

# EMBASSY OF THE UNITED STATES OF AMERICA

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**AMBASSADOR STEPHEN J. RAPP**

**AMBASSADOR DAN MOZENA**

## **PRESS CONFERENCE**

**DHAKA, BANGLADESH**

**MAY 15, 2013**

**Ambassador Mozena:** Thank you, everybody, for coming. It's good to have you here. This is very important for us. Kelly left out the most important part. Ambassador Rapp is family. We're kin. We come from the same state that you all know so well, the best state in America. [Laughter]. So that's very important for you to know. That's one of the reasons why we love so much Ambassador Rapp.

**Ambassador Rapp:** Thank you very much, to my fellow Iowan. It is very good to be back here. As you may know, I visited three times in 2011 at the invitation of the government to make recommendations on how to undertake this process of trying individuals that are alleged to be responsible for the horrendous atrocities that occurred here in 1971.

This visit was an opportunity to see the progress that has been made. Today, for instance, I was

at the International Crimes Tribunal, both tribunals, both Chamber 1 and Chamber 2. In one there was evidence being presented; in the second, there were closing arguments. I also had an opportunity in the Abdul Quader Molla case to hear some of the arguments in the appellate division of the Supreme Court.

Before I talk about this process, I think it's important to note that though there have been improvements and progress, I still have concerns about the process and think that further improvements could help ensure that international standards are met and that the interests of all of the people of Bangladesh, in particular the victims of these crimes, are satisfied.

But first let me say what my job is about and why I'm here. That's because justice in the case of mass atrocities is a core national security interest of the United States. It can prevent these crimes from happening.

We've had across this world of ours, since Nuremberg, trials at the international level for these crimes ... genocide and war crimes and crimes against humanity. I was honored myself to serve in the United Nations for nine years prosecuting crimes in Rwanda and in Sierra Leone. Now as Ambassador for Global Justice, I travel for my government 120 days a year doing what I can to support and encourage this process of justice. Of course, we also believe that it's better if it can be done at the national level ... better that it be done close to the victims and close to the affected communities in a national justice process, as is occurring here.

It's also to be recognized that sometimes it's not possible to do this right after the crimes have been committed. Sometimes it takes years, it can take decades for a society to be ready to achieve accountability in these cases. You can look around, you go over to Cambodia. In the mixed court there, there's an 87 year old man who was the number two leader of Cambodia during the Pol Pot regime when two million Cambodians were killed. You go to Guatemala. Last week there was a judgment in the case of a dictator, an individual that led a military government in

1982 and 1983, for genocide and crimes against humanity. He's now 86 years old. Two weeks ago in Germany, they arrested a 93 year old individual who had been a concentration camp guard at Auschwitz where more than a million Jews were gassed and burned. So many times these cases come late.

It's important to recognize that this, however, is all part of a global movement to establish justice, even as important as it is in every society. These are crimes of international concern, and that's recognized by the fact that your court here is called not the Bangladesh Court for War Crimes, it's called the International Crimes Tribunal. It's important that these cases be done fairly.

I know, because I see and I've met so many victims of these crimes, that people want them done quickly. They don't want them to drag on. They'd like to have the judgments yesterday. And of course when you have really serious crimes, I know people say well why do you give people these rights in these serious crimes? But it's the same whether it's an ordinary crime or grave crime. People can be falsely accused. There has to be the presumption of innocence. The evidence has to be beyond a reasonable doubt. Anything less ill serves the victims. There can't be shortcuts. This can't be a process that depends on politics. Guilt or innocence can't be determined by polls, by demonstrations in the streets, and certainly never by the threat of violence, but by facts proven according to law in court.

If it's not done that way, then at some time in the future, none of us anywhere is safe, because we could be falsely accused of a serious crime and ourselves convicted. We would expect for us to have those rights, those rights that have to be granted to others.

My recommendations remain:

One, this is an international crimes tribunal. It's important that we follow international law. For instance, some of these cases involve crimes against humanity, murder. Crimes against humanity, rape. Crimes against humanity, torture, enslavement, other kinds of crimes against humanity. These are not ordinary crimes. They're not like the murder or rape that exists in the code. Under international law, they have to be part of a widespread or systematic attack, an organized plan or policy. The person who commits the crimes has to be shown to have done it as part of that organized effort.

When I was here before, I had suggested that in the rules the elements be laid out specifically. I also suggested that if it wasn't done in the rules, it could be done in the charge framing decisions. Now, finally, I see that it is being reflected in trial judgments, and I hope that this continues at the appeal level.

And as it continues, and as these decisions are decided, and I'm quite interested today, I heard in the argument cases in which I've been involved myself at the international level cited in the arguments. The cases that are decided here in Dhaka, I expect to be cited in The Hague and elsewhere and serve as an example to other countries, in other places in the world.

Secondly, this needs to be a fair process, so it will stand the test of time. It will ill-serve the victims if in 10 or 20 years people look at this and say, "well the proof wasn't there." The proof is there that the crime was committed; the proof is there that this person had a political view, but I don't see the connection between the two. If you don't have that, then it ill serves the victims because people will call the whole thing into question.

It's important also to note that for the reason of law and constitution and provisions that were adopted back in the '70s, the provisions for protection of rights exist for ordinary cases here in Bangladesh. If you were charged with murder or rape or a speeding ticket or something, you would have certain rights. The law says, the constitution says, those rights don't apply in these

cases. So it's necessary that this court has to establish its own rules. But this court is also subject, as are all proceedings in this country and in my country, to the basic protections that are in an international convention. The International Convention on Civil and Political Rights ratified by this country more than 15 years ago. These rights provide certain protections for accused persons, and the recommendations that I made back in 2011 were based on those. Of course, as you recall, some of them were adopted, some have yet to be adopted. But I still think there's time for them at least to be implemented in practice.

I'd like to say something about sentencing. In the United States we have the death penalty, unlike countries in Europe, unlike countries in South America and in many places of the world. You have the death penalty provided for certain very serious crimes in your law, and that's allowed in this tribunal. And the International Covenant says countries can implement a death penalty. But the standards require that it be done only with the greatest care. There has to be a clear statement of the factors, of the aggravating factors that led to an execution: the directness of conduct; the multiplicity of the crimes; the large number of victims; the heinousness or cruelty of an individual actor. And there are mitigating circumstances like the youth of the perpetrator.

It's important because the death penalty cannot be undone. It's important, therefore, that it be preserved for cases where the proof is overwhelming, not where the linkage evidence is weak between the crime scene and the accused.

I know in my own country that sometimes passions are very strong and people are particularly concerned that if it's not a death penalty maybe people will get out. The accused will eventually be paroled, released, and threaten his victim. I see some of that same concern here. But the answer, of course, is that if there are sentences of life or of long periods of years and they result from a process which is fair and just, that can be respected by all people, then those sentences need to be protected and followed, whatever government is in power. So if a person receives a

life sentence in a fair system today, that person will serve a life sentence, so it's not necessary to have a death sentence simply to avoid the risk of some release.

Finally, I want to say that this is an historic process. Historic certainly for Bangladesh, one for which your grandchildren and their grandchildren will read about and people will read about for decades and indeed centuries to come. And it's important internationally in developing the law ... and in creating the expectations that when people do these crimes, they will face justice. And because of the fact that in Bangladesh, in Cambodia, in former Yugoslavia, in Rwanda, in various areas of the world this is happening, we can begin to create an expectation that when people commit horrible crimes like those that were committed here in '71, they will be held to account, and we can begin to deter those crimes and protect other people from experiencing those same horrors.

I'm here because I profoundly respect Bangladesh for taking on this responsibility and because it is my hope that there's time for this process to achieve results that can be an example to the world.

With those opening comments, let me hear your questions.

**Masud Karim, Daily Samakal:** Thank you. My question: you just have given the recommendations that to follow the international law, fair process, and also the greatest care for the death penalties. So what is your observation actually so far in the middle of the process ... so far as the process has completed? What is your observation, whether it has met the standard of what you are recommending actually so far, and, in the future, do you think the government is on the right track of what you are saying?

Also, my question is you are asking for international standard because of the International Crime Tribunal, but the trial is conducted by local justice, local lawyers and so it is the local court, not

the international court, but the crime is international. So government argument is not always compulsory. It is not always meeting the international standard in this regard. So what is your actual observation? Thank you, sir.

**Ambassador Rapp:** First of all it's important to note I've arrived before any of these cases is final on appeal. I can't say where they're going to end up. It's certainly my hope that in situations where rights may have been violated, the appeals court would cure those violations. They may decide that a particular violation didn't affect the judgment, or they may decide that that makes a particular count of conviction an unsafe conviction. So I think there's still an opportunity for those kinds of changes.

If you're saying are there things that concern me? I've been following this process. There are situations, for instance, the International Covenant says both sides should be able to summon witnesses. The prosecution can summon witnesses, have a summons issued and make a person come to court; and the defense can summon witnesses. What I hear is that the prosecution can do it, but the defense hasn't been able to in certain circumstances.

Now whether that resulted in a material problem in terms of evidence that would have changed the result, I don't know, but it's important to look because the International Covenant says both parties shall have the same right to call witnesses, both for the prosecution and for the defense.

But indeed, there's still an opportunity for these things to get right.

The question about it being international, of course international's in the word, but that could just be something that's there as a title. But it is important to note a couple of things. One, the international law applies because this convention is in effect and that does require that even in the absence of specific Bangladesh law that provides for rights, it needs to be upheld.

Secondly, it's important to note that this statute was adopted after the crimes were committed. In national systems you can't do that ... you have to adopt the laws beforehand. But there's an exception. Under international law, which is if you have international crimes, you can adopt a statute to apply to international crimes because the law was already there. It was already established at Nuremberg and elsewhere. It's already in the Genocide Convention. It's in the War Crimes Act. You can say okay, we're going to go ahead and apply the law as it existed internationally in 1971 and you can do that in a law in 1973, you can amend it in 2009, you can amend it in 2013. But you can't do that unless it's an international crime. That's why if the law comes along and it puts things in there that aren't international crimes, then it violates the rule against after the fact or ex post facto legislation.

So it's very important to the legality of this process that these be viewed as international crimes. And to the extent that one proves that this is a crime against humanity, a war crime, a genocide, et cetera, under the law that existed worldwide in 1971, nobody can attack it.

**Mainul Alam, Ittefaq:** Thank you. This is Mainul Alam for Daily Ittefaq.

I remember your earlier visit in 2011 or 2010 and you mentioned, you questioned about the process of the trial, it should not be any political harassment, or the trial should not be any political element.

Did you find the trials involved any political element, or should be impartial from political involvement? Number one.

And the political situation, regarding election and election process is very much uncertain. The other limit is that crimes, the ICT process. ICT, after the verdict it was violent the situation has become more volatile. How do you see any of that? Thank you.



**Ambassador Rapp:** First of all, what I said about the political thing, every time you do these cases, the people who are accused say it's politics. We're being prosecuted because we're on the wrong side, et cetera, and this is an unfair process. I said the best answer for that was for the prosecutor to basically establish what the strategy was, what the standards were to make that a very public process and say we're prosecuting people who are with us today. Obviously, they can't prosecute the dead. We're prosecuting people in this country, because there are places where we won't be able to get them extradited from. And so we're limited to some extent as to whom we can prosecute. And we're looking at the people who committed the largest number of killings or had the highest rank or were the most active, et cetera. Those standards should be laid out.

That hasn't been done in terms of announcing what the strategy is, and that allows people to come along and say well there's political motivation.

But I do want to note that at the end of the day whether a person is guilty or innocent depends on the facts of an individual case. It's not a defense that is political. It has to be: is the evidence there, is the law there? But it's a better process in terms of its acceptability if it's explained how these cases are picked and why these particular individuals, certainly there are hundreds of individuals who are alive today who were in Al Badr Militia and other things like that. Why is it that these particular individuals are the ones that are picked? It's an important thing to explain to people, and that's what we try to do in these international courts, though of course however many times you explain it, there will be people who say you didn't make the decision right, because you can't prosecute everybody. You have to make a certain selection.

Obviously we had, I think many people have commented on the unfairness of changing the law and what can be appealed after the case had already been decided at the trial level. That raised concerns. Even though at the international level if the statute had been written saying the prosecution can appeal sentences, that would be fine. We can do that at the international level.

When I was a prosecutor at the international level, I had cases where the sentences were too low, I appealed them, and I got the judges to raise the sentences. It's appropriate to have that.

But changing the trial to make it more painful for the defendants after the process has begun is usually something that's not viewed favorably in terms of fair process.

But that said, I think the judges now have these issues in front of them. At the appellate level they can decide what a fair sentence should be. They can decide the standards and what you can do there.

**Mahfuz Mishu, ATN Bangla:** Sir, Mishu from ATN Bangla.

My question is, there is a public demand in recent times to ban Jamaat for their role in 1971. Most of their leaders are under the trial. Is there is a chance to ban any political party for their role in 1971 under ICT?

**Ambassador Rapp:** Understand that the modern view of international law is that this involves individuals, and these are criminal cases in which individuals are held responsible. You're not prosecuting associations of individuals.

As I see it, this is a process that needs to focus itself on whether particular persons are guilty as charged, and not to get into these questions about organizations involved in politics today.

There are election commissions and other people can make determinations about who can be registered as a party under law and that's not my specialty. I deal with this question of criminal codes and criminal trials, and in a criminal trial, at least as we've come to see them internationally and at the national level, they involve prosecutions of persons, not of whole associations.

**Raheed Ejaz, Prothom Alo:** Mr. Rapp, this is Raheed from Prothom Alo.

Yesterday you met different lawyers at the ICT. They have raised the issue of the procession in Shahbagh Square. They also argued that the position of the youth either way put pressure on the court for making the verdict of the International Tribunal. So, what is your observation on their argument? My first point.

The second point, as Mahfuz raised, whether the four verdicts that we have witnesses, do you feel they duly follow the process either be it a life sentence or death sentence?

**Ambassador Rapp:** Understand, I think demonstrations may have had an effect on passing laws to provide for opportunities to appeal issues, but I have to trust judges to make decisions based upon the law and the facts. I know from my own involvement in court that many times people are quite unhappy about decisions and people can be very emotional, but we have to respect that process.

It's certainly my hope and my expectation that the cases will be decided on the facts and the law ... not on the polls, not on politics, not on demonstrations, or certainly not on the threat of violence, as I said earlier.

As I also said, these cases are in front of the appeals, a couple of cases, obviously the one with the person in absentia hasn't appealed, though he has certain rights if he does appear. The most recent case, Kamaruzzaman isn't yet ripe for appeal, but we expect an appeal in that case. And until that process is done, it's in the hands of the judges. It's not for me to say what I particularly like or dislike about those things. Obviously, there are issues that have been raised that I think are important, as I noted earlier, even on the question of whether both sides had the ability to call witnesses. I don't know the bottom line there. As I understand it, it didn't in the end result in

any evidence coming in contrary to the law of fairness. So, it may not have been something that mattered in that case.

So, I don't want to get involved in the specifics of these cases. It's up to the appeals chamber, and it's up to them to cure the errors that were made, and if they can cure them and retain convictions and show there's other valid evidence that supports a particular conviction, they can do that. If there is a violation of rights such that a particular count is unsafe, they can set aside that verdict, but that will be their decision.

**Israt Zahan Urmi, ATN News:** My name is Urmi from ATN News.

My previous colleague already raised the question. My question is, do you think that war crime tribunal verdict was influenced by the Shahbagh Movement? Any chance?

**Ambassador Rapp:** Again, obviously the Shahbagh Movement happened after the Abdul Quader Molla judgment, and again, I'm trusting the judges not to be affected. Obviously in the political process that may have reflected decisions in terms of legislation because legislators naturally respond to public opinion. But judges don't respond to public opinion; they respond to the facts and to the law. That's what I think we can count on here.

**Anbur Nahar Monty, Bhorer Kagoj:** Thank you. My question is, you said your hope and expectation are not to politicize, but the crime, the case against the criminal is a political commitment and earlier we didn't do it. This time this government is doing, is carrying on these things, and there is very limited time. You say this before has emotional view, that you want to see about it quickly, but do you think we are going fast? At the same time they have commitment. People voted them for this commitment. What is your observation in this regard?

Have I made it clear to you?

**Ambassador Rapp:** I think so. As I noted, a long time had passed after these crimes. It's certainly my understanding that the current government ran for election saying it's time to have these trials, that was something that some people presumably would have supported the government because they thought that was a good plank in their platform or manifesto. So, that was a reflection of political will. Indeed, when it comes to actually having these trials, that's a manifestation of political will. Countries finally deciding it's time. Sometimes that's made by parties of one side or the other. Sometimes it's made because of international pressure, or the possibility that a case will be taken to The Hague makes people say, "well, let's do it here." And understand, taking things to The Hague really requires case since 2002, so this is not the kind of case that could be taken to The Hague. But political will is a factor.

But once you have the political will and you begin that process, then that process needs to be based on the facts and the law. That's what we count on here.

Obviously a number of these charges began three years ago in terms of the individuals who were investigated, detained, and some of them are now very close to finality. On the other hand, individuals arrested this last weekend and their cases are proceeding. So this court is proceeding very much like it's going to continue whatever happens in this election. And certainly it would be my expectation that it would continue whatever happens in this election, that this is a process of establishing justice. It should be done in such a way that it's not a question of which party is in power. It's a question of establishing justice for this period, and the judgments that are rendered, if they're fair and just, would be respected no matter which party is in power. That's what I'd like it to be.

Now you can talk about realities that might be different. But obviously on something as serious as this, people should be of the same mind.

**Minuma Sultana, The Financial Express:** Hello. This is Minuma. I'm working in Financial Express.

I wanted to skip my question because most of my colleagues have done their thing. But I want to focus in a different way, in other areas. Maybe other colleagues may same, so be it.

As you know, several incidents, fire incidents, building collapse happening in our country, and most of the cases, these people, the owners and the governments, building owners, they go without trial within our existing law. So do you think these cases can be tried under international law? I just want to know about that.

**Ambassador Rapp:** I think Ambassador Mozena is the expert in this particular area in terms of the response to this tragic, horrible incident with so much loss of life. My heart certainly goes out to the victims and families that experienced this.

I think, on the other hand, international crimes are not crimes that involve negligence or recklessness or not having a building in sound shape, et cetera. They have to be intentional crimes of wanting to go kill people. So these are not, I don't think this particular incident, even with the great loss of life that we're talking about, is something that fits within genocide, war crimes, or crimes against humanity. But that's only one part of the law. There are laws in this country that can respond to that and there are things that need to be done in the future to make sure this kind of thing doesn't happen again.

Let me yield to the Ambassador.

**Ambassador Mozena:** I think the key question is actually one step further, and that is what can we do to make sure there never is another Tazreen Fashions fire, never is another Rana Plaza

collapse that killed 1,127 people. That's what the focus is on right now, how to ensure that this is a moment of transformation.

I think some of you know that I was here a decade ago, it was a time of transformation when child labor was eliminated from the ready-made garment. Do you remember the chained exits? They're gone. The blocked toilets are gone. Unpaid overtime almost gone. That was transformation of a decade ago. Now is another time for transformation, to make sure there will never be these kinds of tragedies in the future.

So the focus for us is on workers' rights to freely associate and organize. Because organized workers would not have died in Tazreen fires. Organized workers would not have died at Rana Plaza building collapse. And the other areas we're working on are having enforced minimum fire safety standards, enforced minimum factory structural soundness standards.

So that's what we're focused on right now in the area that you raised.

**Amir Khasru, Voice of America:** This is Amir for Voice of America in Dhaka.

We know that international lawyers are not allowed to depart Brussels. So do you think it is hampering the entire process? Number one. And number two, already you have indicated that international standards should be maintained, and specific process should be maintained, so on and so forth.

But my second question is, are you satisfied with the entire process? If no, why?

**Ambassador Rapp:** First of all, if you may remember in my recommendations that I made and that the government publicized, I did indicate that certainly at the beginning of the process there was a need for international lawyers because you needed people who had experience in this

particular area and the parties, both defense and prosecutors, should be able to call on them and it was permitted by the code, by the statute. But still you had to get approval by the bar consul, and as the bar consul was constituted, it didn't happen.

I will say now as I see the process go forward and as people have learned the law and have dealt with a number of cases, I was quite impressed with the advocacy that I saw today. I saw very effective advocates in the prosecution arguing in ICT-2. I saw very effective advocacy for the defense in the appellate division. And in the other case, I was just listening to a witness. But I saw the parties doing what I think was a good job.

Sometimes in these internationalized courts, it's helpful to have some international personnel at the beginning, but people build up the skills and the knowledge of the law, and I think that's where it is. So I think that issue is really behind us now. Both sides have their advocates and they're proceeding.

As I noted earlier, there are, and you only have to go back and look at my recommendations and which of them were accepted and which of them weren't, at places where the law still falls short of what's provided in the International Covenant. But as I said when I left here in November of 2011, you can change the rules, but you don't always need a rule. It's a question of practice. It's important that in actual practice in these cases the judges follow the rules and follow the guidance from other courts, and that can be done still in the appeals process.

So as I say, at the moment there are things that lead me to believe that the process still needs improvement, but I believe that there's still time, still an opportunity for this to be done well and to be done in an international standard. I'm just not sure we're there yet.



**Hamayun Kabir, Independent:** Ambassador Rapp, I'm a bit scared because I know Ambassador Mozena is a one question man, but I'm afraid that my question I'm going to throw is going to have more than one element.

Number one is, if I heard you correctly, you said there are still concerns about the process. I would like to know if you would care to specify those concerns, and have you, during our meeting with the law minister and others, did you apprise them of your concerns?

And during your last press conference with us last time you said that ICT needs to define the crimes against humanity. Do you think they have done so?

Thank you.

**Ambassador Rapp:** As I noted, I think it was important for it to be defined, and clearly understood what needed to be proven. As I read the most recent decisions, I think that's beginning to happen. They talk about the need for a widespread or systematic attack. They talk about the need otherwise for its connection to the armed conflict. And I think as long as people understand that those are things that need to be proven and that relationship is there, I think we're approaching the point when we can say that this is defined. I would have preferred its having been laid out at the beginning so people would have known exactly what needed to be proven, and what if you're on the defense side, needed to be shown as lacking evidence. But I think we're moving in that direction and I'm going to be looking very closely at the appeals decision, and I hope that what I think is recognized as international law and has been recognized in other courts, both international and domestic, is clearly defined.

We talked about those issues that I raised in my letter back in March 2011. There was also discussion of some other changes that are being discussed. I expressed the view that these are the kind of changes that would be important to make. I'm watching that process. I'm hopeful there

will be some rule changes, but also that there's going to be the absolute assurance that the practice of fairness between prosecution and defense, parties being able to call witnesses on the same basis or summon them, that rules like the rule on alibi ...right now, for instance, it's the burden of the defense to show that they weren't there. You never put the burden on the defense. It's the burden of the prosecutor to prove that he was where he committed the crime. It's not the burden of the defense. That's a change that could be made.

There are other places I think where these changes could be made to more clearly reflect the law of fair process that applies uniformly, and I'm looking for that. But let's see what these decisions provide.

**Mithun Mostafiz, Boishaki TV:** Yesterday I met you in the Westin where you were continuing the meeting with the Chief of Defense Council of International Crimes Tribunal headed by Barrister Razzaq. After your couple of hours long meeting, he told the press that your deep concern about the trial process where half of the total verdict already pronounced. Today you went to the International Crimes Tribunal and also you visited law ministers' office. And you have expressed your profound satisfaction to the press, what you got to know from our colleagues.

So actually I'm getting a different picture. What is last night's picture and what is today's speech. My question ultimately supplements my senior colleague Karim's question. In fact, what is your reaction? Are you happy with the trial process or not? Are you satisfied or not? Is it expressing dissatisfaction or profound positive satisfaction? Can you give me the -- I have to report on yes, you are satisfied; you are not pleased. Specify. Thank you.

**Ambassador Rapp:** Thank you for doing your job. And my job, keep in mind, I spoke today to reporters as I left the ICT and I spoke, in which I expressed appreciation of the progress there, the

advocacy that I've seen indicating that I still thought more improvements needed to be done, et cetera. And I made that clear.

Now people may talk with me and see my good nature and presume that I'm agreeing with everything they're saying and they may go out and characterize my views in a particular way. But I speak for myself in this regard and listen to what I say and not what others may hope that I say.

But fundamentally, I think that progress has been achieved here. I was very gratified that some of the recommendations that I made were incorporated. I see strengthening advocacy in the process. But I also see things that concern me. I expressed those and I want to see they're clearly understood, that we're applying international law and the elements that need to be proven are clearly laid out. I want to see those rights, the equality of arms between the prosecution and defense, the clear burden of proof on the prosecution. I want those things reflected, as I argued earlier, and I'd be glad to sit down with anyone and go through the rules and point out places where I think changes are appropriate. And if they're not made in the rules, then they can be made in judicial decisions.

So I don't think we're at that level yet. I'm not satisfied. I do have concerns. But I think progress is made.

Finally, of course, I'm very concerned about penalties. I think many people reflexively want to see a death penalty because of the severity of the overall crime, the horror of the hundreds of thousands of people murdered and killed. But these cases are about individuals and there needs to be an individualized determination of what the proof was as to a particular person, what the role was of that individual. How cruel they were. What they did, and whether that justifies a death sentence. Then an appropriate sentence is established, and that is done in such a way that people can lean back and say, "well, that's not what I would have done maybe, but I can respect

that.” Whatever party comes in power and stays in power, et cetera, that those sentences are honored so people don’t worry that somebody’s going to get a life sentence and serve two years. That’s important.

But that’s really critical. Obviously we don’t want to have people that don’t deserve the death penalty facing it. And certainly even if it’s a question of what you might think a person did or might be responsible for, this is a judicial process. It’s got to be done on the facts, according to the law, according to a process where the defense has the fairest opportunity to knock it down, because that’s what best serves the people of this country.

In the long run it’s a judgment that you can say 20 years from now, we got that right. And it’s also what best serves everybody in this world in terms of trying to prevent these crimes in the future.

Thank you very much. I enjoyed it. We’ll be back. Thank you.

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