

EXHIBIT 7

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GHASSAN ALASAAD, NADIA)
ALASAAD, SUHAIB ALLABABIDI, SIDD)
BIKKANNAVAR, JÉRÉMIE DUPIN,)
AARON GACH, ISMAIL ABDEL-RASOUL)
AKA ISMA'IL KUSHKUSH, DIANE)
MAYE, ZAINAB MERCHANT,)
MOHAMMED AKRAM SHIBLY, AND)
MATTHEW WRIGHT,)

Plaintiffs,)

v.)

KIRSTJEN NIELSEN, SECRETARY OF)
THE U.S. DEPARTMENT OF HOMELAND)
SECURITY, IN HER OFFICIAL)
CAPACITY; KEVIN MCALEENAN,)
COMMISSIONER OF U.S. CUSTOMS)
AND BORDER PROTECTION, IN HIS)
OFFICIAL CAPACITY; AND RONALD)
VITIELLO, ACTING DIRECTOR OF U.S.)
IMMIGRATION AND CUSTOMS)
ENFORCEMENT, IN HIS OFFICIAL)
CAPACITY,)

Defendants.)

Civil Action No. 17-cv-11730-DJC

Hon. Denise J. Casper

DECLARATION OF PLAINTIFF ISMAIL ABDEL-RASOUL
AKA ISMA'IL KUSHKUSH

1. I am a freelance journalist.
2. I am a U.S. citizen.
3. I reside in Virginia.
4. On March 24, 2014, February 4, 2015, and July 16, 2015, I returned to Washington,

D.C., from Amsterdam, Doha, and Amsterdam, respectively. On each trip, I carried with me two cell phones, a laptop, a digital camera, a digital recorder, and one or more flash drives. Upon arriving at Washington Dulles International Airport on each trip, CBP officers directed me to

secondary inspection, where they questioned me. On each occasion, during my time in the secondary inspection area, an officer took my electronic devices out of my sight for approximately 15 minutes. On each occasion, the officers returned the devices to me and permitted me to leave.

5. On January 9, 2016, I traveled to New York City from Stockholm, Sweden, where I had been conducting research for my master's thesis on refugees for Columbia Journalism School. I had with me a locked MacBook Air laptop computer and two unlocked cell phones, one being a Sony smartphone, and the other a Nokia phone. I had been using my laptop and phones for my work as a journalist.

6. Upon my arrival at New York's John F. Kennedy International Airport, CBP officers took me to a secondary inspection area, where they questioned me and searched my belongings. The officers searched my notebooks, which contained information related to my work as a journalist, and asked me about the contents of the notebooks.

7. The CBP officers took my laptop and two phones out of my sight for approximately 20 minutes. The officers then returned the devices to me and permitted me to leave after I had spent approximately three hours in the secondary inspection area.

8. On January 4, 2017, I traveled to Washington, D.C. from Israel via Turkey. I had completed an internship in Israel with the Associated Press through funding from the Overseas Press Club Foundation. I carried a locked smartphone, an iPhone 7, that I used for both professional and personal matters, and that contained my journalistic work product, work-related photos, and lists of contacts. I also carried the same locked MacBook Air laptop that had been previously seized by CBP on January 9, 2016, an unlocked Canon digital camera, an unlocked Sony voice recorder, and multiple unlocked flash drives.

9. When I arrived at Dulles International Airport, CBP officers took me to a secondary inspection area, where they questioned me, searched my notebooks, and asked about my reporting activities. They also asked me for my social media identifiers and my email address.

10. A CBP officer demanded to see my phone and told me to unlock it. I reluctantly complied because I felt I had no choice. I understood, based on the CBP officer's tone and demeanor, that he was commanding me to unlock it.

11. The CBP officer coerced me into unlocking my phone.

12. I observed the CBP officer manually searching through the contents of my phone. CBP officers also took my laptop, voice recorder, camera, flash drives, and notebooks into another room for approximately 20 minutes.

13. The officers then returned the devices to me and permitted me to leave after I had spent about one and a half hours in the secondary inspection area.

14. On July 31, 2017, I traveled by bus from Montreal, Quebec, to Middlebury, Vermont, where I was attending a language program at Middlebury College. I entered the United States at Highgate Springs, Vermont. I carried a locked iPhone 7 smartphone with me.

15. A CBP officer directed me to secondary inspection, where I waited for approximately one hour. An officer then demanded my phone and the password to unlock it. The officer stated that he could seize the phone if I did not cooperate.

16. The CBP officer coerced me into unlocking my phone. I unlocked the phone because I had no meaningful choice, given that the CBP officer told me he would keep my phone for an indeterminate amount of time if I did not unlock it. I stated that I was unlocking the phone against my will.

17. The CBP officer wrote down the password to my phone as I unlocked it and took the phone out of my sight for at least one hour.

18. After nearly three hours, two CBP officers directed me to a separate room, where they questioned me about my work as a journalist.

19. The officers permitted me to leave after I had spent approximately three and a half hours in the customs inspection building. I was given my phone to take with me.

20. The repeated searches of my electronic devices made me feel humiliated, insecure, and worried that I was being targeted because of my work as a journalist. The searches made me question whether I should continue covering issues overseas or instead focus my work as a journalist inside the United States.

21. I regularly travel internationally for my work as a journalist and for personal reasons, and I carry electronic devices with me when I do so.

22. To the best of my knowledge, since January 1, 2013, I have returned to the United States from an international trip at least 8 times.

23. At the current time, I intend to continue traveling internationally for professional and personal reasons.

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

Dated: April ²⁴ __, 2019



Ismail Abdel-Rasoul AKA Isma'il Kushkush