

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

ADHAM AMIN HASSOUN,

Petitioner,

v.

JEFFREY SEARLS, in his official capacity
Acting Assistant Field Office Director and
Administrator of the Buffalo Federal
Detention Facility,

Respondent.

Case No. 1:19-cv-00370-EAW

**DECLARATION OF JONATHAN MANES IN SUPPORT OF
PETITIONER'S MOTION TO SEAL**

1. I, Jonathan Manes, am an attorney for the Petitioner in this matter and am authorized to practice law in this Court.
2. I submit this declaration in support of Petitioner's Motion to Seal portions of its Supplemental Brief in Opposition to Respondent's Motion for Vacatur, the accompanying Declaration of Jonathan Manes in Opposition to Respondent's Motion for VacaTur, and the two exhibits thereto (together, the "Confidential Filings").
3. The Confidential Filings contain sensitive, non-public information regarding the negotiations and arrangements regarding Petitioner's removal and resettlement to a third country in July 2020. In particular, the Confidential Filings contain information regarding certain requests and representations made by or to the receiving country. It also includes information regarding the U.S. government's diplomatic engagement with the receiving country, as well as communications among Petitioner, his counsel, and the U.S. government regarding these matters.

4. It is necessary to file the Confidential Filings under seal in order to serve compelling and overriding interests in allowing non-public discussions between U.S. government officials, representatives of foreign countries, and representatives of people detained by the United States, for the purpose of successfully removing and resettling such detainees abroad.

5. Petitioner understands that the country to which Petitioner was resettled required confidentiality as a condition for engaging in discussions regarding his resettlement. The parties agreed to maintain such confidences by entering into a stipulation that extended the Protective Order previously entered by the Court to cover such discussions.

6. Sealing of the Confidential Filings is thus necessary to avoid any potential negative consequences from disclosure of such information without the consent of the receiving country, including possible repercussions to Petitioner, who was welcomed by that country and continues to live under its jurisdiction.

7. If the U.S. government determines the receiving country does not require some or all of Confidential Filings to be placed under seal, Petitioner may reconsider this motion. Petitioner also reserves the right to contest the confidentiality of such documents in future, if the passage of time or other circumstances render confidentiality unwarranted or unnecessary.

8. The material proposed to be sealed is no more extensive than necessary to protect these overriding interests in confidentiality. In particular, Petitioner proposes to file under seal only a few sentences of its brief—which have been redacted from the publicly-filed version—along with a supporting declaration and exhibits that contain the evidentiary

basis for the assertions in those few sentences. Those sentences and supporting documents concern the matters described above and none others.

9. Petitioner has also sought to minimize the volume of sealed material by submitting no more confidential information than is reasonably necessary to meet and rebut the arguments advanced by Respondent in its pending motion for vacatur.

10. For these reasons, I respectfully request, on behalf of Petitioner, that the Court enter the attached proposed order permitting the Confidential Filings to be placed under seal.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 20, 2021 at Chicago, Illinois.

/s/ Jonathan Manes
Jonathan Manes