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& ANOR
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Sia Lagos

Registrar

Important Information

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Form 59
Rule 29.02(1)

Affidavit

No. 403 of 2023

Federal Court of Australia
District Registry: VIC
Division: General

Save the Children Australia

Applicant

Minister for Home Affairs and another

Respondents

Affidavit of: **Gary Kamalle Dabboussy**

Address: [REDACTED]

Occupation: Chief Executive Officer

Date: 16 August 2023

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I Gary Kamalle Dabboussy, [REDACTED] Chief Executive Officer, affirm

Mariam, the Australian women and children, and their families

1. I am the father of Mariam Dabboussy (Mariam).

Filed on behalf of (name & role of party) Save the Children Australia, the Applicant
 Prepared by (name of person/lawyer) Moustafa Kheir
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2. Mariam was born on 1 February 1991. She is an Australian citizen. She has three children, aged 9, 7 and 5 years old.
3. Mariam and her children were detained in the Al Hawl camp, and then in the Al Roj camp, in North-East Syria, until they were repatriated by the Australian Government on or about 27 October 2022.
4. Australian authorities have told me Mariam had been coerced into going to Syria in April or May 2015.
5. Mariam was only one of a number of Australian-citizen women who, with their children, have been detained by the Autonomous Administration for Northeast Syria (the **AANES**) and by its military force, the Syrian Democratic Forces (**SDF**) in camps in North-East Syria, most recently in Al Roj camp (**the Australian women and children**).
6. The families of the Australian women and children (**the families**) are based in Melbourne and Sydney.
7. In May or April 2019, I met in Liverpool, New South Wales with some families from Melbourne and Sydney. Over the next several months, I came to meet and know more of the families. There was a follow-up joint meeting of the families in Melbourne later that year (around early August). At these meetings, it was decided that I should be the families' spokesperson and primary point of contact. This decision meant I would lead discussions with the Australian Government, media, human rights organisations and lawyers about repatriation of the Australian women and children.

No charges

8. For years, I was in constant contact with police and federal authorities in Australia about Mariam, her children, and the other Australian women and children, and I have never been informed about any charges against any of the Australian women or children.
9. Mariam has advised that, as far as she knows, none of the other Australian women have been charged with any offence. Whilst they are detained, they are not required to remain in Syria in order to face any legal process that could interfere with their transfer to Australia.

Detention in the Al Hawl camp

10. Until about September 2019, Mariam and her children, along with other Australian women and children, were detained by the SDF and the AANES in Al Hawl camp in North-East Syria.

11. In August 2019, I travelled to Syria with approval from the SDF and the AANES to visit Al Hawl. During this trip, I made three day-visits to Al Hawl camp between 11 and 15 August 2019.
12. Travelling to the Al Hawl camp was straightforward.
13. First, I travelled to Erbil. There I made an application to enter the Kurdish parts of Syria and sought approval to enter the camps using local agents. Once approval to go to Syria was obtained, I travelled by bus across the border. A pre-arranged agent waited for me there and took me to the administration in Rumeilan. I did an interview with local police called the Asiyash that determined if I would be granted passes to enter the camps.
14. From Rumeilan, I travelled to my accommodation. I stayed in Qamishli.
15. After 24 hours, I would find out if my permit had been approved. Then I made an appointment with the camp administrator to visit.
16. The local agents (also known as fixers and stringers) are usually connected to governing authorities. Local agents also help journalists to travel to the camps.
17. I never feared for my safety. I never heard or witnessed any violence or gunfire.
18. I travelled with [REDACTED] the mother of [REDACTED] (explained further below), and an ABC News crew. The ABC News Crew had a journalist, a producer and a cameraman. They met us in Erbil and accompanied Hiam and me daily to the Al Hawl camp.
19. Upon arriving at Al Hawl camp, guards met us at the gates. The guards verified the paperwork, and we were directed to the camp administration office. On the first day, the camp administration brought my daughter Mariam, her children, [REDACTED] and her one remaining child, to see us.
20. During the second and third day-visits, we visited the camps themselves.
21. Each visit was for around two hours.
22. We spoke to many Australian women individually to understand their situation. I was overwhelmed by the number of children who were gathering around.
23. On 15 August 2019, the day of my third visit, we also went to Al-Hasaka, the SDF's headquarters, before returning to our accommodation. Mustapha Bali, the military head of the SDF, explained to me the following positions of the AANES:
 - (a) According to the SDF's assessment, women and children were more victims than perpetrators, especially Australian women.

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- (b) The SDF believed they were holding the women and children temporarily before they were picked up by their countries. That's why the women and children were put in makeshift short-term accommodation. In contrast, the men associated with ISIS were transferred to prison buildings with sanitation etc., in an attempt within their resources to meet the Geneva Convention.
- (c) They were shocked that the Australian government had not made contact about repatriating the women and children.
- (d) Out of all countries, Australian women should be repatriated amongst the first, as there was no concern about Australian women being radicalised.
- (e) The Australian women were not facing any legal charges.
- (f) It was safe to repatriate the Australian women; in fact, the SDF would help to repatriate them.
- (g) The SDF supported their repatriation.
- (h) That boys over 13 years old would be taken and separated from their mothers.

Detention in Al Roj camp, and communication with Mariam

- 24. My understanding is that, in the week preceding 5 September 2020, some Australian women and children were moved from Al Hawl to Al Roj, with most remaining Australians being transferred on Sunday, 5 September 2020. I learned this information from a Canadian family that had a family member in the Al Hawl Camp.
- 25. Initially, we were not sure where they were being taken. It took about two weeks before my daughter used the central phone available at Al Roj camp to contact me and let me know that is where they were.
- 26. When Mariam was in Al Roj, I contacted her via recorded voice message sent through WhatsApp. This is also how she contacted me. The WhatsApp number belongs to the centralised mobile phone in the camp administration office. All my messages to Mariam can be listened to and read, as can all of her messages to me.
- 27. The women cannot have forms or official documents sent to them. Families can send letters via the Red Cross, but they can take six months to arrive.
- 28. The camp administration allows no lawyers into Al Roj or even North-East Syria. No lawyers are allowed to speak to women and children via phone or phone message at Al Roj.
- 29. An appointment cannot be made to speak with the women in Al Roj. Communication was very ad hoc.

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30. On about 26 September 2021, I learned that Australian Government officials had visited the Al Roj camp. I became aware that over two visits, the Australian Government officials interviewed four women.
31. The press also reported that several Australian officials had visited Al Roj in late September and early October to conduct interviews.
32. In late 2021, Australian government officials visited Al Roj to assess the women's attitudes. They were asked what they would do if they returned to Australia. The officials also asked them about their health.
33. On the first day, they spoke to Mariam, and to [REDACTED]. Two days later, they visited again to speak to Shayma Assaad and [REDACTED]. On the second visit, the officials brought some kids' books in response to a request from Mariam and [REDACTED].
34. I understand that the Australian Government officials met with [REDACTED] and Shayma because they were identified as 'high needs' in case notes I had prepared and submitted through Save the Children Australia to DFAT. I met with Save the Children in August 2021 and submitted the case notes shortly before that date.

Australian Government's ability to repatriate Australian women and children

35. Generally, Department officials have been supportive. I have had hundreds of interactions with officials, especially at Home Affairs. I have spoken to the Social Cohesion Coordinator at the Department of Home Affairs. Three different people filled this role during the time I have been communicating with the Department. I have also spoken to the Consular staff in Baghdad and Beirut. They all referred me to the Home Affairs Social Cohesion Coordinator. I have spoken, messaged and emailed numerous times.
36. Based on my communications and observations, no obstacle renders it risky or impossible to repatriate the remaining women and children.
37. Australian officials have never told me that it is too dangerous to repatriate the women and children or that it would endanger any officials involved in the repatriation.
38. Australian officials have never denied that they have the practical ability to repatriate the women and children.
39. In discussions with officers of Home Affairs, they have said that they have confidence in the ability of DFAT to organise the repatriation if and when the Government is of the mind to act.
40. I have myself experienced the significant ability of Australian officials to take steps to effect positive outcomes for the Australian women and children while they were held in

the camp. For example, during the period of Mariam's detention, when I was informed by her that an Australian adult or child was very sick, I alerted Australian government officials by phone calls and by text. In serious cases, medical help appeared at the camp within 24 to 48 hours.

41. In other emergencies involving pregnant women, I reported the general poor health to Australian Government officials. Soon after, I learned that a doctor was specifically sent for health checks and to provide medical help to the four specific women I had mentioned to the officials.

Repatriation to Australia

42. On 27 October 2022, New South Wales Government officials told me that Mariam and her children had been picked up. They said Mariam was in the air and had left Erbil.
43. On the morning they arrived back in Australia, New South Wales Government officials gave me the name of a hotel to go to.
44. The New South Wales Government officials met me and Mariam's mother in the foyer and took us to a room, where I met Mariam and her children.
45. As the day progressed, personnel from New South Wales health services arrived to do checks. They took Mariam to the hospital for a scan.
46. We arranged dinner at the hotel. After the health checks, there was no government presence. We could have technically left that evening, but everyone needed to rest.
47. The next day we checked out by ourselves. There was no police escort. It was a regular checkout.

Information from Mariam

48. After her return to Australia, Mariam told me the following things (among many others):
- (a) There were multiple Australian government agencies present inside North-East Syria. Officers from those agencies met with her over the time she was in the camp and in the lead-up to her repatriation. These officers met with the camp administration repeatedly.
 - (b) The same Australian officers escorted her and her children from North-East Syria with the SDF, and continued to escort them all the way to the Sydney airport.
 - (c) The repatriation occurred with ease.
 - (d) There is a Coalition base in Qamishli, probably 20 minutes away from the Al Roj camp. There were helicopters on top of the Al Roj camp always. There were tanks driving up and down to the Al Roj camp. 4WDs carrying expats were identifiable as

distinct from other vehicles. They were coming in and out of Al Roj all the time. Al Roj camp was closer to an oilfield, about the distance of a school oval away. There were separate vehicles carrying expats to the oilfields.

- (e) In Al Hawl, for example, when they started to move the Europeans out of Al Hawl, they were bringing people who were not Kurdish into the camp to do it. Europeans were being taken out because they were escaping and turning up in Turkey.
- (f) When she and the other Australian women and children were forcibly transferred from the Mountain to Al Hawl, and then from Al Hawl to Al Roj, on both occasions, they were told that the transfer was an order of the Coalition. SDF soldiers had told them, "Your country told us to bring you here".
- (g) The Coalition runs that area. The Coalition opened up a humanitarian corridor for the transfer. The Coalition was the one bombing the area; and running the food in and out of the area. The Coalition facilitated the camps. They sometimes use private companies to do things (eg. Blumont).
- (h) In late 2018 or early 2019, I was told by Australian law enforcement that if Mariam made her way to the Kurds, it would be the way for her to come home.
- (i) At about the time when Ellen Whinnett, The Australian newspaper journalist had come to see them, and Vice News had come to see the Australian women and children, Mariam was chosen to go and have a face-to-face sit down with the Coalition. On this occasion:
 - i. There were a lot of helicopters flying overhead. Many American tanks came in, with many cars flying the American flag.
 - ii. Mariam was summoned to go to the camp administration. The BBC and a French Journalist was there.
 - iii. Two other Australians and Mariam had to sit down and talk with representatives from the Coalition.
 - iv. The camp administration told Mariam "this is your chance to persuade them to convince your country to come and take you home".
 - v. The man Mariam was speaking to said his name was Rob. He eventually acknowledged that he knew who Mariam was, and this was the second time he had come to the camp. He had a watered-down accent, like someone who lives abroad. Mariam couldn't tell if he was Australian, British or American.
 - vi. Rob told Mariam that "we speak to the Australian embassy in Bagdad".

Separation of boys

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49. After Mariam's return to Australia, she also told me the following things about separation of male children from their Australian mothers:
- (a) Since her time at Al Hawl camp, the camp administration said that for the security of the women, they would be taking all the boys and putting them in another location.
 - (b) The camp administration kept removing the boys, and then they ran out of boys to take, so they started dropping the age limit. Initially, the age of boys that were taken was 18 years old. Then it crept down to 17 or 16. When Mariam was transferred to Al Roj, it was 14. Now, if the boys are born in 2012 onwards, the boys will be taken. Mariam heard the camp administration explaining the age cut-off to the Red Cross.
 - (c) In 2022, the camp administration said they would take all the boys of a certain age. The camp administration said it was by agreement with the Coalition.
 - (d) Every time the camp administration did something bad, they said, "This is a choice that the Coalition made".
50. In messages before July 2022, Mariam told me the camp administration had interviewed and photographed the older Australian boys. On 17 July 2022, Mariam contacted me to say the camp administration had started to round up the boys in Al Roj, including boys as young as seven years of age. At that time, Mariam told me the following things:
- (a) The camp administration was taking the boys to the administration building.
 - (b) It was understood that the camp administration was looking to move them off to the men's prison.
 - (c) There was extreme panic in the camp.
 - (d) Some women were trying to offer bribes for the boys' return, and in some instances, the boys were being returned.
 - (e) No reason at the time was given for the removal.
 - (f) At this stage, no Australian Boys had been taken, but Mariam was terrified they would remove the Australian boys too.
51. Later, in a voice message, Mariam said some children had been returned. Some women were trying to bribe the camp officials to return the children. Mariam believed a smaller number of boys had been taken to the men's jail.
52. Around 23 September 2022, Mariam contacted me from the camp phone in a highly distressed state. She reported to me from the camp that:
- (a) The camp administration was saying they want all the orphaned children.

- (b) Women of nationalities other than Australians were hiding orphaned children. These women were not cooperating with the camp administration, but the camp administration was escalating adverse action.
 - (c) Mariam was taken out by gunpoint by the camp administration from her tent. Her tent was searched. When the camp administration went to another tent to take a child, Mariam inserted herself in the situation, saying they had the wrong child. All of this happened after midnight.
 - (d) The camp administration was running around with guns. They threatened another mother to take her child.
 - (e) The camp administration said they would demolish all the tents if women didn't cooperate in showing the orphaned children.
 - (f) There was a feeling among the women in the camp that the camp administration's behaviour was linked to the French government and the European court decision.
53. Soon after receiving these reports from Mariam, I shared these reports with the office of the Minister for Home Affairs.
54. On 23 September 2022, the Australian Government wanted to interview me about my knowledge of all the women. That same day, I received a WhatsApp message from Mariam saying, "Armed cars turning up right now – at al Roj".
55. As the camp administration has stated, they do not have the resources to manage the boys. It is still widely believed by the Australian women and their families that the Australian boys could be taken at any time.
56. I understand that on about Monday, 30 January 2023, approximately 20 boys were removed from the Al Roj camp to be taken to the men's jail holding ISIS fighters. These boys were not Australian. Some of these boys were later returned after being found to be ten and eleven years old. The returned boys were profoundly traumatised by the experience.
57. The camp administration has advised that any boy turning 12 this year would be removed from Al Roj and taken to the men's jails. Australian mothers and children in the camp are in extreme distress and anxiety following this announcement because their male children are on the cusp of turning 12 or can be mistaken for being 12.
58. I am particularly concerned about the fate of two Australian boys:

(a)



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(b)

59. After Mariam's return to Australia, she also told me the following things:
- (a) The French Government had ordered the camp administration to find and remove all the French orphans.
 - (b) While looking for the orphans, the French representative of the Coalition came in and started threatening the women in French.
 - (c) In September 2022, in one traumatic incident involving Australian children, the following occurred:
 - i. France ordered the camp administration to enter Amina Asiyah's camp and kidnap her stepchild Yusuf Kamleh by gunpoint in the middle of the night before he could be taken to Holland. It was widely believed in the camp that Yusuf had an Australian father. The camp administration put a gun to the mother's chest.
 - ii. Amina Asiya, mother of one child and stepmother to another, tried to obtain Australian acknowledgment of her children's citizenship. The father of both sons was Australian doctor, Tareq Kamleh.
 - iii. Having Dutch background, she obtained papers to take her stepchild Yusuf with his half-brother, Suleyman Kamleh, to Holland.
 - iv. Yusuf's biological mother was a French woman who had died from a house collapsing on her during a previous bombing. Yusuf had escaped the ruins. Amina Asiyah cared for Yusuf throughout his trauma, nursing him. She thought Australia would come and save him, but they never did. Yusuf had a lot of visible physical and psychological scars from the bombing that killed his biological mother.
 - v. Amina claimed to have papers that established her custody of Yusuf, but France intervened to disrupt the repatriation to Holland. Yusuf was wrongly identified as an orphan and kidnapped from her.
 - vi. When the camp administration tried to take the younger brother, Suleyman, believing he might also be an orphan, his mum jumped on top of him. There was a physical altercation involving quite a few people.
 - vii. Initially, the mother was screaming. Everyone came outside. She was shaking on the ground.

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viii. After they took her stepson, Yusuf, they also detained Yusuf's younger half-brother, who was younger than Yusuf by one or two years, at gunpoint, keeping him for three to four hours outside. Eventually, the camp administration accepted that he was not French and that he could go back inside the tent. The toddler was outside in a nappy in the chilly cold of the night for three to four hours, having just witnessed the trauma of his older brother being stolen at gunpoint. The camp administration would not allow his mother to breastfeed or comfort him during this period or allow other women to comfort him. The situation was traumatising for the mother, the children and all the women trying to help.

ix. Mariam and some other women made a human barrier around the mother until her toddler was returned to her.

(d) This incident was just one of many that occurred of children being snatched and dragged at gunpoint.

(e) In this hustle and bustle, the camp administration said they would remove all boys of that age.

(f) There were nightly raids, taking boys from everywhere. Cars were coming in every night in multitudes. There were protests from the women against the removal of children, and women were being shot at. Water cannons were used to disperse the women.

(g) Mariam and her children slept with other Australian families in the same tent for months until she was repatriated for fear of what would happen to their children.

(h) The camp administration brought in the 'peacemakers', another SDF unit that used more force and fear to quell the women. They were in lockdown for four to five nights. The peacemakers wore black and were like 'special forces'. They came in armoured vehicles that looked like tanks, but were not tanks.

(i) This time was a breaking point for Mariam. She became very sick from the stress of boys being removed and being on constant alert, including not being able to sleep.

60. After Mariam's return to Australia, she also told me about how one Australian woman, [REDACTED] was trafficked from Al Roj camp back to ISIS territory after she went public with her story in the hope that Australia would repatriate her. The camp administration told [REDACTED] she was going back to Turkey to wait for her father. Instead, she was put on a sheep truck and sent back to ISIS territory with her newborn baby, who was less than 40 days old. [REDACTED] tried to escape and was caught, then brought back to Al Roj.

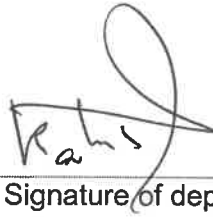
Affirmed by the deponent
at 148A Elizabeth Street, Sydney
in New South Wales
on 16 August 2023
Before me:



Signature of witness

Fatima Alrubaie, Solicitor

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Signature of deponent