

E X C E R P T
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff;)
vs.) Case No. 00 CR 582
SHARIF A. ALWAN,) Chicago, Illinois
Defendant.) October 17, 2000
10:00 a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE RUBEN CASTILLO

APPEARANCES:

For the Plaintiff:

MS. JOAN SAFFORD
MR. DANIEL GILLOGLY
Asst. U.S. Attorneys
219 S. Dearborn Street
Chicago, Illinois 60604
(312) 353-5300

For the Defendant:

MR. STANLEY L. HILL
Stanley L. Hill & Assoc., P.C.
10 S. LaSalle St., Suite 1301
Chicago, Illinois 60603
(312) 917-8888

MS. DALAL M. JARAD
Law Offices of Dalal M. Jarad
10 S. LaSalle St., Suite 1301
Chicago, Illinois 60659
(312) 372-7750

Court Reporter:

KATHLEEN M. FENNELL, CSR, RPR, FCRR
Official Court Reporter
United States District Court
219 South Dearborn Street, Suite 2318-A
Chicago, Illinois 60604
Telephone (312) 435-5569
email: kfnl@aol.com

326

1 (Proceedings heard in open court, jury present:)

2 * * * * *

3 SHARIF A. ALWAN, DEFENDANT HEREIN, DULY SWORN,

4 DIRECT EXAMINATION

5 BY MR. HILL:

6 Q. Would you state your name, please, sir.

7 A. My name is Sharif Alwan.

8 Q. Mr. Alwan, I'd like you to speak up, and I'd like you to
9 speak as clearly as possible so that all of these 14 jurors can
10 hear what you're saying, okay? Okay?

11 A. Yes, sir.

12 Q. Mr. Alwan, where were you born?

13 A. I was born in Einybrod, Ramallah, in West Bank.

14 MR. HILL: And for purposes of some of these spellings
15 for the court reporter, I will provide the court reporter later
16 with some of the spellings so that we can keep this flowing, if
17 that's okay, Judge.

18 THE COURT: Okay.

19 BY MR. HILL:

20 Q. And Ramallah, is that what you indicated, is that the
21 village?

22 A. That's -- that's the city. The village is Einybrod.

23 Q. The city.

24 A. Right.

25 Q. And when were you born, sir?

226

1 A. 12-12-68.

2 Q. December 12th, 1968?

3 A. That's right.

4 Q. And can you tell the ladies and gentlemen of the jury
5 where this village Ramallah is, sir?

6 A. Ramallah actually is a city. It's like --

7 Q. You've got to keep your voice up.

8 A. Ramallah actually is a city, which is actually around 20
9 miles south -- I'm sorry -- north, northwest of -- yes, it is
10 northwest, northwest of Jerusalem exactly.

11 Q. Is that in an area -- can you pull that mic closer to you
12 also if you can speak into it?

13 A. Yeah.

14 Q. Don't hold it, but just speak into it if you will, okay.

15 Is that in an area commonly referred to as the West
16 Bank?

17 A. West Bank is the area, and Ramallah is inside West Bank
18 itself.

19 Q. Okay. And is that also known as the Occupied Palestinian
20 Territory?

21 A. That's correct.

22 Q. Would you explain to the ladies and gentlemen of the jury
23 what's meant by the Occupied Palestinian Territories.

24 A. What means about it is the land that has been captured
25 during the War of 1967 that was between Israel and the Arab

1 countries, and that's simply -- now it's under the control of
2 two parties, the Palestinian National Authority and the Israeli
3 force, and the village I live in still under the control,
4 security and military under the control of the Israeli military
5 force.

6 Q. You said this area is under the control of the Israeli
7 military force.

8 A. My village, yes, it is.

9 Q. All right. Now, and you said that this came about as a
10 result of the 19 -- which war, 19 --

11 A. '67 war.

12 Q. 1967 War between the Israelis and who?

13 A. And the Arab countries.

14 Q. And the Arab countries. So is Palestine a state?

15 A. It's not a state that exists.

16 Q. It is an Occupied Territory.

17 A. Yes, it is.

18 Q. And it's occupied by the Israeli military forces, is that
19 correct?

20 A. That's correct.

21 Q. And that's where you were born one year after the war.

22 A. That's right.

23 Q. The war was in '67, you were born in '68, is that correct?

24 A. That's correct.

25 Q. Now, Mr. Alwan, tell us about your early education. Did

226

1 you go to school in the Occupied Territory?

2 A. Yes. Matter of fact, I went to the high school in the
3 same village that I was raised up in.

4 Q. You must keep your voice up, please.

5 A. I went to the high school in the same village that I
6 raised up with, which is I finished my high education, I mean
7 high school education, for 12 years in the same school.

8 Q. Okay. Your voice is dropping. Please keep it up.

9 A. Go ahead. I'm sorry.

10 Q. I hear you, and I've gone over this -- I've gone over this
11 with you before, right? Have I not? I've gone over these
12 questions with you before?

13 A. Yes.

14 Q. But the jury hasn't heard these before. So you're going
15 to have to keep your voice up, okay?

16 A. Go ahead.

17 Q. All right. Now, did you have any brothers and sisters?

18 A. Yes, I do.

19 Q. How many brothers do you have?

20 A. I have three brothers.

21 Q. And how about sisters, do you have any sisters?

22 A. And I have four sisters.

23 Q. And, by the way, your mom and dad, what are their names?

24 A. My father name Ahmad Alwan, and my mother name is Siham

25 Alwan.

326

1 Q. By the way, are both your parents American citizens?

2 A. Yes, they are.

3 Q. They were not, though, American citizens when you were
4 born in 1968, though, were they?

5 A. No, they were not.

6 Q. And you were born outside the United States, correct?

7 A. That's correct.

8 Q. Thus, you are not an American citizen currently, are you?

9 A. No, I'm not.

10 Q. What is your status, though, in this country? I you a
11 resident?

12 A. I am a legal permanent resident.

13 Q. A legal permanent resident?

14 A. That's correct.

15 Q. And have you applied for citizenship --

16 A. Yes, I did.

17 Q. -- in the United States?

18 A. Yes, I did.

19 Q. And that's your goal, to become an American citizen, is
20 that correct?

21 A. Yes, sir.

22 Q. Now, you graduated from -- or you finished school or high
23 school in Ramallah in what year, sir?

24 A. I believe it was the year '68 -- I'm sorry -- '86, '87.

25 Q. '86, '87, about. And after that, were you able to go on

1 to college there, over in Ramallah?

2 A. Yes, I went to Jerusalem College for about a semester, but
3 I haven't finished that semester.

4 Q. Okay. So you did go there, correct?

5 A. Yes, that's correct.

6 Q. But why didn't you finish Jerusalem College?

7 A. Because of the Palestinian uprising there at the beginning
8 of the late '87, the late '87, I haven't a chance to finish
9 that because all the colleges and schools and universities,
10 they were closed.

11 Q. They were closed.

12 A. That's true.

13 Q. Closed by whom, sir?

14 A. They were closed by the Israeli authorities there in the
15 Occupied Territories.

16 Q. By whom?

17 A. By the Israeli authorities, by the Israeli defense force.

18 Q. What languages do you speak?

19 A. I speak English, as it's been known now, and I speak
20 Spanish, and I speak Arabic, which is my mother tongue
21 language.

22 Q. Do you speak Hebrew?

23 A. No, I don't.

24 Q. I'll get back to that in a bit.

25 In 1988, while you were in a mosque, will you tell the

326

1 ladies and gentlemen of the jury what happened to you?

2 A. I remember we're in the last prayer, and we just have
3 three soldiers, they come inside that mosque and they arrest
4 everybody who was inside it, including small kids, including
5 everybody except the Imam, which was the leader of the mosque.

6 And they -- we were arrested all. We were put on a
7 bus. We were beaten. The soldiers, they put us on the ground
8 of the bus --

9 Q. Keep your voice up, please.

10 A. The soldiers, they put us on the ground of the bus. They
11 were running on the top of us, beating us with the sticks until
12 they brought us to Ramallah, where they have small military --
13 small military camp where they have the army there, and --

14 Q. You said this military came into the mosque?

15 A. Yes, they did.

16 Q. What were you doing when the soldiers came into the
17 mosque?

18 A. We were praying.

19 Q. And you were taken from the mosque?

20 A. That's correct.

21 Q. And what happened to you? What did they do to you?

22 A. They arrest everybody, including my brothers, one of my
23 brother, his name is Yasser Alwan, and he's here in the court
24 even, and during -- even some American citizens, people they
25 were with us.

326

1 They put us in the floor of the bus. The soldiers,
2 they were running on the top of us, beating us with the sticks
3 and torturing us with all means until they took us to Ramallah,
4 which is the next city.

5 Q. Okay. Now, Ramallah, is that the city where you had been
6 born?

7 A. Einybrod, that's the village where I born. Ramallah is
8 the next city.

9 Q. Is the next city. And was there a military camp at that
10 location?

11 A. Yes.

12 Q. And would you tell the ladies and gentlemen of the jury --
13 and this is in 1988, right, about?

14 A. Yes, I believe it's in 1988.

15 Q. You're about 20 years old at that time, correct?

16 A. Yes.

17 Q. All right. And what did they do while you were in the
18 military camp?

19 A. Well, as soon as we approach there, we find another group
20 of soldiers, which they start beating us with sticks again and
21 searching us, and even some of them smash raw eggs on the top
22 of our heads.

23 Q. Did what?

24 A. They broke raw eggs.

25 Q. Raw eggs?

326

1 A. That's correct, on the top of our heads, and they just
2 took our shoe laces, and they put us inside a tent, which was
3 around 70 to 80 people inside it. And we just sleep all on the
4 floor, no blankets, no mattresses, no nothing. I remember it
5 was snow at that night even. I won't forget that night.

6 Q. How long did you remain in custody by the Israeli military
7 forces at that point?

8 A. It wasn't long. We stayed in Ramallah about three days.
9 Then they transferred us during a suffer trip.

10 Q. Separate trip?

11 A. Another suffer trip. That's they tied our hands to the
12 back and they tied our eyes and they transfer us to Avrea,
13 (ph.) which is next to Hebron. We stayed there around seven
14 days, which is the total arrest is ten days, and after that I
15 was released.

16 Q. After a total of ten days.

17 A. That's correct.

18 Q. Three days at one location and seven days at another, is
19 that correct?

20 A. That's about it, yeah.

21 Q. Were you mistreated during the entire period, that entire
22 ten-day period by Israeli military?

23 A. Of course, I was. All of that torturing when somebody
24 transfer you, took us around from the early morning up to the
25 evening time to approach the destination from Ramallah to

326

1 Hebron, which is -- just takes two hours trip in the regular
2 car ride. Took us the whole day with our hands tied in the
3 back, and our eyes are tied that you cannot see.

4 Q. Were you allowed representation of an attorney?

5 A. There was no attorney that who came and visit us.

6 Q. At that time.

7 A. That's correct.

8 Q. Were you allowed to make a phone call or tell somebody to
9 come get you out on bail?

10 A. There is no phone calls there. It's impossible to make a
11 phone call.

12 Q. Pardon me?

13 A. It's impossible to make a phone call inside the jail.

14 Q. Were you taken before a judge to review the charges
15 against you?

16 A. There was -- there was no judge there.

17 Q. Why were you released after ten days?

18 A. The jail they put us in, it was too much crowded, like 30,
19 40 people inside the same room, and the people they keep coming
20 in. So they have to let some people go out.

21 Q. And you were one of the fortunate ones that was
22 released --

23 A. That is correct.

24 Q. -- at that point, is that correct?

25 A. Yes.

326

1 Q. Now, this is in '88, correct?

2 A. As I remember, yes.

3 Q. Now, in '88 when you were taken into custody, was your
4 dad -- was he in the United States at that time?

5 A. Yes, he was.

6 Q. And was Mrs. -- was his -- was your mother also here with
7 him at that point?

8 A. No, my mother, she was overseas.

9 Q. She was still where?

10 A. She was still on the West Bank.

11 Q. All right. What did your father do once you got out of
12 jail? What did he arrange to do?

13 A. Well, since we have no choice either to go to school or in
14 those tough conditions, he just decide to bring me to the
15 United States.

16 Q. By the way, why was part of the family in Palestine and
17 part of the family, your dad, here in the United States at that
18 point?

19 A. Well, actually, from a cultural point of view that we
20 would like to send our kids to the schools back home to learn
21 the language and finish their high school sometimes.

22 Then after that, we bring them back here. And that's
23 what the strategy of my father was because he have a big
24 family. He send us -- he sent my brothers and sisters who were
25 born here overseas and until we came back here.

326

1 Q. Was your dad working here in the country, in the United
2 States and sending money back home then?

3 A. That's correct.

4 Q. Okay. And what kind of work was your dad doing?

5 A. He was working as a salesman, and he worked in some
6 companies that I don't remember the names.

7 Q. Was he able to obtain a visa for you to come to the United
8 States after your release?

9 A. Yes.

10 Q. And did you come to the United States?

11 A. Yes, I did come here in -- in spring 1989.

12 Q. Okay. By the way, in the spring of 1989, you weren't
13 married, were you?

14 A. Of course not.

15 Q. Well, I know that, but the jury doesn't know that.

16 A. Yes, I wasn't married. I was single, 21 years old.

17 Q. Okay. And you didn't have any children at that point
18 either, right?

19 A. No, no, I don't.

20 Q. All right. So you then came to the United States, did you
21 not, in about 1989 I believe, is that correct? You have to
22 answer.

23 A. I'm sorry, can you repeat the question?

24 Q. When did you come to the United States after your release
25 from the --

326

1 A. I came to the United States in 1989, July 1989.

2 Q. Now, after you came to the United States, did you work?

3 A. Yes.

4 Q. Did you go to school?

5 A. Yes, I did.

6 Q. Where did you go to school?

7 A. I went to the Wright College by the north side.

8 Q. Wright?

9 A. Wright College at Addison and Austin, and then after that
10 I went to the Morton College.

11 Q. Excuse me?

12 A. Morton College.

13 Q. Morton College?

14 A. Yes, at Cicero, Illinois, southwest suburbs.

15 Q. What were you studying?

16 A. I was just studying language and mathematics and general
17 materials to prepare me to go to the school.

18 Q. Did you work?

19 A. I wasn't working at that time.

20 Q. Did you eventually take on a job, a job where you worked?

21 A. Not a job, no.

22 Q. Well, what did you do besides -- not while you were in
23 school? My question is at some point, did you start working a
24 job?

25 A. I was supported by my brother, actually, who was here

326

1 before me.

2 Q. Which brother was that?

3 A. Amin Alwan.

4 Q. Is he here?

5 A. Yes, sir.

6 Q. In court?

7 A. That's correct.

8 Q. Go on. And then did you at any point take a job?

9 A. No, sir.

10 Q. Well, when did you work at Mi Casa?

11 A. Mi Casa, that was later on in 1995.

12 Q. Oh, that was later on, okay. That's my question.

13 After -- so you were in school, but at some point, you did take
14 a job, correct? Mi Casa, did you work at Mi Casa?

15 A. Mi Casa is later on. In 1995 I was working in Mi Casa,
16 the restaurant.

17 Q. Okay. Did you work at any other places?

18 A. Yes. I work with my brothers in a grocery store, LaRosita
19 Food Mart.

20 Q. A grocery store?

21 A. That's correct.

22 Q. What was the name of the grocery store?

23 A. LaRosita Food Mart.

24 Q. LaRosita?

25 A. Correct.

326

1 Q. Is that located at 21st and --

2 A. 21st and California.

3 Q. -- California?

4 A. Yes.

5 Q. Okay. Now, Mr. Alwan, in '95 -- by the way, between '90
6 and '95, did you leave the United States?

7 A. Yes, I did.

8 Q. And when was -- would that have been in 1993 about?

9 A. About '92, I believe, '93.

10 MS. SAFFORD: Your Honor, I object to leading at this
11 point.

12 THE COURT: Okay. Try not to lead.

13 MR. HILL: I'm trying, because -- fine. What
14 happened --

15 Just because of the language, Judge.

16 THE COURT: I understand.

17 MR. HILL: Fine.

18 BY MR. HILL:

19 Q. What happened in '92 or '93 in terms of your leaving?
20 What was your purpose for leaving?

21 A. I just went to attend a wedding.

22 Q. Attend a what?

23 A. A wedding in Jordan.

24 Q. Okay. And who was getting married?

25 A. One of my cousins.

326

1 Q. All right. Who?

2 A. Mustafa.

3 Q. Who?

4 A. Mustafa.

5 Q. Okay. You still aren't married at this point though,
6 correct?

7 A. That's correct.

8 Q. All right. Do you return to the United States after the
9 wedding?

10 A. Yes, I did.

11 Q. All right. And in '95, about '95, did you have occasion
12 to leave the United States again?

13 A. Yes.

14 Q. When in '95 did you leave the United States?

15 A. I left in July, 1995.

16 Q. And what was your reason for leaving in July of 1995?

17 A. Was trying to go back home, visit my parents, and pick up
18 a country girl and get married.

19 Q. Pick up a country girl --

20 A. And get married.

21 Q. -- and get married.

22 A. That's right.

23 Q. Now, you say your parents. I thought your dad was here in
24 the United States at that point?

25 A. He wasn't at that time.

326

- 1 Q. Pardon me?
- 2 A. I believe he wasn't at that time. He was back home --
- 3 Q. In Palestine?
- 4 A. -- on the West Bank, yes.
- 5 Q. Okay. Did you return home to Palestine in '95 to get
- 6 married?
- 7 A. Yes, I did, but --
- 8 Q. Did you have a chance to get to your bride?
- 9 A. I never have a chance to get to my bride.
- 10 Q. Who was this person that you were going to marry? What
- 11 was her name?
- 12 A. She was Miriam, Miriam Hassan, which is one of our cousins
- 13 in Jordan.
- 14 Q. Did you get to the Jordan airport?
- 15 A. Yes, I did.
- 16 Q. Did you ever see your bride?
- 17 A. No.
- 18 Q. Tell the ladies and gentlemen of the jury what happened
- 19 instead of you getting married at that point?
- 20 A. Of course, traveling through Jordan, after you arrive in
- 21 Jordan, you have to go to the West Bank through the bridge
- 22 there, that cross point --
- 23 Q. Is that the Allenberg Bridge?
- 24 A. Allenberg Bridge, that's correct.
- 25 As soon as I enter the bridge to the Israeli side,

326

1 from the Jordanian side to the Israeli side, the Israeli
2 computer ladies work at the computers, they told me you have to
3 step aside and to go to the intelligence office.

4 Q. Okay. Now, you got to a check point across the bridge, is
5 that correct?

6 A. That's correct.

7 Q. And this is the Allenberg Bridge?

8 A. Allenberg Bridge, correct.

9 Q. What does the Allenberg Bridge separate?

10 A. That separates -- it's a bridge over the Jordan River,
11 which separate the West Bank of -- the West Bank, which is the
12 Occupied Territories, from the East Bank, which is we call it
13 Jordan. That separate both sides from each other, which is
14 both countries.

15 Q. When you came to that check point, you were asked to step
16 aside, is that correct?

17 A. That's right.

18 MR. GILLOGLY: Your Honor, excuse me. Could I ask
19 Mr. Hill if he could move so we can see the witness? Thank
20 you.

21 THE COURT: Okay.

22 MR. HILL: Fine.

23 BY MR. HILL:

24 Q. What happened to you at that point?

25 A. After I step aside, I waited for hours. When I ask what's

326

1 going on, I have no answer from nobody.

2 After they search my bags, my stuff, my suits and
3 everything, I was waited till I'm almost the last person there,
4 about evening time before the sun dives. Then there was the
5 military force which is they call it Haras Hadud, (ph.) the
6 army border there, and at that point, I realize that I was
7 taken in custody.

8 Q. Who took you into custody?

9 A. The Israeli army, the defense army.

10 Q. Are they known as -- what is the Shimbet?

11 A. The Shimbet is the intelligence, which is if you translate
12 it in English, the NITS, they call it, I believe.

13 Q. They call it what?

14 A. The NITS.

15 Q. The what?

16 A. The NITS, N I T S.

17 Q. Okay.

18 A. NITS.

19 Q. What do you understand the Shimbet to be?

20 A. That's the Israeli intelligence for -- that's the Israeli
21 intelligence for the country inside.

22 Q. After you were taken into custody -- were you taken into
23 custody by the Israeli military?

24 A. Yes.

25 Q. After you were taken into custody by the Israeli military,

326

1 did you have occasion to meet the Israeli Shimbet?

2 A. Well, actually, before I was in the hands of the army, I
3 step on the side of the office there, the intelligence office
4 of the Shimbet, which is at the Allenberg Bridge, and they
5 investigate my personal life. What's your name, what's your
6 personal life, the name of your dad, and all of these things,
7 and I have been taken into custody without any explanation,
8 without any reason, without any indictment that I know.

9 Q. Were you taken into custody?

10 A. Yes.

11 Q. For what?

12 A. At that time, I don't know.

13 Q. After you were taken into custody, and I want you to speak
14 clearly and loudly so that this jury can hear you, you tell
15 them what happened.

16 A. I -- I have a van that was waiting for me there. They
17 tied my hands to the back, they tied my eyes, they put me in
18 the floor of that van. The van's rolling me, right to the
19 left, and they're speeding there. There's no seat. You have
20 to sit at the ground of the van all the way to Mosqubeya, which
21 is a concentration -- the police station there, an old police
22 station and one of the worst interrogation centers in Israel
23 there.

24 Q. And what happened? Tell us.

25 A. That night, I was so scared, I just spend my night on the

326

1 ground of the hole, and it was no blanket even there. And it
2 was I believe the shower room where they take a shower. That's
3 where I spend my night.

4 Then after three days -- I'm sorry -- I believe it was
5 the second day they transferred me to Ramallah.

6 Q. To where?

7 A. To Ramallah.

8 Q. What is that?

9 A. Ramallah. That's the city of Ramallah, but they have a
10 camp there.

11 Q. What kind of camp?

12 A. Which is -- it was military camp where they have another
13 interrogation center at that time before they handed it to the
14 Palestinian Authority later on.

15 And it is the suffer story that never came to the
16 lights from that moment up to these days, where I was tied to a
17 small chair, have small legs from the front, that wherever you
18 sit down, that you couldn't lean your back to that, to the
19 back, my hands cuffed to the back. My head covered with a
20 sack, dirty sack that's bad smell.

21 Q. A sack you said?

22 A. That's a mask or a sack to cover your head, day and night,
23 one day, two days, three days, four days, I thought it's going
24 to be over, five days, six days, day and night.

25 Imagine that you are sitting in these comfortable

326

1 seats, how much you could stay there. I start screaming. Told
2 me you have no rights here. Nobody could protect you. You are
3 under custody. You have no rights. And they say we are sorry,
4 you have right to eat and go to the bathroom, that's all.

5 It was a full destroy to the nerve system in the human
6 body.

7 Q. It was what?

8 A. It was full destroy to the nerve system.

9 Q. What to the nerve system?

10 A. To the nerve system, like they don't want you to be --
11 it's like stage between death and life they put us in, they put
12 me in.

13 Q. Mr. Alwan, you're going to have to tell us again what you
14 just said, please.

15 A. It was a stage between life and death, like having a
16 nightmare, like where you could remember and you couldn't
17 remember, and you cannot have control of yourself. Your hands
18 are tied, your blood's not recirculating right in your body.

19 Q. Your --

20 A. Your blood.

21 Q. Is not what?

22 A. Is not recirculating right.

23 Q. Not circulating right?

24 A. That's correct.

25 Q. Why not?

326

1 A. Because the handcuff are very tight, and you have your
2 hands grow like bubbles.

3 Your eyes are covered. You can't see. There's a bad
4 smell that destroy your nose, too. There is a loud music that
5 disturb your ears.

6 Q. Loud music?

7 A. Very loud music. And you cannot sleep. There's no
8 chance. You'll wish that there's a wall that you could bend
9 next to. And whenever you bend, then find you making a nap,
10 they disturb you and they wake you again.

11 Q. I know what you said, but it wasn't clear. Why say
12 what you just said.

13 A. Whenever you have a nap --

14 Q. A nap?

15 A. -- and they find you making a nap at the chair

16 Q. Wait, when you're beginning to go to sleep, what what
17 you mean?

18 A. At the same chair I'm talking about. At that small same
19 chair which is like the size of the car chair, where your hands
20 tied to the back, you cannot sleep. They keep disturbing you
21 day and night, and, of course --

22 Q. What would happen if you begin to fall asleep?

23 A. You'll fell down off of that chair. If you just tried to
24 sleep, you'll fell down. That's why somebody told me you know
25 why is this chair is very small? Because when you fell down

1 you won't be broke. Your bones won't be broke. That's why we
2 select this small chair for you.

3 Q. How were your harms positioned as you sat in this small
4 chair?

5 A. Your hands tied to the back.

6 Q. Okay. Now, were your arms up behind your back or were
7 they down behind your back?

8 A. They were down behind your back.

9 Q. And you say a small chair. Was it the size of the chair
10 that you're sitting in?

11 A. I wish it is half of this size.

12 Q. It was a very small chair?

13 A. Very small chair, a wooden chair.

14 Q. How long were you forced -- were you forced to sit in this
15 chair?

16 A. Of course, I was forced.

17 Q. How long?

18 A. The days I remember I sit in that chair, after I -- later
19 on, after I met with the Red Cross --

20 Q. With who?

21 A. -- with the Red Cross.

22 Q. The Red Cross?

23 A. That's correct.

24 Q. What about the Red Cross?

25 A. First of all, when they arrest you there, you have no

326

1 right to see no lawyer, no family member, no Red Cross.

2 The first 15 days, the first 20 days, you have no
3 right, and you are lucky if they tell your family member which
4 space that you are in or wherever you are in. And there was
5 torture with all kind of means.

6 Q. You say torture of all kinds of means. We weren't there,
7 you've got to tell us what you mean by that.

8 A. During the interrogation rounds, 24 hours, if you are not
9 sitting in the chair, you'll be sitting in the hands of the
10 interrogators, where they are harassing you, cursing you,
11 putting their foot in your private parts, grabbing me in front
12 of my shirt, shaking me tens of times.

13 Q. What do you mean shaking you?

14 A. Shaking, grabbing the front of the shirt, in front of the
15 shirt and shaking my head. The shaking simply, when you are
16 weak and you cannot sleep for 10, 15 days, you cannot even
17 hardly lift your arms. Your body become like small baby.

18 When they shake your head, that they make you feel
19 dizzy, that you cannot concentrate, and you cannot even move
20 your body freely, and you become dizzy when they shake you that
21 shake.

22 There is two, three interrogators. One of them
23 standing to the right of you, one is standing to the left of
24 you, one in the middle. And somebody's asking you question,
25 and in response somebody grab you, if they don't like your

326

1 answer, and he start shaking you.

2 This is one of the situations that you sit in.

3 Another situation that they make me sit in small table where my
4 with my hands to the back, putting the hands to the table, and
5 somebody pulling them from the back and somebody lifting my
6 head up.

7 Another situation, they make me sit down on the top of
8 my toes for hours, tens of hours, until I cannot feel the top
9 of my toes.

10 Then after that, they took me to a big hole. In the
11 nighttimes whenever you are tired, they say this is the
12 thinking pipe that we're going to tie you with.

13 Q. This is a what?

14 A. They call it the thinking pipe.

15 Q. The thinking?

16 A. Pipe or tube.

17 Q. The thinking cube?

18 A. Tube.

19 Q. What do they take you there for?

20 A. The hands tied to the back. Whenever you feel you want
21 sleep, you won't be able to stand up on your foot. Your knees
22 would be start falling; and if you fell down, your arms would
23 be broke. You cannot stand like that.

24 And they make you stand there for 10, 20 hours. If
25 you want to go to the bathroom, lucky they make you go to the

326

1 bathroom. Definitely, there's no shower. You'll be smelly and
2 stinky. You never be able to get to take that shower.

3 You only have five minutes to do your private things
4 and to eat at the same time. That was the torturing I have
5 gone through, and they have been -- and I told every torture
6 they torture me to the Red Cross later on, which they file
7 claim suits that was investigated by the Justice Department,
8 which is I wish the Red Cross even gave it to me. The respond
9 later on after I got out from jail, when I asked for those
10 copies of document and those torturing days, that we are sorry,
11 that's going to affect our work, and we cannot give you these
12 kind of documents because that's going to affect our ability to
13 go and visit other inmates.

14 Q. This is the Red Cross?

15 A. This is the Red Cross respond in Ramallah.

16 Q. Trying to intervene into your torture?

17 A. That was later on.

18 Q. How long did this go on, Mr. Alwan?

19 Do you have any idea how long this lasted before they
20 asked you to sign a statement?

21 A. Before I signed the statement, which was a Hebrew
22 statement.

23 Q. Wait a minute, what type of statement did you sign?

24 A. It was a Hebrew statement, a language that I don't read, I
25 don't understand, and I don't write either.

326

1 And I was forced and accused to -- to sign those
2 statements under those kinds of torturing conditions, and that
3 was the solution to relax.

4 Q. I'm sorry, that was the solution to what?

5 A. You want to take a nap, you want to sleep, sign, relax.
6 We'll make you relax. You have to sign these.

7 Q. Was this in Hebrew --

8 A. Yes.

9 Q. -- the first statement?

10 A. You have no other choice.

11 Q. Did you sign it?

12 A. Yes, I did.

13 Q. Did you know what you were signing?

14 A. I don't know what I was signing.

15 Q. Now, subsequently, you handwrote something in your own
16 Arabic language, isn't that correct?

17 A. I was -- yes, I was accused to sign, to write that, after
18 I signed the Hebrew papers they gave me.

19 Q. Explain to the ladies and gentlemen of the jury how that
20 came about, if you would. We weren't there. You have to tell
21 us.

22 A. After I signed the Hebrew documents there?

23 Q. Yes, sir.

24 A. And all those kinds of torturing conditions, the threat
25 was the torturing condition will go on and will go on more, and

326

1 you are in trouble. We have evidence to present it in front of
2 a military court, and that's enough even to give you about ten
3 years.

4 If you want to get out of that, you have to work with
5 us. You have to cooperate sooner or later whatever we tell you
6 to do. You have to write.

7 And they accuse me to write with my handwritten, and
8 they accuse me to sign.

9 Q. When you say they accuse you --

10 A. They force me, that's what I mean.

11 Q. Okay.

12 A. I was forced to sign those documents. I have no will at
13 that time.

14 The beginning of the statements, the ends of it, even
15 mankind will read it, he will see those signs, who was telling
16 you to say it. The interrogator says you write down this, and
17 he start telling you write this. This is free will? Under
18 those kinds of torturing condition?

19 Q. Now, Mr. Alwan, after you signed these statements, were
20 you taken before a military court?

21 A. Yes.

22 Q. Military prosecutor?

23 A. Military court, military prosecutor. They just say --

24 Q. What happened then when you were taken before the military
25 prosecutor, military court?

326

1 A. I'm talking during -- during the period of the
2 interrogation, which is last --

3 Q. By the way, before we get to -- how long were you in
4 interrogation at the camp before you even got to a military
5 court?

6 A. I'm sorry, it wasn't a camp. It was the Zallizeen, or the
7 detention center, which is at Mosqubeya, Ramallah, and it was
8 back and forth in between. Sometimes I spent Mosqubeya, some
9 days in Ramallah. In order not to relax on the weekend, which
10 is the Sabath, Saturday and Sunday, they were transferring me
11 back and forward.

12 Q. So this court was actually part of the military camp, is
13 that correct?

14 A. That was, yes, in Ramallah, at that time.

15 Q. It wasn't a court outside the military. It was within --

16 A. It was within Ramallah. That was -- that lasted for four
17 months.

18 Q. Four months.

19 A. The days I remember sitting at that small chair is around
20 63 days. That's what the Red Cross later on remind me, with
21 keeping track with days. And it's too hard to keep track with
22 days while you are in small cell, which is they call it the
23 grave, where there is no lights on.

24 And you are lucky if they transfer you to another
25 cell, a big cell where you have a light 24 hours that you

326

1 couldn't distinguish between day or night.

2 Q. You couldn't tell the difference between day and night?

3 A. Of course, you can't.

4 Q. Why weren't you able to then?

5 A. Your hands are cuffed, your heads are covered.

6 Q. You don't see outdoors, or you're in a cell?

7 A. You are in the interrogation sections. You never could be
8 track with the date or the dates or the hour.

9 Q. At some point, you're then taken out of the interrogation,
10 right? I'm trying to get a read on the interrogation and when
11 you were being subjected to this treatment.

12 After that, do you appear before a military court?

13 A. I did appear in front of a military court, as a matter of
14 fact, while I was in the detention and the interrogation.

15 First time they say he's under secret documents that we have.
16 Then the second time, they were happy because they have that
17 indictment to keep holding me as much as they could.

18 Q. Now, the indictment that allowed them to hold you, was
19 that the Hebrew statement that you had signed onto?

20 A. That's correct. And I have no chance to meet with a
21 lawyer up to one month. When the first lawyer got to me, he
22 told me you are in trouble. Don't write any more document.
23 Don't sign any more paper to them.

24 And that's why there was no signing papers after that.

25 Even I was still sitting there in those torturing conditions

326

1 and torturing situations until four months. Then later on,
2 they transfer me to Magido concentration camp which is --
3 Migido jail, which is under the control of the army at the same
4 time, at that time, where I could see the light, and I was
5 treated like another inmate.

6 Q. Were you -- did you also -- were you ultimately accused of
7 some crimes by the military police?

8 A. I'm sorry, would you repeat your question? I did not
9 understand.

10 Q. By the military prosecutor, were you ultimately accused of
11 a crime?

12 A. Yes, I was. In order to get out of that situation, I was
13 accused to accept a deal in order not to stay in jail, in order
14 not to have that fear to be tortured again, I was accused to
15 accept that deal.

16 They offer it to me which was after 11 months in jail,
17 I was sentenced for 24 months and with the probation of another
18 three years and a fine. That's 5,000 shekel I believe at that
19 time.

20 MR. GILLOGLY: Can we have a foundation on this
21 prosecution?

22 THE COURT: What's the date on this?

23 BY MR. HILL:

24 Q. That would have been about 1996, is that correct?

25 A. That's correct.

326

1 Q. And, of course, you were initially arrested --

2 A. In July 19th.

3 Q. -- 19th of 1995, is that correct?

4 A. That's correct.

5 Q. Now, why did you plead guilty to the accusations that were
6 brought by the Israeli defense force's military prosecutor?

7 A. Because I was under fear to be tortured again, to be sent
8 back to the hands of the Shimbet, and there was a fear to be
9 given a very high sentence, as my lawyer explained that to me.

10 So it was the best deal, just to sign that deal to get
11 out of jail, which was the only exit to me.

12 Q. While you were detained prior to -- while you were
13 detained during the four-month period before you appeared at
14 the military court, were you subjected to hooding?

15 A. Yes, I was.

16 Q. Would you explain to the ladies and gentlemen of the jury
17 what hooding is.

18 A. Hooding, as I understand, is when somebody cover your head
19 with a nasty cover, that you couldn't see the people who are
20 interrogate you. You couldn't see whenever they hit you.

21 You couldn't see whenever they shake you, and they
22 grab you on the front of your shirt and start shaking you back
23 and forward where their hands are closed and hitting you in the
24 small, tiny bones that you have here which is the weakest --
25 the weakest part of the body.

376

1 Q. Were you subjected to shaking?

2 A. Yes, tens of times.

3 Q. Were you subjected to being beaten in sensitive areas of
4 the body?

5 A. Yes.

6 Q. Were you beaten about your head?

7 A. Yes.

8 Q. About your sex organs?

9 A. Yes.

10 Q. Were you deprived of sleep and food?

11 A. Yes.

12 Q. Were you forced to stand and sit in painful positions?

13 A. Yes.

14 Q. Were you subjected to prolonged confinement in closed,
15 closet-sized cells?

16 A. Yes.

17 Q. How long did that last, sir?

18 A. Four months, four months. That's what I exactly remember.

19 Q. After that four-month period, did you relent and sign the
20 Hebrew statement?

21 A. It was earlier, before the four months.

22 Q. When?

23 A. It was two weeks after my arrest.

24 Q. Two weeks after.

25 A. That's correct.

326

1 Q. But did this continue after you had signed it?

2 A. I don't remember I sign anything after that date.

3 Q. Okay. And how about the Arabic statement that you wrote
4 in your own hand, when did that come?

5 A. I believe it came a couple of days or the second day after
6 the Hebrew signed.

7 Q. Now, how long did you remain in military custody of the
8 Israelis?

9 A. 23 months, about two years.

10 Q. After you got out, did you come back to the United
11 States -- oh, by the way, during that period of time, the two
12 years -- how long was it that you were in custody?

13 A. It was 23 months, about two years.

14 Q. During that 23 months or two years, what happened to your
15 fiance?

16 A. The girl I was supposed to get married with, she get
17 married.

18 Q. To you?

19 A. Not to me, of course. I was in jail. She got married
20 with somebody else.

21 Q. What happened 40 days, though, after you got out of jail?

22 A. After I get out of jail, I met with Mrs. Alwan, my wife,
23 and then get married.

24 Q. Do you meet another woman afterwards, after you get out of
25 jail?

326

1 A. That's what after I get out of jail 40 days, I met with --

2 Q. How many days?

3 A. 40 days, four zero.

4 Q. Okay.

5 A. After 40 days of my release, I met with my wife, which is
6 Khawla Alwan, second cousin, and then get married.

7 Q. Now, let's talk about this second cousin. I asked you
8 about that earlier.

9 You married your second cousin?

10 A. That's right.

11 Q. Is that permitted under Islamic --

12 A. Yes, it is.

13 Q. Okay. Did you get married?

14 A. Yes.

15 Q. Did you have any children?

16 A. Yes. After nine months of getting married, I have small
17 daughter. Her name is Siham.

18 Q. What's her name?

19 A. Siham, S I H A M.

20 Q. Okay. So you would have gotten out of custody when? When
21 did you get out of military custody?

22 A. I believe it was June 15, 1997.

23 Q. Okay. And then you have your daughter about nine months
24 later, about March of '98, is that correct?

25 A. That's correct.

326

1 Q. And after that, do you then leave them and come to the
2 United States, your wife and daughter?

3 A. Yes, I did come to the United States.

4 Q. Why do you come to the United States at that point and not
5 bring them?

6 A. Well, at that time, I'm behind my bills, and I have to
7 come to provide the family, and I can't bring my family because
8 my family, they don't have legal status here.

9 Q. They don't have legal status?

10 A. That's correct.

11 Q. Okay, go on.

12 A. So I came by myself.

13 Q. And this would have been in '98 that you came?

14 A. Yes.

15 Q. All right. After your first child was born, is that
16 correct?

17 A. That's correct.

18 Q. Now, in '98 when you first come, or shortly after you
19 arrive, would it be fair to say around June of '98, you're back
20 in the Chicago area, correct?

21 A. That's correct.

22 Q. And is that the first time that you're taken before the
23 grand jury, the United States grand jury at that time?

24 A. Yes.

25 Q. And you're represented by a Mr. Falconer at that time,

326

1 Attorney Falconer?

2 A. Yes.

3 Q. Okay. And you exercised -- you were asked questions, I
4 believe, and you assert your Fifth Amendment privilege not to
5 testify, is that correct?

6 A. That's correct.

7 Q. All right. And that would have been in July of 1998,
8 correct?

9 A. Correct.

10 Q. Now, after that, sometime in January of 1999, do you then
11 leave the country again, January of '99?

12 A. Yes, I did left the country.

13 Q. Okay. And, of course, in January of '99 when you leave
14 the country, where do you go?

15 A. I went back home to visit my wife, my kid, and my parents.

16 Q. Okay. By the way, your parents are in Palestine at this
17 point?

18 A. Yes, they are in Palestine.

19 Q. Both parents, your mom and your dad?

20 A. Yes, both parents.

21 Q. And your wife and your one child, is that correct?

22 A. There's two child. I have another child.

23 Q. Now you do, but at the time, you didn't. You only had
24 one --

25 A. That's correct.

326

1 Q. -- correct?

2 When you went back in January of '99, is it fair to
3 say that you stayed, that you saw your wife and your children,
4 correct?

5 A. Correct.

6 Q. Tell us about -- I mean we've gotten a little ahead of
7 myself.

8 Tell us about the honeymoon, the 40 days after you got
9 out of jail, what your concerns were even at your honeymoon, 40
10 days out of jail?

11 A. The honeymoon is little bit different overseas when you
12 live here.

13 Through the stories that I have seen some people in
14 jail, some of them they have been taken custody at their
15 wedding theater because that's the only time they could get
16 them.

17 I was concerned about that even I get out of jail. I
18 just went to the next city, reserve a hotel room there, and I
19 took my bride there until the honeymoon almost over.

20 Q. Let's come back to January of 1999. In January of '99, do
21 you come back to the United States -- strike that.

22 How long had you remained in the Palestinian
23 territories in January of '99?

24 A. When I went there, I stay around I believe four months and
25 20-some days.

326

1 Q. Okay. And so you arrived back in this country when?

2 A. I came back I believe it was June, June, mid June. June
3 23, June 20, something like that. I don't exactly remember.

4 Q. And that's when you received this second subpoena to
5 appear before the grand jury again, right, sometime in July of
6 1999 when you came back?

7 A. Yes.

8 Q. Now, by the way, Mr. Alwan, while you were there, did you
9 and your wife, before you came back in June of -- July of '99,
10 did you all conceive another child?

11 A. Yes, I have another child that was --

12 Q. And that child was born when?

13 A. Born in May --

14 Q. It would have been March of 2000?

15 A. I'm sorry, I'm mixing between the two daughters.

16 Q. Okay. Second child?

17 A. Yeah, it is March.

18 Q. March of this year.

19 A. Yes, but the first kid was in May 13.

20 Q. Before, okay.

21 A. Yes.

22 Q. But the second child was born in March of 2000?

23 A. March 2000, that's correct.

24 Q. Okay. When you appear before the grand jury on July 13th,
25 1999, you refused to answer the questions that are put to you

326

1 by the grand jury, is that correct?

2 A. That's correct.

3 Q. And you tell the grand jury at that time on July 13th,
4 1999, at that time, you'd been immunized by the Court, correct?

5 A. Correct.

6 Q. And when you appeared before that grand jury, you say, "In
7 the United States, I believe that's giving me immunity, but I
8 have a family overseas I have to visit at least every one year,
9 and this order does not protect me when I have to go through
10 Jordan or go back to visit my family."

11 Did you indicate that to the grand jury when they
12 questioned you at that point?

13 A. Yes.

14 Q. Did any grand juror ever ask you what you meant by that?

15 A. I never been asked about, nobody about it.

16 Q. Did they ever ask you about what your concerns were?

17 A. Nobody ever asked me about what my concerns.

18 Q. What were your concerns, sir?

19 A. My concerns in that grand jury when I enter that grand
20 jury, it was just 20 days before I came through Allenberg
21 Bridge, the bridge where I was arrested in 1995, and I still
22 have the memories fresh in my mind.

23 My concern is this immunity is not enough because I
24 haven't been insured by anybody, nobody ever came and tell me
25 that this information that we're going to take, that we will

326

1 never pass it to the Shimbet again, where I was tortured
2 before.

3 My concern is any answer that I might make that
4 might -- and that will immediately led to the arrest of my
5 father or my kids or my family or my wife. That was my
6 concern.

7 Q. Did anyone ever tell you that the grand jury proceedings
8 were secret, and that that would not go or be given to the
9 Shimbet; that this information in your questions, did any grand
10 juror, anyone ever tell you that that information --

11 A. No.

12 Q. -- would not be given to the Shimbet?

13 A. Nobody did, no.

14 Q. Well, I guess my question to you then is what is it about
15 what you would be telling the grand jury that you were so
16 concerned about the Shimbet finding out?

17 A. Well, when you ask about I believe stopping in front of
18 that grand jury, because of information coming from the Shimbet
19 and asking me those questions about things coming inside the
20 Shimbet itself, that's something I couldn't do.

21 Q. Now, the questions that the grand jury was asking you
22 about, were those questions that had originally, to your
23 knowledge, been in the confession that you were forced to sign
24 by the Shimbet?

25 A. Yes, they were.

326

1 Q. If you told the grand jury that you had been forced and
2 tortured into making those statements that they were just
3 questioning you about, what did you think would happen?

4 A. I think that clearly without doubt, and that's a genuine
5 threat exists to me and to my family, that my family will be
6 arrested right away immediately. And I hope that with this
7 publicity around, that nothing is going to happen to my family.

8 Q. Well, yeah, which brings me to my next question.

9 You didn't want to tell the grand jury about these
10 things because of your fears back then, correct?

11 A. That's correct.

12 Q. Why are you telling the ladies and gentlemen of the jury
13 now about the fear that you have? Why couldn't you have just
14 told the grand jury then?

15 A. I'm a green card holder here in this country, and simply
16 incriminating me will put me in the hands of the Shimbet again.

17 Q. What do you mean? You're going to have to explain that
18 further.

19 A. What I mean is if I will be deported for any reason, that
20 I will be put in the hand of the people who tortured me again.

21 Q. Do you want to tell this jury about the torture that you
22 went through at the hands of the Shimbet?

23 A. Yes.

24 Q. You do want to tell them now, correct?

25 A. That's correct.

326

1 MR. GILLOGLY: Judge, can we have Mr. Hill not lead
2 the witness, please?

3 THE COURT: Okay. Try not to lead.

4 MR. HILL: All right.

5 BY MR. HILL:

6 Q. Why didn't you tell the grand jury about it?

7 A. Because I have the fear at that time that any information
8 will be passed immediately to the Shimbet, and nobody came and
9 assure me, nobody came and talk to me, and nobody ever told me
10 that this information they will stay inside the United States
11 and that you don't have to worry about it.

12 Q. Those questions -- you were never given those assurances
13 by the grand jury.

14 A. Never, not by the jurors or somebody else.

15 Q. Did the grand jury ever tell you that it would protect
16 your family?

17 A. Of course not. That wasn't their concern. The answer
18 was --

19 MR. GILLOGLY: I object to this question, your Honor,
20 absent --

21 THE COURT: The objection is overruled. You can
22 answer.

23 BY MR. HILL:

24 Q. Listen to my question: Did the grand jury ever tell you
25 that it would protect your family?

326

1 A. They never did and a matter of fact, the prosecutor he
2 ask, it's irrelevant.

3 Q. I'm sorry?

4 A. The prosecutor answer was irrelevant.

5 Q. What's irrelevant?

6 A. This is a word I just know what does it mean just later
7 on. I don't know at that time.

8 But my concern is in my heart that I don't want to be
9 involved in this, answering these questions, because that's
10 threat to my family. Imagine that you have your kids and your
11 family overseas, and you put them in danger or you put your
12 father in danger.

13 Q. Mr. Alwan, you were called back before the grand jury
14 again on July the 11th, 2000, isn't that correct?

15 A. That's correct.

16 Q. When you were -- before we get there, let's go back to the
17 13th, I'm sorry. I got ahead of myself.

18 The 13th, last year, 1999, when you went before the
19 grand jury then, were you asked this question:

20 "And now you're telling me that if I ask you any more
21 questions about any matter, that you're going to
22 refuse to testify, is that right?"

23 And your answer was: "Yeah, that's because of my --

24 I believe that the immunity the judge has given me is
25 not fair enough because I could be assaulted by

326

1 Israeli authorities when I come back to visit my
2 family overseas. They have some kind of
3 administration that is there without giving you any
4 reasons why you have been arrested. I still have my
5 wife, my kids there and have to go back and visit
6 them."

7 Did you say that to the grand jury?

8 A. Yes, I did.

9 Q. Were you concerned that your wife and children were --
10 would be in immediate danger if you answered their questions?

11 A. Yes, I did.

12 Q. Why?

13 A. Nobody ever gave me assurance that these information will
14 go back to the Shimbet, and nobody ever talked to me through
15 the jury and I never knew that I could even question the jury
16 at that time.

17 Q. What do you mean you couldn't question the jury?

18 A. I thought only when you go -- I never been in front of
19 jury before. I never been in courts before, so I thought that
20 you have to only answer the question, and that's it, the
21 question that you have been asked.

22 Q. I guess my question, did you feel that your wife and your
23 father and your family were in immediate danger if you answered
24 the questions?

25 A. Yes.

326

1 MS. SAFFORD: Your Honor --

2 MR. HILL: This is the prelude to my --

3 MS. SAFFORD: Leading is the adjective.

4 THE COURT: Okay. The objection is sustained. Why
5 don't you try and ask it in a non-leading way.

6 MR. HILL: Fine.

7 BY MR. HILL:

8 Q. What was the basis of that concern? Tell us why -- I'm
9 concerned about immediate. I'm concerned about immediate. You
10 indicated that, did you not?

11 A. Yes, I did.

12 MS. SAFFORD: Your Honor, objection.

13 THE COURT: The objection is sustained. Why don't you
14 start all over.

15 MS. SAFFORD: I ask that it be stricken, your Honor.

16 THE COURT: The answer will be stricken. The last two
17 answers, in fact, will be stricken and disregarded.

18 MR. HILL: Fine, right.

19 BY MR. HILL:

20 Q. What was your concern, Mr. Alwan?

21 A. My concern is as soon as any piece of information would go
22 back to the Shimbet, immediately my father, my wife, my family
23 could be arrested.

24 I have seen 55 years old at the same time I was
25 detained, she was arrested at Mosqubeya because they were

326

1 looking for her son, and I have seen some old men that were
2 incarcerated there because they were looking for some of their
3 relatives or some of their sons. That's something I'm
4 concerned about.

5 And there's another concern that I will be going back
6 to the same torturing when I go back to visit my family as soon
7 as I cross the borders, as soon as I enter the country.

8 Q. Why would they want to torture you or arrest your family?
9 Why would the Shimbet want to torture you or arrest your family
10 after you told the grand jury about the fact that you had been
11 tortured?

12 A. Because the Shimbet, they won't be happy of the facts --

13 Q. What do you mean they won't be happy?

14 A. When you tell them that, that I was accused, I was
15 tortured, and this information that have no basis, that this
16 information, where they came from, that's my concern, that I
17 would be tortured.

18 Q. If you had been assured by the grand jury that this
19 information would not have gone back to the Shimbet, would you
20 have answered their questions?

21 A. I believe I would have took different stand, sure.

22 Q. If you had been provided with any assurances that your
23 family would be protected, would you have answered their
24 questions?

25 A. Yes.

326

1 Q. Why?

2 A. Because my concern would not be there. At least I would
3 feel safe for my family, and my concern is not in the business
4 of obstructing the justice or -- or being in contempt or just
5 refusing for the refusing. I do have some serious concerns
6 that nobody ever questioned me about.

7 THE COURT: Do you still have a ways to go, Mr. Hill?

8 MR. HILL: Just a little bit more, your Honor.

9 THE COURT: We're running out of time.

10 MR. HILL: You want to take -- oh, I see the lunch --

11 THE COURT: Not lunch.

12 MR. HILL: Oh, oh, oh, 4:30. I'm sorry.

13 THE COURT: Can you stop here?

14 MR. HILL: Yeah, we should stop here and continue.

15 I'm sorry, Judge, 4:30, right.

16 THE COURT: I think we should.

17 Ladies and gentlemen, let me send you off. You've
18 heard more of the case, but you haven't heard all of it. I
19 appreciate the careful attention, and I also appreciate your
20 continued following my advice to disregard any media accounts.

21 There might be some tomorrow, so please don't read any
22 newspaper accounts of this case or any television accounts.
23 Concentrate instead on sports and the presidential debates, and
24 you'll be fine.

25 Thank you. Have a good night.

326

1 Oh, come back tomorrow at the same time, 9:45. Same
2 time, same place.

3 (Jury exits courtroom.)

4 THE COURT: You can step down, Mr. Alwan.

5 THE WITNESS: Thank you.

6 THE COURT: Mr. Hill, am I correct that once Mr. Alwan
7 testifies in view of the rulings of this Court, that's going to
8 be it, your defense case?

9 MR. HILL: Yes, Judge.

10 THE COURT: Let me tell you how I expect tomorrow will
11 go, and right now the government doesn't anticipate having any
12 rebuttal witnesses, or might that be wrong?

13 MR. GILLOGLY: That might be wrong, Judge.

14 THE COURT: Okay. Let me just tell you my predictions
15 at least at this point, is tomorrow we'll complete the direct.
16 I think that's only maybe another five, ten minutes at best.
17 We're going to go into the cross, and then we'll complete the
18 defense case, any rebuttal case that you have.

19 And then I expect that we're going to have a pretty
20 short instruction conference, where the debate is going to
21 be -- I've looked at the government's instructions and they're
22 pretty straightforward as to all the elements. However, there
23 is no theory-of-defense instruction. That is something that I
24 think, Mr. Hill, the defense needs to work on and if you --

25 MR. HILL: Judge, we've got some.

326

1 THE COURT: You have some.

2 MR. HILL: Yeah, I just --

3 THE COURT: Okay. I'll be happy to take a copy from
4 you because I think that's what this case is going to come down
5 to is what is the theory-of-defense instruction that I will
6 give, and I've taken a look at some things.

7 I'd like to see what Mr. Hill and Ms. Jarad have to
8 offer, but I expect we'll have a discussion about that. I
9 think 99 percent of the jury instructions are going to be
10 pretty much without objection or pretty straightforward
11 rulings.

12 But there's going to be a battle over that. And then
13 I expect that once I give you that ruling, I'll give you a
14 reasonable amount of time before we end up in closing
15 arguments, so I'll give you some time to react to it.

16 Hopefully it will be lunchtime. If it isn't, then
17 maybe we're going to have to have closing arguments even going
18 into Thursday, I don't know. Let's see how it plays out
19 tomorrow, but I do want to be fair to both sides in terms of
20 giving you adequate time to react to that ruling.

21 MR. GILLOGLY: Thank you, Judge.

22 THE COURT: With that, I'll take the instructions that
23 you might have. I tell you what, Mr. Hill, why don't you leave
24 them with my court reporter.

25 MR. HILL: Thanks, Judge, fine.

326

1 MR. GILLOGLY: Judge, I assume the record will reflect
2 our continuing objection to this entire defense, as it's
3 described, and the testimony that's supportive of it.

4 THE COURT: The record will so reflect.

5 MR. GILLOGLY: Thank you.

6 (Court adjourned, to reconvene at 10:00 a.m. on 10-18-00.)
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

326