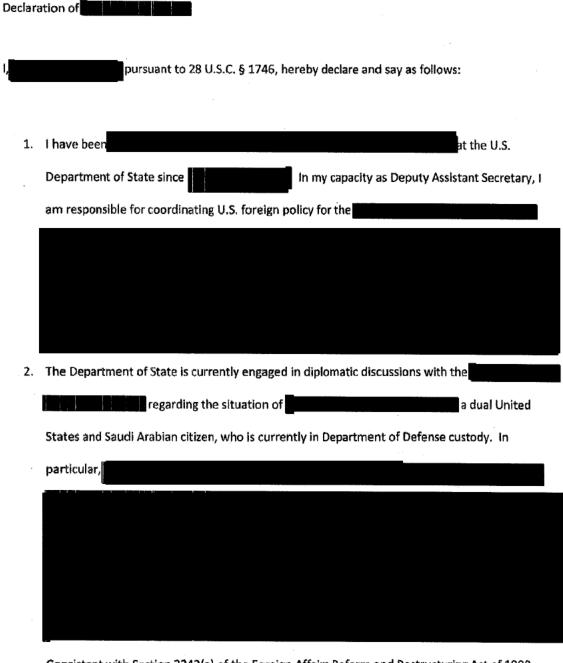
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JOHN DOE,)
Petitioner,))
v.) Civil Action No. 1:17-cv-2069 (TSC)
GEN. JAMES N. MATTIS, in his official capacity as SECRETARY OF DEFENSE,)))
Respondent.)

ECF 44

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Consistent with Section 2242(a) of the Foreign Affairs Reform and Restructuring Act of 1998, regardless of whether a person is physically present in the United States, it is U.S. government policy not to effect the involuntary transfer of a person to a country where the U.S. has

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	determined that it is more likely than not that the person would be tortured. Any transfer of
	would be undertaken consistent with this policy.
3.	
	As of writing,
	we understand the case is still pending with
	decision,
	. The Department of State is currently working with
	the Department of Defense to facilitate such communications.
4.	A preliminary injunction prohibiting transfer would hinder the Department's
	ability to engage constructively with on this matter. Our discussions with
	would necessarily be contingent upon the outcome of uncertain future litigation to vacate the
	transfer injunction and would have to occur without clarity about whether or not it will be
	possible to implement the transfer arrangements once they are concluded. Furthermore,
	is awaiting a final United States decision on the possibility of transfer. Based on our prior
	experience with regarding previous detainee transfers, we assess that once
	arrangements have been concluded, see the six likely to have a strong expectation of prompt
	implementation. Any delay on the part of the United States is likely to raise concerns regarding
	our credibility, and harms the diplomatic process. The Department of State must have the
	ability to make reliable representations and commitments when engaging directly with
	on a matter of such sensitivity. A preliminary injunction on transfer could also
	damage ongoing bilateral cooperation with the second including on future detainee transfers.
	has maintained an interest in this and other
	cases, which has been a significant benefit to the United States in combatting terrorism.

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Because this declaration discloses aspects of sensitive diplomatic communications with as well as internal U.S. Government deliberations, it is being submitted ex parte. Disclosure of such matters outside the U.S. Government would be inappropriate and could undermine the U.S. Government's diplomatic engagement with and the U.S. Government's ability to reach acceptable detainee transfer arrangements with this and other countries. I know from experience that the type of dialogue required in this context can only occur in a confidential setting, that is, within government to government channels. Even in circumstances in which the content of diplomatic discussions is made public by non-governmental actors, it is important that the United States honor its commitment to keep these discussions confidential in order to avoid the harms discussed above.

I declare under the penalty of perjury that the foregoing is true and correct

Executed on January 19, 2018

