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8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 RAHINAH IBRAHIM, an individual,
14 Plaintiff

15 vs.

16 DEPARTMENT OF HOMELAND
17 SECURITY, et al.,
18 Defendants,
19 -
20

Case No.: C 06-0545 WHA

**DECLARATION OF RAIHAN BINTI
MUSTAFA KAMAL IN SUPPORT OF
PLAINTIFF'S RESPONSE TO
DECLARATION OF MAUREEN DUGAN**

Trial: December 6, 2013
Time: 7:30 a.m.
Ctrm.: 8, 19th Floor
Judge: The Honorable William H. Alsup

Complaint Filed: January 27, 2006

21
22 I, Raihan binti Mustafa Kamal, declare:

23 1. I am a daughter of Rahinah Ibrahim, plaintiff ("plaintiff"), in this action. I submit
24 this declaration in support of plaintiff's Response to Declaration of Maureen Dugan. This
25 declaration is based upon my own personal knowledge and if called upon to testify to the matters
26 asserted herein, I could competently testify thereto.

27 2. I was born on February 25, 1987 in Seattle, Washington.
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1 3. I currently reside in Malaysia. I returned to the United States during my mother's
2 period of study at Stanford University on the following approximate dates: November 2000 to
3 December 2000, November 2001 to December 2001, and November 2002 to December 2002.

4 4. I planned to return to the United States to participate in the trial in the present
5 action. Due to budgetary constraints and the expense of trial, McManis Faulkner, the law firm
6 representing my mother, was unable to pay for my travel to San Francisco for the trial as it
7 originally planned to do. McManis Faulkner cancelled the booking it had made, and I purchased
8 a ticket to travel with my own funds.

9 5. On November 30, 2013, I booked a ticket through a travel agent to travel on
10 December 1, 2013 at 5:35 p.m. from Kuala Lumpur, Malaysia to San Francisco International
11 Airport with a connecting flight through Manila, Philippines. The travel agent booked the flight
12 through Expedia, an online travel site. A true and correct copy of the email confirmation from
13 Expedia for my flight on December 1, 2013, is attached hereto as **Exhibit A**.

14 6. On November 30, 2013, after booking my travel to the U.S. on Expedia, I
15 received a telephone call from someone who identified himself as Mr. Johan, an Expedia Officer
16 in Malaysia. Mr. Johan stated I should cancel my flight for December 1, 2013. I informed him
17 that I did not wish to cancel that flight. He then informed me that it would not be possible for me
18 to remain booked on that flight because it was full. He advised I cancel the flight in order to
19 receive a full refund. I again refused to agree to the cancellation.

20 7. On December 1, 2013, I received a call from a different Expedia Officer in
21 Malaysia – Mr. Paul Kong – regarding my original booking for December 1. He asked me to
22 cancel that flight, but I refused. Mr. Kong gave me two options: (1) pay an extra RM 7,000
23 (over \$2,000) to travel business class on December 1, 2013, or (2) pay an extra RM 2,000 (over
24 \$600) to travel economy class on a different date. I did not agree to either option.

25 8. I discussed the situation with my travel agent and he changed my booking to
26 travel on December 2, 2013 at 1:35 p.m. without having to incur additional costs.

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1 9. Eventually, I received the email confirming my e-ticket for the December 2, 2013
2 flight at 1:35 p.m. A copy of this email confirming my rebooking is attached hereto as **Exhibit**
3 **B.**

4 10. I arrived at the Kuala Lumpur International Airport on December 2, 2013 at
5 approximately 10:50 a.m. My sister, Rafeah Mustafa Kamal, and my brother, Muhammad Al-
6 Ameen Mustafa Kamal, were with me.

7 11. When I attempted to check in for my flight at the Malaysia Airlines counter, the
8 staff member spent fifteen (15) minutes attempting to check me in. I inquired what was taking
9 so long and he answered that they were unable to check me in. He called another officer and
10 asked me to step aside in the meantime.

11 12. The officer-in-charge, Mr. Zainuddin, came and introduced himself as the
12 Malaysian Airline System (“MAS”) Officer and supervisor. He informed me that MAS had
13 received an order from the Philippines Airlines to not allow me to board the flight to Manila, as
14 well as the connecting flight to San Francisco. This incident was reminiscent of the incident that
15 happened to my mother during her attempts to check in for travel from Kuala Lumpur to the
16 United States in March 2005. I was present during the March 2005 incident and witnessed what
17 happened to my mother.

18 13. I explained to Mr. Zainuddin that I have a U.S. passport. I informed him that
19 because I am an American citizen, I do not require a visa to travel to the United States. I asked
20 him why I was being denied boarding. Mr. Zainuddin informed me that a Philippines Airline
21 representative, Miss Bee, had ordered MAS to deny me boarding. I asked Mr. Zainuddin who
22 had made this order. He said he did not know, but had simply been instructed how to answer if
23 asked this question.

24 14. I insisted on seeing documentation from the Philippines Airlines, but was
25 informed I would have to contact Philippines Airlines directly for that.

26 15. Eventually, Mr. Zainuddin offered me a telephone number to contact. However,
27 another airline official, who I presumed to be a Philippines Airlines officer based on his attire
28 consistent with that of Philippines Airline employees, suggested they call the number for me

1 rather than giving me the number to call by myself. Before they called the number, I contacted
2 my mother to inform her of the status of things. While I spoke to my mother about what was
3 happening to me, my sister obtained the phone number from Mr. Zainuddin. That number is
4 (305) 874-5444. Another Philippines Airline employee, Miss Bee, informed me that the
5 instruction to verify my name came from "Miami Security Homeland."

6 16. Miss Bee showed me an email with the subject, "Possible No Board Request."
7 Mr. Zainuddin later gave me a copy of this email. Attached hereto as **Exhibit C** is a true and
8 correct copy of the email given to me by Mr. Zainuddin.

9 17. I was informed by Miss Bee that there was no problem for me to go to Manila, but
10 that I would be denied entry to the U.S. from there. She further directed me back to MAS as
11 they were believed to be responsible for verifying this matter with the U.S.

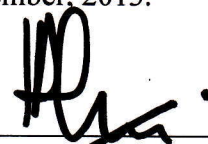
12 18. The MAS officer questioned whether the trouble could be with my U.S. visa.
13 However, I have an American passport and do not require a visa to travel to the United States.
14 Another airport official warned me that after this incident, if I wanted to travel to the United
15 States, I would need to have a clearance letter from the U.S. to verify that I am no longer on the
16 "POSSIBLE NO BOARD" list.

17 19. The MAS officers told me they would take note of this matter. I left the airport
18 because it appeared there was nothing further I could do. I did not rebook my ticket to
19 December 3, 2013 or any other date, nor did I fail to show for any rebooking.

20 20. The cost of my ticket to the United States was Ringgit Malaysia 5,751 (\$1782.42).
21 I cannot afford to buy another ticket to travel to the United States at this time.

22 21. I am very upset that the Department of Homeland Security would subject me to
23 the same unfair treatment my mother experienced in 2005.

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct. Executed on this 6th day of December, 2013.

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28 RAIHAN BINTI MUSTAFA KAMAL