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*Sia Lagos*

Registrar

### Important Information

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A handwritten signature in blue ink that reads 'Sia Lagos'.

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Form 59  
Rule 29.02(1)

## Affidavit

No. VID 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: Joshua McDonald  
Address: 33 Lincoln Square South, Carlton, Victoria  
Occupation: Media Advisor  
Date: 18 August 2023

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1	Affidavit of J McDonald.	1-42	1-8

I, JOSHUA MCDONALD, of 33 Lincoln Square South, Carlton, Victoria, affirm:

- I am a Media Advisor with Save the Children Australia (**STCA**).
- In this role I work with vulnerable children and their families to amplify their voices in the media by collecting and then sharing their personal stories with journalists. This work includes traveling to countries that are facing humanitarian crises, such as Syria.
- In this affidavit I testify about what I was told during my visit to the camp. I have no reason to believe that what I was told was not true and correct.

Filed on behalf of (name & role of party) Save the Children Australia, the Applicant  
Prepared by (name of person/lawyer) Moustafa Kheir  
Law firm (if applicable) Birchgrove Legal  
Tel +61 2 9018 1067 Fax +61 2 9054 0836  
Email mkheir@birchgrovelegal.com.au  
**Address for service** Hyde Park Towers, Ground Floor, S.2, 148A Elizabeth Street, Sydney,  
(include state and postcode) NSW, 2000

## Visit to Al Roj camp

4. On 19 and 20 June 2023, I visited the Al Roj camp (the **camp**) in North East Syria. The purpose of my visit to the camp was part of a broader trip to North East Syria to support Save the Children International's response in North East Syria. I was accompanied on this trip by a local Save the Children colleague who acted as a translator between myself and the camp security and administration and other Save the Children staff.
5. When I arrived at the front entrance of the camp, I noticed that it consisted of a simple barrier gate. However, the camp was surrounded by watch towers with armed guards and high barbed wire. There are two or three guards stationed at the front entrance who check entrants' identification and bags before letting you through the gate. The Camp Administration staff, as well as the guards, were friendly and happy to try and facilitate any meetings and offer support.
6. My meeting with the women (the **Australian women**) and children (the **Australian children**) at the camp was organised through the Camp Administration, and a representative from the administration accompanied us when we met with the Australians.
7. The Australian women and the Australian children (together, the **Australians**) are housed together in a far corner of the camp. Once we were in that area, the representative from the Camp Administration yelled out "Australia" a few times, following which all of the Australians came out of their tents. Overall, I observed that there appeared to be a good relationship between the Australians, the Camp Administration, and Save the Children.
8. I was able to move around the camp easily and did not have concerns for my personal safety while I was there.

## Interview with the Australians

9. I was at the camp for about eight or eight and a half hours across both days. On the first day, I spent roughly five hours at the camp with Save the Children's team based in North East Syria. On the second day, I spent three and a half hours at the camp with the Australians.

10. During this time, I spoke with a group of about 11 or 12 Australian women, and two Australian children. The Australian children I spoke with appeared to be between eight and 10 years old. There were other Australian children present at times during my visit, but they did not speak to me. I was able to identify some of the Australian women I spoke with as [REDACTED]. I advised the Australians that I was from STCA.
11. I discussed a number of issues with the Australian women, including matters relating to this litigation. I have set out below what they told me during my visit. It was not always possible to identify which woman was speaking at any one time due to the large group and the noises in the camp. Where I was able to identify and recollect who was speaking, I have included this information below.

### **Interactions with Australian officials**

12. The Australian women told me that sometime in early June 2023, the authorities at the camp told them that the Australian Government wanted every Australian woman in the camp to record a video of themselves stating clearly whether they would like to return home or not. I was informed that this was done with the support of the camp authorities and the Australian women were told that the videos were sent to the Australian Government. The Australian women told me that every one of them recorded a video confirming that they wished to come home. During this exchange with the Australian women, [REDACTED] said her family back home in Australia told her that the Australian Government denied that they requested these videos from the Australian women.
13. The representative from the Camp Administration verbally confirmed that this event had taken place as described by the Australian women. Further, the representative advised that the camp authorities were very cooperative in facilitating the videos.
14. In the context of this discussion, [REDACTED] told me that her daughter, [REDACTED] was asked by ASIO whether she would be willing to leave her mother and other relatives to return home.
15. The Australian women and the representative from the Camp Administration stated that the Autonomous Administration of North East Syria (**AANES**) would like to see the Australians return home. The representative from the Camp Administration even informed me that the AANES can facilitate transporting the Australians to the Iraqi border to meet the Australian delegation there.

16. In relation to whether there would be difficulties with Australian officials accessing the camp, the Australian women pointed out that they have been visited by journalists, including some who have reported critically on the management of the camp, but the journalists have still been allowed to visit. They could not see that there would be any issue with Australian officials and said that they have been visited by Australian officials at various times.
17. A number of the Australian women told me they had identified an Australian man supporting the repatriation of Malaysian citizens in January 2023 and Indonesia citizens in June 2023. More specifically, ██████████ told me this had occurred after an Indonesian person in the camp had informed her that Australia and Indonesia are working together to try and get Indonesians out of the camp. ██████████ said they recognised the Australian man as being one of the Australian officials who had come to do a DNA test and Risk Assessment with the women in October last year, which was also confirmed by ██████████.
18. In relation to the DNA test and risk assessment, the Australian women confirmed that ASIO conducted the risk assessment and DFAT had handled the DNA testing and preparation of their passports and other travel documents, as well as documents they were told related to citizenship. ██████████ was called to do the first DNA test on 15 October 2022, whereas the rest of the DNA tests were performed on the remaining women about a week later. The officer from ASIO who conducted the risk assessment was a female. They seemed to have had some ongoing communication with this particular official.
19. The repatriation of four Australian women and their children from the camp in late October 2022 occurred shortly after these assessments had been undertaken. On the day the repatriation happened, the Australian women said they did not see any Australian officials. Rather, they said the women and children who were repatriated at that time were taken to meet the Australian delegation at the border between Syria and the Kurdistan Region of Iraq.
20. The Australian women said that Australian officials often call their families back in Australia to find out how the Australian women are doing, whether there is anything they need, and to ask their families to make sure their homes are ready to receive the Australian women and children when they return. For example, one Australian woman said that in early June 2023, Australian officials visited her father-in-law to update him

about her. They told her father-in-law that while there had been some political issues earlier in the year, those issues are now over and that the Australian Government will be working on this issue again soon. The Australian officials also advised him to make sure he has a place ready for the Australian woman upon her return.

21. ██████████ said her family told her that the Australian Government told them that the rest of the Australians would be coming home soon. Further, the Australian Government told ██████████ family that the next call the family receives from the Australian Government would be to confirm that the Australians were on a flight home.
22. ██████████ said the Australian Government claims they cannot bring them home because it is a national security threat. She made the point that Neil Prakash had been brought home and she questioned why he can be returned but innocent young children are unable to be.
23. The Australian women said that from their point of view, they are being held in detention by the Australian Government.

#### **US officials and military**

24. The Australian women said that they have not had any communication with US officials, but the Camp Administration has told them the US are willing to help facilitate their repatriation.
25. The Australian women said that US officials and the US military visit the camp from time to time. They are able to spot US officials when they arrive because the camp is split into two sections, with the main gate located in the middle of the two sections. The Camp Administration offices are located at the main gate. The Australian women said they have seen US uniformed military and non-uniformed officials arrive at the main gate in large, armoured trucks and then proceed to visit the other section of the camp, but they have not come into the section where the Australians are located.

#### **Yusuf Zahab**

26. I also spoke with ██████████. She told me she understood that an ASIO official had visited Yusuf in the prison just weeks before he was reported to have been killed. She said that more than anything else she would like closure on what had happened to her son. She would like ASIO to confirm if he has

passed. However, despite her other contact with Australian officials, she said she had not had any contact with Australian officials in relation to the status of her son.

### **Health issues and other concerns**

27. Some of the Australian children are suffering from health issues, including asthma, liver issues, skin rashes, depression, severe anxiety, and panic attacks. I was informed that one 17-year-old girl has been suicidal in recent months.
28. Some of the Australian women are also sick. They told me that they are not able to receive the healthcare they need, including for the children. They said the doctors in the camp can be quite dismissive of their health concerns. They also said that other nationalities in the camps have doctors from their home countries who come to the camps to check up on them. They wanted Australia to offer medical care of this nature to them.
29. ██████████ informed me that she is particularly unwell. She said she is spending a lot of money on diabetic medication and regularly has severe heart pain. She believes she's had stroke, which has left one side of her face numb.
30. ██████████ said her son is severely sick with asthma and is very traumatised.
31. The Australian women said they have communicated their health conditions to the Australian Government multiple times, and as recently as mid-July, via their family back in Australia.
32. The Australian women expressed concerns about the lack of water available to them, especially on hot days. The Australian women told me that it is a long distance for them to carry water back to their tents.
33. There is also an oil well just a few hundred meters away from their tents. ██████████ told me this has caused breathing problems for a number of the Australians. They said they complained about this last year, and it was turned off, but then it was turned on again a few months ago.
34. There are also electricity wires hanging less than a meter above some of the tents, which has caused fire sparks to spray onto the tents.



35. Notwithstanding the good relationship that appears to exist between the Australian women and the Camp Administration, the Australian women are concerned about some of the other women in the camp, who have previously thrown rocks at the Australian women. There was an occasion when a bottle was lit on fire and thrown at their tents.
36. The Australian women said that their children have lost hope. The Australian children ask why some children were repatriated but not them. They say they want to visit the beach, go to school, and feel safe too.

### **Removal of boys from the camp**

37. The Australian women said every night around 11.30pm a truck drives around the camp. The Australian women believe this is possibly searching for older boys who have been hiding during the day to avoid being relocated to other facilities.
38. The Australian women told me the impact of the forced removal of boys was having significant impacts on the wellbeing of children in the camp, leading children to either hide in their tents or to run away and hide when they are out and playing and a truck or car drives nearby. The Australian children who I spoke to said that they are aware of what happened to Yusuf Zahab, which makes them very afraid of being taken from the camp. ██████████ said on top of her son's health conditions, he's extremely afraid of being taken and she has observed that this fear is making her son's health condition worse.
39. The representative from the Camp Administration stated that the removals are not occurring due to the Administration, and there is nothing they can do to prevent it. I was told the US Coalition supports the removal of boys from the camp.
40. The Australian women said they are now given the opportunity to meet the boys who have been removed on special occasions (like public holidays) and they are able to speak to them over the phone.
41. One of the Australian women, who has an 11-year-old boy and a 12-year-old boy, said she would allow her boys to be repatriated before her, if that was necessary, in order to protect them.

### **Repatriation**

42. The Australian women reiterated to me that they are not expecting for everything to go back to normal once they get home. They are aware they will need to face authorities' questions and indicated to me they are very willing to adhere to any restrictions the Australian Government wants to place on them.

Affirmed by the deponent  
at Sydney  
in New South Wales  
on 18 August 2023  
Before me:

)  
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)  
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Signature of deponent



Signature of witness

**Camryn Cooper**

Corrs Chambers Westgarth  
Level 22, 567 Collins Street, Melbourne VIC 3000

An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (Victoria).

A person authorised under section 19(1) of the *Oaths and Affirmations Act 2018* (Vic) to take an affidavit.

This affidavit was signed and witnessed over audio visual link in accordance with the *Oaths and Affirmations Act 2018* (Vic).