

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
)	March 7, 2001
Defendant.)	12:45 p.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 60603
	(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

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1 (Proceedings heard in open court:)

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3 THE COURT: This case, I think as evidenced by this
4 sentencing proceeding, has never been easy. It was never easy
5 presiding over this case in the pretrial, in the trial.
6 Everything about this case is complicated, and it is difficult
7 for this Court to discern where the truth lies.

8 Mr. Alwan's father talks about the exaggeration that
9 occurs with regard to this case, and it's hard for me to tell
10 where there is exaggeration and where there isn't; but there
11 are certain things on the basis of my experience with the
12 criminal justice system that I think stand as truths.

13 First, any time, as I said before, there is this
14 collision between the political system, the international
15 system and the criminal justice system, it is going to result
16 in situations that turn out to be difficult.

17 You have here the truth, and there's no doubt in my
18 mind that there's a family love, a father's love for a son,
19 very difficult. Father wants to do anything he can. I have no
20 doubt that Mr. Alwan's father would serve this sentence rather
21 than have his son serve this sentence. I would feel the same
22 way if it were my son.

23 But I also think that there's certain things that
24 Mr. Alwan's father said that strike me as very true. He taught
25 his son not to lie, to talk straight. Mr. Alwan's father asked

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1 me why has this proceeding gone on so long? Why has he been
2 through both the civil and now the criminal contempt
3 proceeding?

4 Well, I say to you that the keys to Mr. Alwan's
5 freedom have always been in Mr. Alwan's possession. Ever since
6 the government gave him immunity and asked him to come in and
7 just tell the truth, he had the keys to those freedom. He
8 could have avoided this entire proceeding, both on the civil
9 side and the criminal side, and I often reflected what was
10 going on here, a simple cultural misunderstanding or something
11 more.

12 Mr. Alwan, no uncertain terms, is a very smart person.
13 The Court easily concludes that, not only by seeing him
14 testify, but I'm taken by the fact that he could come into this
15 country and do so well at Wright Junior College. Certainly if
16 the situation were reversed and one of us went to Palestine, I
17 doubt that we could go there and be an honor student in a
18 foreign country with a foreign language handicap. Mr. Alwan is
19 very smart.

20 So what the Court is left to conclude is that
21 Mr. Alwan, for whatever reason, be it good or bad, put himself
22 in a situation where he learned information about other
23 individuals, where he learned information about an
24 organization, and he did not want to convey that information to
25 the authorities. For whatever reason, he believes that giving

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1 that information to the United States government and to the
2 Justice Department is wrong. This is something the Court
3 cannot contenance.

4 I've been involved in the criminal justice system for
5 over 20 years, and I know that the criminal justice system only
6 operates on the basis of information, information that is given
7 when required and that people that come to this country to
8 create a new life for themselves, as everyone by definition who
9 is American has somewhere in their generational history has
10 come to create a new life, has to accept that this country is
11 one of the rule of law, and that means that if you are on the
12 street in a difficult situation, be it the South Side or the
13 West Side of Chicago, and you witness a criminal activity, it
14 is your obligation as a citizen to give that information even
15 if it means that your life then is at risk because that is the
16 nature of this country.

17 And you had information, Mr. Alwan. You could
18 certainly have given that information whenever you decided in a
19 confidential setting, which is the nature of the federal grand
20 jury, and you decided not to give that information, not once,
21 not twice, three times in a very conscious and contemptuous
22 proceeding.

23 And that is why the jury, after a fair and impartial
24 trial, where you were well represented by your attorneys,
25 Mr. Hill and Ms. Jarad, represented you to the best of their

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1 ability, but they could not challenge the fact of what had
2 already occurred in the transcripts of the repeated proceedings
3 before the chief judges of this court.

4 And you decided for whatever reason, because I believe
5 you are a stand-up person, you are a person who does not want
6 to be seen by your community as an informer or a snitch, in
7 your own words. I do not believe, and I tell you this straight
8 to your face, that this is out of fear of the Shimbet. I just
9 cannot conclude that based on my life experience because if you
10 did have fear of the Shimbet, you would not have testified in
11 the manner in which you did which fully disclosed the manner in
12 which you had been tortured and made to give a statement to the
13 Israelis.

14 I do not believe that that would have occurred if you
15 had this fear for your family or otherwise. I believe, as I've
16 already indicated here, that the fear is that you'd be labeled
17 an informant by your community and the repercussions that would
18 come from that. That's what I believe has driven your
19 decisions not to testify.

20 And that is a decision that this criminal justice
21 system just cannot take because if everyone can have it within
22 their own power when they're going to decide ~~to give~~
23 information and when they're going to decide not to give
24 information, then the criminal justice system in this country
25 would just collapse, and that is something that I cannot allow

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1 as a representative of this criminal justice system.

2 And so in looking at your situation and looking at the
3 sentencing range of 24 to 30 months, I conclude, on the basis
4 of everything that's before me, that it is appropriate to
5 sentence you to the custody of the Attorney General for a
6 period of 24 months, and I will do that.

7 I will also place you on supervised release for five
8 years. I'm not going to impose any fine. Restitution is not
9 appropriate. No special assessment will be assessed.

10 You will abide by the conditions of supervised release
11 and report to the United States Probation Office within 72
12 hours of your release from custody, and while you're on
13 supervised release, you shall not commit any other federal,
14 state or local crime.

15 You shall not possess a firearm or destructive device,
16 and you shall not illegally possess any type of controlled
17 substances.

18 That will be the sentence of the Court. I'm obligated
19 to tell you that you have a full right to appeal by filing a
20 notice of appeal within ten days, and if you want
21 court-appointed counsel for purposes of your appeal, you can
22 ask for same from the Court of Appeals.

23 Is there any institution you want me to recommend,
24 either Mr. Hill or Ms. Jarad?

25 MR. HILL: We'd request Oxford, Wisconsin.

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1 THE COURT: I will be happy to recommend the Oxford,
2 Wisconsin facility.

3 Is there anything else the government wants me to take
4 care of?

5 MS. SAFFORD: Nothing, your Honor.

6 THE COURT: Okay. Good luck to you, Mr. Alwan. Court
7 will stand in recess.

8 MR. HILL: Judge, excuse me.

9 THE COURT: Go ahead, Mr. Hill.

10 MR. HILL: Judge, for purposes of appeal, it's my
11 understanding -- just a moment.

12 THE COURT: Yes.

13 (Pause.)

14 MR. HILL: Judge, it's been brought to my attention
15 that Mr. Alwan does not have the resources to pay for counsel
16 on appeal. I would request that the Court consider an
17 appointment upon the submission to the Court of appropriate CJA
18 and affidavit.

19 THE COURT: I think the notice of appeal has to be
20 filed first jurisdictionally, and then thereafter I think the
21 Court of Appeals will be happy to appoint counsel --

22 MR. HILL: Fine.

23 THE COURT: -- for Mr. Alwan.

24 MR. HILL: Thank you, Judge.

25 THE COURT: Good luck to you.

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(End of excerpt.)

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