

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

JOHN DOE,

*Petitioner,*

v.

GEN. JAMES N. MATTIS,  
in his official capacity as SECRETARY OF  
DEFENSE,

*Respondent.*

No. 17-cv-2069 (TSC)

**ECF 106-5**

**REDACTED VERSION FOR PUBLIC FILING**

~~—UNDER SEAL—~~

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**DECLARATION OF SARA KAYYALI**

I, Sara Kayyali, declare as follows:

1. I am the Syria researcher in the Middle East and North Africa division of Human Rights Watch (“HRW”), and my job includes conducting fact-finding investigations into human rights and international humanitarian law violations in Syria. I previously served as the legal analyst at the Syrian Legal Development Programme, where I provided research and capacity-building support on human rights and humanitarian legal issues arising out of the Syrian conflict.
2. HRW is a nonprofit, nongovernment human rights organization made up of approximately 400 staff members. HRW’s staff consists of country experts, lawyers, journalists, and academics. Since its establishment in 1978, HRW has documented human rights violations in countries throughout the world. It publishes its findings in hundreds of reports and briefings each year and meets with governments and institutions around the globe to advance respect for and adherence to international human rights standards.

~~—UNDER SEAL—~~

3. At HRW, I have conducted investigations into human rights and international humanitarian law violations in Syria, including in territory under Kurdish control. My conclusions are informed by: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]. My research focused on [REDACTED]  
[REDACTED]. I have personal knowledge of the treatment that displaced Syrians and families of Syrians suspected of ISIS membership have received [REDACTED] in [REDACTED].
4. HRW does not typically submit declarations in litigation. It does so here only because of its specific expertise on the narrow issues before the Court and recent field visits pertinent to this case.
5. I do not have any personal knowledge of the facts surrounding the United States' detention of the unnamed dual U.S.–Saudi citizen (“Petitioner”) who is the subject of the above-captioned habeas corpus action. My Declaration is based on information provided to me by Petitioner’s attorneys.
6. I understand that Petitioner is a non-Syrian male between the ages of 25 and 50 who was detained initially by the Syrian Democratic Forces (“SDF”) in Syria, and subsequently by the United States in Iraq, as a suspected member of ISIS.
7. I understand that the United States presently intends to release Petitioner in or near [REDACTED]  
[REDACTED]. I also understand that the United States has

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considered releasing Petitioner [REDACTED]  
[REDACTED].

8. There are regular military checkpoints in the areas and towns surrounding [REDACTED] [REDACTED] in [REDACTED], where foreign nationals without required travel permissions, individuals without identification, and males between the ages of 25 and 50 are likely to be interrogated and detained. The situation in this area is highly precarious, and there is a significant lack of clarity in policies governing freedom of movement [REDACTED] [REDACTED] under SDF control, and arbitrary treatment at checkpoints.
9. The area in [REDACTED] under SDF control is unstable and volatile. There continue to be risks from both ISIS “sleeper cells” and the presence of improvised explosive devices (“IEDs”). Conditions can rapidly change, and it is impossible to predict what the conditions will be like even six months from now. Based on my experience and research, the combination of ongoing instability and the ongoing conflict means that the safety of individuals in [REDACTED] cannot be guaranteed. Because of this instability and uncertainty, HRW follows the UNHCR’s position in discouraging the forced return of refugees to Syria.
10. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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[REDACTED]

11. [REDACTED]

12. Based on my experience and research, I believe that if the United States transferred Petitioner to [REDACTED] and released him there, there is a substantial likelihood that he would be questioned at a checkpoint about his identity and presence in Syria, and that he could be subsequently indefinitely detained. I also believe that if the United States transferred Petitioner to or nearby to [REDACTED], there is a substantial likelihood that he would be [REDACTED]. There is also a substantial likelihood that [REDACTED] would detain him as a suspected ISIS member for an indeterminate period of time.

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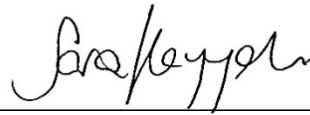
13. As precarious as the situation is in the area where Petitioner would be released, there is no safe and lawful way for a foreign national to leave Syria without either proper identification or the assistance of a foreign government, and there is no lawful way for a foreign national without identification to obtain proper identification without the assistance of their country of nationality.
14. The border between Syria and Turkey is closed. As HRW reported in February and March 2018, guards at Turkey's border with Syria indiscriminately shoot at individuals attempting to illegally cross into Turkey. Multiple people have been killed attempting to do so, including several children. Many others have been injured. In some cases, Turkish border guards beat asylum seekers who they detained after attempted border crossings and denied them medical assistance. These practices of Turkish border guards are ongoing.
15. Many individuals make repeated attempts to cross the border, and each time they face danger and the possibility of death. One woman interviewed by HRW stated that she attempted to cross the border from Syria into Turkey with her family seven times between September and October 2017. She reported that Turkish border guards shot at them during almost every attempt.
16. According to individuals interviewed by HRW who had managed to reach Turkey after attempts to cross the Syrian border, their journeys were arduous and dangerous. Aside from the danger of being shot at by border guards, they described terrain littered with landmines.

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17. If the United States transferred Petitioner to [REDACTED] or the surrounding area without proper identification, I believe that he would be unable to escape Syria without facing a high risk of injury or death.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on June 22, 2018  
Beirut, Lebanon



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Sara Kayyali