

1 totally appropriate to sentence him within the guideline
2 range.

3 Thank you, your Honor.

4 THE COURT: Thank you, Mr. Pericak.

5 Mr. Aref.

6 THE DEFENDANT: Yes.

7 THE COURT: You may be heard, sir.

8 THE DEFENDANT: Thank you, your Honor. Thank
9 you very much, Honor, for to me to speak. And I like first
10 to thank this Court for all for the time I spend here and
11 whoever involve in this case in any way. And I start with
12 marshal officer here, which brought me continuously one
13 month for the trial. I did not see from them only respect
14 and only they deal with me not even as a criminal, as a
15 guest, and I'm very thankful for that and I believe they was
16 shocked by the verdict more than me.

17 The same thing about the Rensselaer County
18 Jail, which is my home for last almost 18 months, and most
19 of them, the officers there, they are shocked and they tell
20 me it's no way for us in whatever to believe you are bad
21 man, you are danger, you are terrorist, you are -- they tell
22 me that they believe it is wrong and they don't understand
23 why I must to sleep in the cell alot.

24 And I thank after that these people in the
25 back, which I believe they supported in many ways. Without

1 their support, my children, now they used to be on the
2 street homeless because I was only the person I work and
3 taking care of them; my wife, she have the new baby, she
4 have three young children, she had health problem, she was
5 not able to work. If not the support from these people
6 (indicating), my children now they used to be on the street.
7 For no any reason, for no any crime. If it's coming to
8 commit the crime in this country, why I bring the sick wife
9 and three young children with me to suffer? To be arrested
10 after my crime? Why I bring them with me if I'm coming to
11 commit any crime? I'm very thankful for these people in the
12 back and I believe they must to stand up and they must to
13 come in front and these people should to lead this country
14 and to stop these people from making story, from taking this
15 country toward the hell. These are the same people, Honor,
16 they destroyed my country, Iraq, they killed seven hundred
17 thousands innocent because they say we have the map, we have
18 the video, we have the evidence, Iraq have the weapon of
19 mass destruction. And they went to United Nation, they
20 showed to all the universe this is our evidence, this is our
21 map, this is our proof. Where it is now?

22 The same they did for me. I did not hear to
23 answer anything about my case because they told me don't do
24 it. But prosecutor, Mr. Pericak, now he say we give him the
25 opportunity to do the crime. I knew my crime -- I knew JEM,

1 it is the terrorist. If anyone asks me, "Do you know Osama
2 Bin Laden?" Yes, I hear about him in the TV, but that's
3 mean I am with Osama Bin Laden because I hear in the TV
4 about him? That's all I say about JEM. He ask me, "Do you
5 know that?" I say, "I hear, I hear about them in the TV,"
6 because I cannot lie to say never I heard about them. I'm
7 the person daily I listen to the news, because every week I
8 must to preach in the mosque. How I can to preach every
9 week if I don't know what's going on in the universe? So,
10 all my crime, I say I hear about that group on the TV. He
11 say for helping them. At least ten time in the same
12 meeting, continuously I say I don't know them, I don't know
13 anything about them, I don't know who's leading them, I
14 don't know who's (sic) their purpose, I don't know who's
15 (sic) their goal. I cannot trust any politic organization.
16 More than ten time continuously he try to make me emotional
17 and say support them.

18 After he misguide me, he describe them not by
19 terrorist group, by freedom fighter, they are working for
20 their freedom. If best of for information he gave to me I
21 say to support them, I must not to be criminal because he
22 told me they are freedom fighter. For 40 years their land
23 has been occupied and they work for their freedom. I am
24 Kurdish, I knew the mean of freedom. Because Kurdish, they
25 are biggest nation in this universe, at least 14 million

1 Kurdish like me, we are homeless, we are stateless, we are
2 unoccupied territory, all for century. I knew the mean for
3 freedom. When they told me freedom fighter, to be honest
4 I'm not hiding anything, I'm not politician to lie. In the
5 mosque, I preach same way; in the Court, I preach same way;
6 in the jail, I told same way.

7 Prosecutor and FBI, they interview me, I talk
8 same way. I am saying the truth. I support freedom for all
9 the nations, including Kashmil (phonetic), including
10 Kurdistan, including Palestine, I want them to be free. But
11 never I supported any terrorist act, any bombing, any
12 innocent killing, any harming for children, any target or
13 targeting any civilian. And they ask me every single thing
14 terrorist they believe, because they try to make me to say
15 something in the cassette. They ask me about suicide bomb
16 in their cassette. I say it is not allowed in Islam. They
17 say why they do? I say go ask them. Does they do? Does
18 they plan for them? Does they give him the permission fatwa
19 to do them or they will be charged in front of God for what
20 they did? They asked me about killing the innocent. I say
21 no way in Islam to kill the innocent. He ask me about do
22 something in this country. I say we are not in Palestine to
23 fight. We are in this country. We came, we sign, we
24 promise to obey the law. You want to make me like -- in my
25 culture, they say you want to be more Catholic than Pope,

1 you want to tell me this is not Islamic law, why we should
2 to respect it? I say no, because Islam make it obligatory
3 for us to do because when we came to this country, we sign
4 we should to obey the law, we should to respect the law, and
5 Islam make it obligatory to respect the law.

6 How I do crime because I knew JEM terrorist
7 group? I knew it was terrorist group, but what I have to do
8 with JEM? Ever in my life I say I no met anything from JEM,
9 nothing. He say you told us there will be attack in New
10 York City. How he say it? Bring the cassette, tell me how
11 he say it. What I did? I say God bless you, I say I'm
12 coming to help you, I say who's doing it, why he doing it.
13 When I hear that I kick him out from my house, I am Imam,
14 not Muslim people allowed to disrespect their guest, doesn't
15 matter what is they say. But as much I get I kick him out.
16 And because they don't bring the cassette, because it is
17 proof, I don't give any proof for what he say, because they
18 lie, they say in that day they explain for me the word of
19 Chaudhry, never they going to hear if they bring the
20 evidence, the cassette for that day, because they brought
21 the person, they scaring him, he testify, he say he used to
22 call FBI, but Yassin told him Malik joking, that's why he
23 did not call the FBI.

24 I swear by God if you give me death penalty,
25 I am not going to swear by God falsely. I swear by God

1 never I told him Malik he's joking. Anyway, today I came
2 here and they told me don't say anything about the case.
3 I'm sorry, I did not come here -- and this is my
4 disagreement with my lawyer all the time. I say I believe
5 in the court we should talk about the evidence, not talk
6 about Yassin is so funny and Yassin children. Because if
7 Yassin worry about his children, he should not commit the
8 crime. If I commit the crime, it is my problem, the
9 children, not yours problem.

10 You should to be fair. But I believe we have
11 clear proof they did nothing. But my lawyer's philosophy,
12 he told me continuously, before and during the trial, it is
13 no way, no way this jury, that time jury was sitting there,
14 to make you guilty. No way evidence to make you crime for
15 anything. But now I'm criminal, now I'm terrorist, now I'm
16 guilty 10 charges which is still now I don't understand
17 them, I don't know what is they are. I don't know. If
18 somebody say he's going to -- he did not say he's -- if
19 going to be some attack in New York City, I kick him out.
20 What's my crime? What's I did? They told me oh, you are
21 crime because you did not call the FBI. I say I did not
22 call FBI because he was liar. Why you know he was liar?

23 Honor, if I do something like this or he knew
24 something like this, why he were going to mention it?
25 What's the reason for that guy to tell us next week it will

1 be some attack? What's the reason? He say the reason. He
2 say we told him because we want Yassin to be save, not go to
3 New York City on that day. This is true if every day I go
4 to New York City or every week. I am six years in this
5 country, I did not went to New York City three time. What I
6 do with New York City? Why you tell me that?

7 Say, Honor, I give -- say Malik, he trusted
8 me, he told me. I have the guest, never saw Malik in his
9 life. How somebody can in front of the guest to say
10 something like this if it is true? Does make me to have any
11 doubt it's not true and I did not call. And I don't know
12 how I am crime. I believe even if it is true, I will not be
13 crime because I did not show any signing for my approval for
14 that, for support for that idea.

15 Second, if I believe terrorist attack or
16 suicide attack against the principle of my faith and this is
17 the same FBI Agent Hoover, he testified here when he asked
18 me I say that, maybe somebody say, oh, he was FBI, why you
19 say that? But where Malik he ask me, I don't know Malik,
20 he's FBI, I say it's the same thing, society, it's against
21 Islam. And how am I gonna believe something against Islam?

22 I am going to stop to say about the case, but
23 any human being, Honor, any human being he see this
24 evidence, he cannot believe I am guilty. And I believe many
25 people, they wrote for you the letter, they was sitting

1 there, and every single day they came to the trial. It is
2 beyond any human being's mind to say jury came to the
3 conclusion based of the evidence. I'm not accusing them
4 because we are human being, something maybe misguide us,
5 something maybe confuse us, something maybe mistake we do.
6 But, strongly, I believe it is this Court's duty to find
7 that error, to make sure that justice has been fair and the
8 fair decision has been made.

9 I told this lawyer first time I saw him in my
10 life, I say what's the evidence? If you believe I'm guilty
11 in any charge, don't bring it to the trial, don't defend,
12 don't use your experience, your knowledge to bring out the
13 criminal person on the street to harm the people. If I did
14 the crime, I will be happy to pay for it, to sleep in the
15 jail; it's my crime, I pay for it. But if not, why I do?
16 Why my daughter Dinya (phonetic), she's 15 months now, she
17 don't know me, I was in jail when she born, she came to the
18 jail, maybe they say a lot here, she believing I'm danger, I
19 cannot carry her because she don't know me, she's scared
20 from me, my daughter. Why? If I did the crime, I will not
21 blame anyone. But I did nothing.

22 And let me go back to what was in my mind to
23 say because to be honest, they give me wrong information.
24 Never they told me you have the right to argue any evidence.
25 And never my lawyer he argue their evidence, even now, all

1 the time making the story, I say please, we are in court,
2 leave the story, leave exaggerating Yassin he's this, he's
3 this, he's peaceful man, Imam, brilliant, this and that.
4 Yes, he suffered a lot in Iraq under Saddam and he has the
5 family. No, this is all my problem. I suffered in Iraq, it
6 is not your problem, Honor. My children suffer and it is
7 not their problem, Honor. It is my problem. If I am worry
8 about them, why I commit the crime? I say leave, don't beg
9 them for mercy because my children's situation. Because I
10 suffered alot under the Saddam. Don't beg that. Prove I
11 didn't. And if I did something, I am in charge.

12 I am villager, Honor. I am villager. I born
13 in the village, I live in the village. I have the parents;
14 my father is the farmer in the isolated village in the third
15 country. But every single person in my village, they
16 believe human being they are in charge only for what they
17 did and what they said. I'm not in charge what he say
18 (indicating), doesn't matter what he say, only if I show my
19 approval for it, only if I show the sign I am happy with
20 that. But what he say what's my problem? I must to be in
21 charge for what I did and what I say. I came to United
22 State, I believe United State should be human being only in
23 charge for what they did because no crime for talking in
24 this country. This is not Iraq. I can talk, say something,
25 criticize President Bush, I can say this government have the

1 wrong policy. I can't say they destroyed my country, they
2 did not build it. They took the sectarian to the Iraq, not
3 the democracy. I can't say they took Iraq hundred years
4 back, not hundred years forward. I cannot say they did not
5 change Iraq or Baghdad to become New York or London. They
6 changed it back to be Magdule (phonetic) or Kabul. I cannot
7 say that. In Iraq, if I say that, they will hang me. If I
8 criticize the Government, I will be under the ground.

9 That's why we came here, to be free, to live
10 free, to have the dignity to live like the human being.
11 What happened in this country, not only they charge the
12 people for whatever they say or did, because if they charge
13 the people like the villager they do in the third country, I
14 will not be guilty. Honor, you or any human being search
15 every single evidence, what is the act I do I am paying for?
16 Even what is the word I say I am paying for? It's not
17 there. It's not there.

18 So what I am paying for? In this country,
19 they have charge, this is different charge, never I hear in
20 my village anywhere. They say he have intention, he will.
21 I am guilty for my intention. But, Honor, I believe so, I
22 believe God, only God, he know what is in the heart of the
23 people. And I believe God. He did not gave the power to
24 anyone, doesn't matter how much technology they have, they
25 cannot go to my heart.

1 In jail, we say they can jail you, but not
2 jail your mind, not jail your heart. You can be free in
3 your mind. I believe my heart, God give it to us, every
4 individual. Nobody can enter something or take out
5 something, only by your key. This is not secret code in the
6 computer or e-mail somebody can open. This, God gave to
7 every individual, never to go to the heart and check what is
8 there. I'm guilty for my intention? They must to show when
9 I show that intention. If I say this is not allowed in my
10 faith, how I do it? Where the intention? And I believe if
11 I have intention to do something wrong, say I put it in my
12 mind and I did not, I must not be guilty.

13 But God, he knew my heart. I swear by God I
14 have no any intention, I never had intention to harm anyone
15 in this country. And I don't know why I'm guilty. Sir,
16 what's happen, I came from that country, from the village,
17 which I believe I have no intention, I did nothing at all.
18 I say nothing at all to be the criminal. And after that,
19 all my life, Honor, because I am Kurd, they accuse the Kurd
20 by being villager, by being danger, by being willed, by
21 being animal, by being ignorant. This is description for
22 Kurd in Iraq, in Turkish, in Iran, in all the country they
23 have Kurdistan in. All of our life we struggle. We must to
24 prove we are human being, nothing else. We are human being.
25 Like any human being, God created us. Maybe we look a

1 little bit difference, but we are human being. We have two
2 eyes, one mouth, two ear, we don't have tails, don't have
3 horn, we are normal human being.

4 All my life for century we must to do that.
5 I come to this country and I say that over. Everybody human
6 being here, everybody in front of Honor and court, everybody
7 have the same right for freedom of speech. In this country,
8 me and seven million Muslim live in this country, all has
9 been accused, they are willed, they are animal, they are
10 danger, they are terrorist, they are ignorant and they must
11 to prove now no, we are not, we are just human being.

12 And this lawyer, he told me, he told me
13 things, he say you don't have to argue anything about the
14 case because they prove something against you. All I want
15 you to go there (indicating) and to speak so the jury they
16 knew you are just human being. Why? Why they should to
17 have the doubt I'm human being? This is not help in this
18 country, your Honor. These seven million people they came
19 to here as the Muslim, which is 95 percent of them citizen,
20 they belong to this country. My children don't have
21 citizenship in Iraq, don't have citizenship in Syria, don't
22 speak even the Kurdish. Just they know English. Why they
23 should be criminal just because they are Muslim? Why should
24 we to prove we are human being? We have no horn, no tails
25 on our back. Why?

1 And I believe this is wrong, I believe this
2 is not being any good for this country, for the system here,
3 for anything. I one person. But if you gave me death
4 penalty, I would take it proudly because -- I know you,
5 Honor, and every single person and everybody, FBI, they
6 check all my record, all my life, they interview thousands
7 of the people, they brought all my life in Iraq, too, they
8 knew never I did any violence, never I participate in any
9 fighting, never I support any terrorist group in any way.
10 They have everything, they knew that. And I believe, Honor,
11 you have no doubt their evidence not prove anything.

12 But with that, if they will be proud by
13 putting me in the all my life in the jail and make my
14 children to suffer, I will tell you and give you right, make
15 them more proud and give me death penalty and I will take it
16 proudly, not because I'm arrogant or proud person, because
17 they knew and you knew and everybody knew I did nothing to
18 be one day in the jail for. I did nothing to be one day in
19 the jail for. And I did not came to this country to be in
20 the jail. I came to be free. I did not came to this
21 country to destroy this country. I came to be my life. I
22 did not came to threaten any human being in this country, to
23 terrorize any children. I came for my children to be safe
24 from terrorist.

25 I am going to stop here and I am going to

1 don't finish. I have many thing to say, but I will repeat,
2 I did nothing at all, even I say nothing at all. And God,
3 he knew my heart I have no intention to harm anyone, and I
4 believe what's done for me it is unfair and I believe,
5 Honor, it is your duty to make sure that justice has been
6 served. If not, give me death penalty.

7 Thank you very much for your time.

8 THE COURT: All right. Any reason I
9 shouldn't sentence your client now?

10 MR. KINDLON: No, sir, there's none.

11 THE COURT: Mr. Aref, do you know any legal
12 reason I shouldn't pass sentence on you?

13 THE DEFENDANT: I don't know. I'm villager,
14 I don't know anything about legal, Honor, please.

15 THE COURT: Okay.

16 THE DEFENDANT: Thank you very much.

17 THE COURT: Well, sure, it's nice for you to
18 believe you're innocent, but, of course, you were convicted
19 here after proof was introduced before a jury, they heard
20 the proof, they made the decision. The Court reviewed that
21 decision and decided that it was, in fact, correct, that you
22 did break the law, that you intended to help that group,
23 that you wanted to achieve those ends, even though you
24 weren't quite clear what they were. But what you did do was
25 continue on and participated in a scheme that would launder