

# *Chasing Freedom Mock Trial*

## *The Case of Mohammed Salahi*

### **INTRODUCTION**

This mock trial was created to teach about the process that many people seeking asylum in the United States go through. In this case, the person seeking asylum, Mohammed Salahi, arrived in the United States from Iraq without all of his proper travel documents. As a result, he was automatically detained by the authorities and placed in a detention center in York County, Pennsylvania. Mr. Salahi arrived in New York after September 11, 2001, but before the United States invaded Iraq.

It can take months, and even years, for an asylum seeker to make his or her way through the system. Often this means spending a long time in detention until a judge hears the asylum case. The judge's job at this hearing is to decide whether Mohammed is eligible for asylum according to two laws: (1) The Immigration and Nationality Act which tells who is eligible for asylum and who is barred, and (2) The Patriot Act which was passed after September 11, 2001, which further defines who is barred and emphasizes the United States' war on terrorism.

People who ask for asylum in the United States must prove they are asking for asylum because of persecution or a well founded fear of persecution on account of their race, religion, nationality, membership in a particular social group or political opinion and that they are unable or unwilling to avail themselves of protection in their country of nationality. In addition, a person is barred from receiving asylum in the United States for many reasons, including having been convicted of a serious crime, posing a danger to the security of the United States, having engaged in terrorist activity, or being likely to engage in terrorist activity.

Following the hearing, the judge will render his verdict. As you listen to the evidence presented in this case, we invite you to decide whether you believe that Mohammed should be granted asylum.

***OUTLINE OF OPENING STATEMENT FOR MOHAMMED SALAHI***

- Good morning your honor, my name is \_\_\_\_\_ and I, along with my co-counsel \_\_\_\_\_, represent Mohammed Salahi
- Mohammed is from Iraq and he is seeking asylum in the United States.
- Mohammed has a “well founded fear of persecution” in Iraq based on his political opinion and he is not barred from receiving asylum in the United States for any reason.
- Mohammed was imprisoned and brutalized under Sadaam Hussein’s dictatorship.
- His entire family was killed by Sadaam Hussein’s regime.
- Mohammed’s only chance for survival was to escape from Iraq.
- He fled from Iraq to Saudi Arabia and then traveled to New York.
- He arrived at JFK Airport on October 2, 2003, asked for asylum, and was immediately detained by the authorities.
- Mohammed had a valid passport, a birth certificate, and copies of his school records when he arrived in New York, but he could not obtain a visa from Sadaam Hussein’s government.
- The New York Muslim Community Temple has agreed to sponsor Mohammed if he is granted asylum.

## ***OUTLINE OF THE GOVERNMENT'S OPENING STATEMENT***

- Good morning your honor. My name is \_\_\_\_\_ and I, along with my co-counsel \_\_\_\_\_, represent the United States of America in the case.
- According to proper procedure, Mohammed Salahi was taken into custody at JFK Airport on October 2, 2003, when he arrived in New York without a visa and then asked for asylum.
- It is the government's position that Mohammed should not be granted asylum because he does not meet the necessary conditions.
- As the evidence will show, Mr. Salahi is unable to prove his identity or that he has a credible fear of persecution.
- In addition, Mr. Salahi has offered no proof that he is not engaged in or likely to engage in any terrorist activity.
- In this time of heightened security, we cannot afford to take a chance on granting asylum to a person who may or may not be a terrorist.

***DIRECT EXAMINATION QUESTIONS FOR MOHAMMED SALAHI***

*(Suggested answers for Mohammed appear in parentheses next to the questions).*

- Please state your name for the record (*Mohammed Salahi*)
- How old are you (*21*)
- Why are you here today? (*I am seeking asylum in the United States*)
- Where are you from? (*Iraq*)
- Why are you seeking asylum in the United States? (*Because I will be persecuted, and likely killed if I return to Iraq.*)
- What made you flee Iraq? (*My parents and siblings were killed by Sadaam Hussein's government. I was thrown in prison and tortured, but eventually released. However, it became clear to me that the government was still after me and I knew that their intention was to execute me.*)
- Why did the government kill your family? (*My brother was killed while he was in the army fighting in the war with Iraq. My family did not believe in the war or in Iraq's system of universal military service. They talked about their opinions to several people they thought were their very good friends and told them that perhaps life would be better if Sadaam Hussein weren't in charge. Their "friends" turned my parents into the police and the next thing I knew, they disappeared.*)
- Why didn't the government kill you too at the same time? (*I was away at the university.*)
- What, if anything, did the government do to you? (*When I returned home from school, the police were waiting for me. They arrested me and took me to prison.*)
- What happened to you in prison? (*I was beaten and tortured. I was also ridiculed and told that I would end up like the rest of my family.*)
- What did you take that to mean? (*That I would be killed.*)
- Do you have any proof of the torture you endured? (*I have many scars all over my body.*)
- Was there anyone in Iraq that you could report this treatment to? (*No, everyone works for Sadaam.*)
- Did the police ever tell you why you were taken to prison? (*Yes, it was because my parents had spoken out against Sadaam. The government believed that I shared their opinions and that I knew more people who were also against Sadaam. The government tortured me to try to get me to give them more names of people who were against Sadaam.*)

- Did you give them more names? *(No.)*
- Why not? *(I didn't know anyone else who was willing to risk their lives to speak out against Sadaam Hussein.)*
- How did you get out of prison? *(One day I was released and warned that if I ever made a single mistake again, I would be executed.)*
- Then what happened? *(I was being watched. I became like a prisoner in my own home. I knew I had to leave because it was only a matter of time before the police would arrest me again. I was able to make my way into Saudi Arabia and buy a plane ticket to the United States).*
- Do you have any statements from witnesses in Iraq who can support your story? *(No.)*
- Why not? *(Because if I were to ask anyone in Iraq for a statement or to testify on my behalf, I would put their lives in danger.)*
- How do you know? *(My family was killed for mentioning that they did not like Sadaam during casual dinner conversation. The fate of a person who would speak out internationally against something Sadaam did would be no better).*
- Why did you choose to go to the United States? *(Because I believed I would be able to start my life over and live in freedom.)*
- What type of identification papers, if any, did you bring with you? *(My passport, school records, and birth certificate).*
- Why didn't you get a visa so you could enter the United States legally? *(The government was watching my every move, there was no way they would have granted me a visa to escape the country.)*
- Do you have anyone you can stay with if you are granted asylum? *(The New York Muslim Community Temple has agreed to sponsor me).*
- Have you ever engaged in terrorist activity or are you affiliated with any terrorist groups? *(No.)*
- Have you ever been committed or been convicted of a serious crime? *(No. The only time I was involved with the police was when I was arrested after my family disappeared.)*
- Did you resettle anywhere else before coming to the United States? *(No, I was only in Saudi Arabia for a few days).*

## ***GOVERNMENT'S CROSS EXAMINATION QUESTIONS FOR MOHAMMED SALAHI***

- You don't have any witnesses or written proof of your alleged treatment in Iraq, do you? *(No.)*
- And you have no way of proving that the scars on your body are a result of the time you spent in prison? *(I couldn't have received these scars any other way.)*
- And you don't have any witnesses or written proof that your family is dead, do you? *(No.)*
- But certainly someone in Iraq knows what happened to your family? *(Yes, but they are the people in the government and they aren't going to testify on my behalf.)*
- And you claim you have not committed any crimes in Iraq, but you don't have any proof of that, do you? *(No.)*
- And you don't have any proof that you are not affiliated with any terror organizations either, do you? *(I came to America to escape people who cause terror, not to cause it myself.)*
- Before coming to America, you were able to get a passport? *(Yes, but I had that for several years before I came here.)*
- And you got copies of your school records and your birth certificate? *(They were at home.)*
- But you couldn't get a visa? *(I did not believe I could obtain a visa given that the Iraqi government was watching me. They would have thought it was suspicious that I was trying to leave the country.)*
- Well, is there anyone either here or in Iraq who can support that you are who you say you are? *(I would put anyone who knows me in danger if I contacted them.)*
- And despite the fact that the Iraqi government was watching you, you were able to sneak out of Iraq and into Saudi Arabia? *(Yes, I did it very quickly by wearing a disguise.)*
- But the Iraqi police didn't figure out that you just changed your clothes and crossed the border into Saudi Arabia? *(I guess not.)*
- Did you have any ties to the New York Muslim Community Temple before coming to the United States? *(No, my lawyer set up their sponsorship for me.)*

## *MOHAMMED SALAHI CLOSING ARGUMENT*

- “Give me your tired, your poor, your huddled masses yearning to breathe free.” These words are at the core of our culture in America. How many Americans would not be Americans at all if it weren’t for their parents, grandparents, or great-grandparents being allowed to enter our country from a less fortunate life they left behind.
- Your honor, the evidence presented today shows that Mohammed Salahi Mohammed meets all of the conditions necessary to be granted asylum.
- Mohammed came to the United States with little more than his passport, birth certificate, and some school records in order to escape the brutal dictatorship of Sadaam Hussein. As we just heard, he has a well-founded fear of persecution in Iraq based on his political opinion, and that of his deceased family.
- Mohammed committed no crimes in Iraq. At most, the only thing his family did wrong was to tell a friend during a casual dinner conversation that they did not approve of Sadaam Hussein as their ruler. And what penalty did they suffer for voicing their opinion? Death. Also, although the government’s attorney has insinuated that Mohammed may be a terrorist, there is absolutely no evidence of any such activity. In fact, the New York Muslim Community Temple, a well-respected and well-known organization, has agreed to sponsor Mohammed. Surely they would not put their name and reputation on the line if they thought there was anything suspicious about Mohammed.
- Mohammed was arrested, beaten, and tortured in prison. We saw his scars, we heard his story. He was followed and watched after his release because the Iraqi government was convinced that he knew other people who disagreed with Sadaam Hussein. With great bravery, Mohammed escaped Iraq in order to try to start a new life, alone and without any family in America. He deserves to experience the freedom he came to America to find.

Thank you.

## ***GOVERNMENT ATTORNEY'S CLOSING ARGUMENT***

- Those inspirational words on our Statue of Liberty . . . “Give me your tired, your poor, your huddled masses yearning to breathe free.” However, no where on Lady Liberty’s tablet does it say we have to accept everyone who comes to our shores or airports, especially if we aren’t sure who they are or why they are coming here.
- No one in America disputes that Sadaam Hussein is a brutal man. And certainly most people in America feel pity for anyone who has experienced his wrath. However, the people in America also deserve to be selective about who we let into this country, particularly in the wake of September 11<sup>th</sup>. Mr. Salahi has offered no convincing proof that he is who he says he is or that he endured what he says he endured.
- So let’s look at what we do know about Mohammed Salahi. We know that his passport and birth certificate say he is 21 years old and that he is an Iraqi citizen. We know that his school records indicate he was enrolled in a university until 2 years ago. We also know that he has several scars on his body. However, we need to balance that against all of the things we do not know about Mohammed Salahi.
- We don’t know that any his documents are authentic. In addition, we don’t have any proof of his claims that his family was murdered and that he was imprisoned because his family voiced an opinion that they did not support Sadaam Hussein. We don’t have any proof about why Mohammed failed to obtain a visa before leaving Iraq. He claims it’s because the government would not have granted him one, but we don’t know that to be the case. Couldn’t he have at least tried to get one? In addition, we don’t know that Mohammed does not have a criminal record in Iraq.
- There’s a lot about Mohammed Salahi that we simply don’t know, and frankly your honor, we can’t just simply take his word for it. The people of this country deserve more than that.

Thank you.