve as the Commander, Joint Task Force Guantanamo Bay, Cuba (JTF-GTMO). I am directly responsible for the successful execution of the JTF-GTMO mission to detain and fully exploit the intelligence value of terrorist personnel, Taliban, and al Qaida members. Currently, there are in excess of 550 detainees being held at the detainee camp at Guantanamo Bay, Cuba.

2. I have reviewed the July 30, 2004 declaration signed by my Deputy Commander, Brigadier General Martin J. Lucenti, Jr. that was submitted in federal court in Washington, D.C., in the case Al Odah v. United States. General Lucenti's description of the mission of JTF-Guantanamo and its importance in the War on Terrorism is accurate and I restate his observations in this declaration, as follows:

a. The security of this nation and its citizens is wholly dependent upon the U.S. Government's ability to gather, analyze, and disseminate timely and effective intelligence. Put simply, intelligence saves lives. Nowhere has this proposition become more apparent than in our nation's current War on Terrorism. Absent a total commitment to intelligence gathering efforts, incidents like those that occurred on September 11<sup>th</sup> could become tragically common.

b. JTF-GTMO's role is to be responsible for the detention and interrogation of enemy combatants detained by the Department of Defense as a result of the ongoing Global War on Terrorism. Its mission is to safely and effectively gain operational and strategic intelligence that will help protect the United States and its allies from future terrorist activities. The results achieved by JTF-GTMO have assisted us immeasurably in understanding how terrorists are recruited, how terrorism is sustained and how the financial networks power terrorism. We continue to get extraordinarily valuable intelligence from the detainees who are at Guantanamo.

c. These detainees include terrorists linked to most major al Qaida attacks, including the East Africa embassy bombings and the USS Cole attack; terrorists who taught or received training on arms and explosives, surveillance and interrogation resistance techniques at al Qaida camps in Afghanistan and elsewhere; terrorists who continue to express their commitment to kill Americans and conduct suicide attacks if released; terrorists who have sworn personal allegiance to Osama bin Laden; and terrorists linked to several al Qaida operational plans, including possible targeting of specific facilities in the United States.

d. Notwithstanding the period of time that some of the enemy combatants at Guantanamo Bay have been detained, the intelligence-gathering efforts at Guantanamo remain active and vital to the success of ongoing operations in Afghanistan and elsewhere and the protection of the United States and its allies from future terrorist attacks. A critical element of the intelligence process is that

it must be continuous. And that process may take months or years before a detainee begins providing valuable intelligence information. And it is not uncommon for the planning stage of major terrorist operations to last several years.

3. As the Commander of JTF-Guantanamo, I am responsible for the detention and intelligence-gathering missions and the protection of the forces that serve at Guantanamo. Permitting certain information to come into the possession of detainees at Guantanamo can create an unacceptable risk to US personnel and the detainees and also cause irreparable harm to our ability to gather meaningful intelligence from the detainees.

4. Such information includes that relating to any ongoing or completed military, intelligence, security or law enforcement operations, investigations or arrests or the results of such activities by any nation or agency; current political events in any country; security procedures at Guantanamo (including names of US personnel and the layout of camp facilities); and information regarding the status of other detainees.

5. These categories would specifically include:

a. The status of current political or military events. This includes: the progress and conduct of the war in Afghanistan, Iraq and other operations conducted during the Global War on Terrorism, election predictions and results, international disputes and the opinions of foreign governments or nongovernmental organizations;

b. Historical perspective on jihadist activities. This includes: discussions of the Afghanistan jihad, jihadist movements in other countries, the demise or progress of extremist and terrorist groups, the presence and activities of foreign fighters in Iraq;

c. Any information or mention of the fate, whereabouts or activities of any leaders of al Qaida, the Egyptian Islamic Jihad and other terrorist organizations comprising the al Qaida Associated Movement or their associations or affiliates;

d. Information about allegations of abuse or mistreatment made by other detainees (including former detainees) at Guantanamo or other facilities;

e. Information pertaining to assignment or reassignment of present and former detention personnel; and

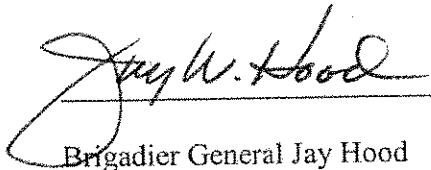
f. Information regarding any plans for release or continued detention of detainees; changes, upgrades or additions to detention facilities; the operation of the detention facility or changes or enhancements to security procedures at Guantanamo.

6. The detainees at Guantanamo come from a variety of countries with varying ethnic and religious backgrounds. Many are jihadists or avowed members of terrorist organizations. Access to information such as that described above, especially information about ongoing terrorist operations, unrest in Middle Eastern countries, and ongoing military operations, has the potential to incite the detainees to act out against US personnel. Access to security-related information, including the names of personnel, likewise has the potential to incite detainees to act out against US personnel presently or to seek reprisals against personnel in the future. Additionally, access to information such as that described in the above paragraphs could incite

one or more groups of detainees to strike out against another group of detainees. These possibilities create an unacceptable risk to US personnel and the safety of the detainees.

7. Limiting access to information from outside sources, such as that described above, is also important to the success of the intelligence-gathering mission at Guantanamo. Failure to limit outside information could taint a detainee's recollection of events, could permit detainees to fabricate information or otherwise thwart interrogations, or cause cooperating detainees to decline further cooperation.

8. Accordingly, information such as that described above must not be provided to detainees from outside sources such as habeas counsel except as strictly and specifically necessary for representation of the detainee.

  
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Brigadier General Jay Hood

Executed on 3 November, 2004