

# EXHIBIT A

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ADHAM AMIN HASSOUN,

Petitioner,

Case No. 1:19-cv-370-EAW

v.

JEFFREY SEARLS, in his official capacity  
as Acting Assistant Field Office Director and  
Administrator, Buffalo Federal Detention  
Center,

Respondent.

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**DECLARATION**

Pursuant to 28 U.S.C. § 1746, I, ANTHONY D. BIANCO, hereby declare and state as follows:

1. I am a Senior Counsel for National Security in the District Court Section, Office of Immigration Litigation, Civil Division, U.S. Department of Justice, and counsel for the Respondent in the above-captioned action. As such, I am familiar with the facts, background, and circumstance of this action.

2. On June 26, 2020, the government informed Petitioner's counsel that, to protect the confidentiality of efforts to remove Petitioner from the United States, including negotiations with third countries, the identity of the country the government was negotiating to accept Petitioner upon his removal was subject to the protective order and the government could identify the country's identity and the terms of removal only to parties bound by the protective order.

3. On June 26, 2020, Petitioner's counsel consented to the stipulation on behalf of Petitioner that the identity of the potential country of removal and terms of removal would be subject to the protective order.

4. On June 26, 2020, following the consent of Petitioner's counsel, counsel for the parties met by telephone to discuss the status of removal efforts. The government provided the name of the potential country of removal to Plaintiff's counsel. The parties agreed that Petitioner's counsel could provide Petitioner with the name of the potential country of removal, but that Petitioner was bound by the terms of the protective order from disclosing this information.

5. Counsel for the parties met by telephone at least eight times between June 29 and July 15—including on July 10, July 12, and July 15—to discuss details regarding Petitioner's potential removal to the identified third country, including when and to whom Petitioner could disclose information regarding Petitioner's removal to the third country to assist in Petitioner's resettlement. During these discussions, government counsel expressed that the government was concerned with, among other concerns, the disclosure of information regarding this third country affecting operational security and diplomatic relations.

6. On July 15, 2020, during a conference call between the parties, Petitioner's counsel requested that Petitioner be permitted to share with others the identified country and timing of removal to allow Petitioner to make plans for resettlement. That same day, government counsel informed Petitioner's counsel that the government agreed that Petitioner could share details of his removal 24 hours prior to his removal.

7. On July 17, 2020, Petitioner's counsel requested a conference call to speak with government counsel "today about an issue that has arisen." On the call, Petitioner's counsel

disclosed that on July 7 or 8, 2020, Mr. Hassoun violated the protective order by telling his sons Abed and Abdul the identity of the country of removal. Petitioner's counsel conceded that Mr. Hassoun's disclosure of the country of removal violated the protective order.

8. Petitioner's counsel stated that they learned of Mr. Hassoun's breach of the protective order on July 8, 2020.

9. At least nine days passed between Petitioner's counsel learning that Mr. Hassoun had violated the protective order and Petitioner's counsel disclosure of the violation on July 17, 2020. Counsel for the parties had multiple conversations during this nine day period, including regarding if and when Petitioner would be able to share the name of the country in question with his family, during which Petitioner's breach of the protective order was not disclosed to government counsel.

10. On July 21, 2020, I requested from U.S. Immigration and Customs Enforcement (ICE) copies of any telephone call recordings Petitioner had with his sons on July 7 and 8. On July 22, 2020, ICE informed me that they had responsive recordings, but that ICE was unable to determine what was discussed on the calls because the conversations recorded were in Arabic.

11. On July 24, 2020, I received from ICE, through the U.S. Attorney's Office file-sharing site, a copy of 11 audio file recordings in response to my request. My intent was to provide the audio files to a certified Arabic translator for translation and transcription. Prior to sending them to be translated and transcribed, I opened each audio file to confirm the recording was not in English and appeared to be in Arabic.

12. One of the files contained a recording of an English speaker that sounded similar to me to the voice of one of Petitioner's counsel. I immediately stopped playing the recording. I estimate that I heard no more than 5-6 seconds of the recording, which was the time it took me to

discern that it contained the voice of Petitioner's counsel and to stop the recording. I did not hear more than a few words and did not hear anything substantive.

13. I immediately called Dan Moar, the Assistant U.S. Attorney who had assisted in receiving the audio files from ICE, to inform him that it appeared one of the recordings contained the voice of Petitioner's counsel. We discerned that the destination phone number of the recording was one that had been previously listed in emails as a mobile phone number by Petitioner's counsel Jonathan Manes. During the call with Mr. Moar, we jointly contacted ICE counsel Brian Counihan and advised him that the recording contained the voice of Petitioner's counsel. I asked ICE to determine whether the phone number was registered at the Buffalo Federal Detention Facility as an attorney number, which ICE advised me would have prevented its recording. ICE confirmed that same day that the phone number was not listed as an attorney number.

14. Immediately after this call with Mr. Moar, I deleted my copy of the audio recording and asked Mr. Moar to do the same and to ensure that the file was no longer on the Department's file sharing site.

Dated: July 27, 2020

Respectfully submitted,

/s/ Anthony D. Bianco  
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