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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**AYMAN LATIF, et al.,**

Plaintiffs,

v.

**ERIC H. HOLDER, JR., et al.,**

Defendants.

Case No.: 10-cv-750 (BR)

**DECLARATION OF  
ELIAS MUSTAFA MOHAMED  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR A PRELIMINARY  
INJUNCTION**

I, Elias Mustafa Mohamed, hereby declare and state as follows pursuant to 28 U.S.C. § 1746:

1. I submit this declaration based on my personal knowledge in support of the motion by me and Plaintiffs Ayman Latif, Faisal Nabin Kashem, Samir Mohamed Ahmed Mohamed, Abdullatif Muthanna, Saleh A. Omar, and Abdul Hakeim Thabet Ahmed for a preliminary injunction in the above-captioned case.

2. I am a twenty-year-old citizen of the United States. I am a resident of Seattle, Washington, where I have lived with my family since I was 6 years old. My parents, stepfather, and seven siblings are all U.S. citizens and live in the United States.

3. In September 2008, I applied for admission to the two-year Arabic language certificate program at the Islamic University of Al-Madinah Al-Munawwarah in Medina, Saudi Arabia. I was admitted and planned to begin my studies in January 2010.

4. During the first week of January 2010, I flew on commercial flights without incident from Seattle to Medina, with changes of aircraft in Washington, D.C. and King Abdulaziz International Airport near Jeddah.

5. I planned to return home to Seattle for my summer vacation from school between June and September 2010. I hoped to spend the vacation with my family.

6. On June 25, 2010, five of my classmates and I flew from Medina to King Abdulaziz International Airport without incident. At the Saudi Arabian Airlines check-in area, a classmate with the same first name as mine stood in line ahead of me. When he presented his passport to the airline employee, he was told that he could not fly. When I presented my passport to the airline employee, I was also told that I could not fly. My passport and the passport of my classmate with the same name were given to a Saudi Arabian Airlines supervisor. The supervisor indicated that only I was on a list of people who are not permitted to fly.

7. I felt embarrassed and confused. I did not know why I was not permitted to board my flight as planned. I felt humiliated that airline staff and other passengers in the check-in area, including my classmates, heard the supervisor tell me that I was on a

list of people who are not permitted to fly. I was embarrassed that everyone there thought I had done something wrong or posed a security threat.

8. I canceled my flight so that I would not lose the value of my Saudi Arabian Airlines ticket.

9. One of my classmates at the airport told me that another classmate, Faisal Kashem, had also been denied boarding on a Saudi Arabian Airlines flight. I called Mr. Kashem and explained my situation.

10. That day, Mr. Kashem and I went to a store. I photocopied and scanned my identification papers and completed an online application with the Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP) in which I described the circumstances in which I was denied boarding on my June 25, 2010 Saudi Arabian Airlines flight. I was assigned Redress Control Number 2103288.

11. The following morning, on June 26, 2010, Mr. Kashem and I went to the U.S. Consulate in Jeddah, where we met with two U.S. officials, Chris O'Brien and Stephen Sekellick. The officials first questioned Mr. Kashem for approximately half an hour while I waited in the lobby. The officials then questioned me. They asked me where I had traveled prior to my arrival in Saudi Arabia. When I explained that I had traveled to Cairo and Saudi Arabia during the summer of 2008, the officials asked me why I had made this trip and how and why I came to study in Saudi Arabia. I explained that in 2008, I first traveled to Egypt for tourism and then to Saudi Arabia to complete *umrah*, an Islamic pilgrimage to Mecca. I also explained that, at that time, I learned of the Islamic University of Al-Madinah Al-Munawwarah. I applied to the university

shortly afterwards because I sought to work as a professor. The officials asked me, "Why do you think you're on the No Fly List?" I responded that I had no idea.

12. Mr. O'Brien took Mr. Kashem's telephone number and said that he would follow-up with us in one week. Mr. Kashem and I returned to our dormitories in Medina in a cab.

13. On July 6, 2010, I made the four-hour trip with Mr. Kashem from Medina to the U.S. Consulate in Jeddah. We were met by Mr. O'Brien. He escorted Mr. Kashem to a separate room while I waited in the lobby. Mr. O'Brien returned to the lobby several minutes later and told me that two FBI agents had come from Seattle to speak with me. Mr. O'Brien escorted me to a room, where two agents were waiting for me. They introduced themselves as Agent Frederick Gutt and Agent Albert Kelly of the Seattle FBI.

14. I asked the agents for permission to call an advocate at the Council on American-Islamic Relations ("CAIR"). The agents permitted me to make the call. An advocate from CAIR listened on speakerphone as the agents questioned me.

15. Agent Gutt led the questioning. He asked me about a variety of subjects, including the purpose of and details about my 2008 trip to Egypt and Saudi Arabia, the reason I was studying at the Islamic University of Al-Madinah Al-Munawwarah, and whether I had ever traveled to Somalia and Yemen. I explained to the agents, as I had to Mr. O'Brien and Mr. Sekellick, that in 2008 I traveled to Egypt for tourism and to Saudi Arabia to complete a religious pilgrimage, and that I applied to the Islamic University of Al-Madinah Al-Munawwarah shortly afterwards. I also responded that I had never traveled to Somalia or Yemen.

16. The agents showed me photos of two young men in Seattle. They asked me whether I knew them, had given them money to travel, or had provided them with any other support for their travel to Somalia. I responded that I did not know either of the two individuals, although I had seen one of them at a mosque in Seattle and had worked at Taco Bell with the brother of the other individual. I told the agents that I had never given either of the two young men money or any other type of support. The agents confirmed that I am listed on the No Fly List.

17. I present no security threat to commercial aviation and know of no reason why I would be placed on the No Fly List.

18. To this day, I cannot return home to the United States. I have been denied the ability to board a commercial flight from Saudi Arabia to the United States. I have also been told by FBI agents that I am not permitted to travel on any commercial flight to the United States.

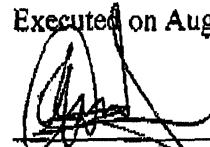
19. I am unable to return home to Seattle or to visit my family in the United States during my school vacations because Defendants have barred me from boarding commercial flights to or from the United States or over U.S. airspace. My summer 2010 vacation from school will end in September 2010 and I still cannot fly home.

20. I am seeking a means to travel to the United States by boat, but I cannot find a way to do so that is affordable and will permit me to return to Medina in time to begin the Fall 2010 semester at my school. Although I have searched for ships and cruises making the transatlantic passage from the United Kingdom to the United States, I cannot afford the cost of purchasing tickets to travel by plane from Saudi Arabia to the United Kingdom, by boat from the United Kingdom to New York, and by bus and/or

train from New York to Seattle. Similarly, although I have also researched the possibility of traveling from Saudi Arabia to the United States via China, I cannot afford the cost of purchasing tickets to travel by plane from Saudi Arabia to China, by plane from China to Canada, and by bus and/or train from Canada to Seattle. These routes are exorbitantly expensive. I also cannot afford to attempt to travel to the United States by flying to a third country and risking detention or being turned back to Saudi Arabia.

21. I declare and state 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, information, and belief.

Executed on August 12, 2010



Elias Mustafa Mohamed