

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

JOHN DOE,

Petitioner,

v.

No. 17-cv-2069 (TSC)

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

Respondent.

ECF 97-2

REDACTED VERSION FOR PUBLIC FILING

~~UNDER SEAL~~

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DECLARATION OF JONATHAN HAFETZ

I, Jonathan Hafetz, of New York, hereby declare:

1. I am counsel for Petitioner in the above-captioned action.
2. I am providing this declaration based on information Petitioner conveyed to me because Petitioner is unable to submit a declaration himself due to the exigent circumstances necessitating the filing of this motion and Petitioner's current detention in Iraq.
3. If provided an opportunity, Petitioner will submit a declaration attesting to the facts set forth herein.
4. In early September 2017, Petitioner was seized by the Syrian Democratic Forces ("SDF"), an alliance of militias, at a military checkpoint [REDACTED], while fleeing violence in Syria for Turkey.
5. Even though Petitioner was unarmed, was traveling with other civilians, and was seeking refuge from violence, SDF soldiers shot at Petitioner multiple times in what he perceived as an effort to kill him.
6. After taking Petitioner into custody, the SDF accused Petitioner of being a member of ISIS. Petitioner repeatedly denied this allegation and explained that he was fleeing Syria and seeking his safety.
7. Petitioner told the SDF that he was an American citizen and asked to speak to representatives of the U.S. government who could assist him.

~~UNDER SEAL~~

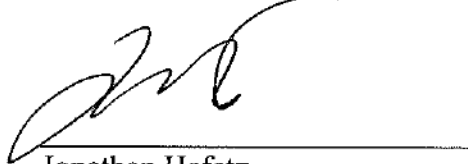
8. The SDF refused Petitioner's pleas for help. Instead, members of the SDF repeatedly beat and threatened Petitioner. Members of the SDF hit Petitioner in his head, back, and stomach. As a result, Petitioner suffered severe bruising and dizziness. One SDF soldier threatened to "put a bullet between [Petitioner's] eyes."
9. After holding Petitioner in a cell [REDACTED] for several hours, the SDF took Petitioner to [REDACTED].
10. Petitioner was blindfolded and his hands were tied when he was transported to [REDACTED].
11. The SDF held Petitioner in [REDACTED] for between 24 and 36 hours. While in [REDACTED], the SDF again threatened Petitioner with death. An SDF fighter said to Petitioner, "You should be executed. We should kill you."
12. From [REDACTED], the SDF brought Petitioner to a prison in a city he believes was [REDACTED]. Once again, Petitioner was blindfolded and his hands were tied when he was transported to [REDACTED].
13. In [REDACTED], the SDF continued to physically abuse and threaten Petitioner. Members of the SDF repeatedly punched Petitioner in the stomach. On one occasion, a member of the SDF grabbed Petitioner around the throat, held him up against a wall, and threatened to break his neck. The SDF held Petitioner in [REDACTED] for approximately two days.
14. Petitioner continued to tell the SDF he was an American citizen and wanted to speak to U.S. government officials. The SDF fighters refused to believe Petitioner and said he did not look like an American. Petitioner told the SDF that "not all Americans [were] white or [had] blue eyes." The SDF also said there were no Americans around to help him.
15. Finally, Petitioner persuaded the SDF that he was an American citizen by providing his social security number. The SDF then notified U.S. forces that he was in SDF custody.
16. U.S. forces took custody of Petitioner from the SDF in [REDACTED] and brought him to a safe house nearby, where U.S. agents interrogated him almost continuously for two days.
17. U.S. forces then transported Petitioner, blindfolded and shackled, by helicopter to the detention facility in Iraq where Petitioner remains today.
18. During multiple interrogations by the United States, Petitioner denied that he was an ISIS fighter, explained he was fleeing Syria for his safety, and pleaded for the assistance of his government.
19. Petitioner told U.S. officials that he was fleeing Syria to travel to safety and the U.S. embassy in Istanbul.

~~UNDER SEAL~~

20. Petitioner described his abuse by SDF soldiers to U.S. officials, and the injuries inflicted on him by the SDF remained visible to U.S. medical personnel while he was in U.S. custody. For example, a U.S. medical official who examined Petitioner saw evidence of a head injury and asked Petitioner if he had been beaten on the back of his head.
21. Petitioner fears that if he is taken to Syria and released there, he will be placed in severe danger. Petitioner fears that he will be beaten, tortured, and killed by the SDF.
22. The government has represented that it would be releasing Petitioner in Syria without any passport or any other official identity document, without any way of accounting for his presence in the territory after nearly nine months of U.S. detention, without any official statement from the U.S. government that Petitioner poses no threat and is not an enemy combatant and without any assurances from the SDF forces that Petitioner will not be targeted and will be permitted safe passage out of Syria.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 7th day of June, 2018



Jonathan Hafetz