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**Talking Points**

**JDN Interview with Jim Lehrer**

Thursday, June 17, 2004, 11:30 am

**Prisoner Abuse:**

- The photographs from Abu Ghraib are shocking. The abuse of prisoners in Iraq has never been U.S. policy or condoned by the government or military.
- As the President and Secretaries of Defense and State have made clear, the Administration takes the allegations of abuse very seriously. A series of investigations have been initiated to find those responsible for wrongdoing. We will bring these individuals to justice, and ensure that it does not happen again.
- Ongoing investigations relate both to specific allegations of abuse and to potential systemic problems.
- These investigations are proof that our democratic system is responsive and transparent. While the abuses at Abu Ghraib were horrific, the US has acted responsibly and is addressing the problem in a forceful and thorough manner.
- The Administration is firmly committed to the Geneva Conventions and has made clear that the conventions apply in Iraq.
- (if pressed) Iraqis in Coalition prisons are, in general, considered prisoners of war and entitled to the protection of the Geneva Convention. Some prisoners captured in the Global War on Terror are not entitled to the protections of the conventions; our policy has been clear that they should be treated in accordance with convention provisions.
- (if pressed) Every standing policy and every order from senior officials, from the President down, has stated clearly that prisoners must receive humane treatment.
- (if pressed) To take disparate memos, reports and legal memoranda, regardless of their context, and put them together to suggest the government told people to torture prisoners is distorting the facts.

**Detainee Policy:**

- Detainees who have committed crimes or acts of terrorism in Iraq will be prosecuted. Those determined to be innocent will be released. The Coalition is working with the new Iraqi government on this issue – don't want to say more as it is under active discussion.
- The Iraqi judicial system is functioning well, and has already assumed responsibility for criminal trials. More than 600 Iraqi judges preside over more than 500 independent courts.
- **Custody of Saddam:** Saddam's trial will be an Iraqi-led process. We have always said that the Iraqi people should try Saddam Hussein. We are now discussing with the Iraqis how best to do so.

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- President al-Yawar has said that Iraq must first have “enough security” in place in order to take custody of Saddam. To this end, we will assist the Iraqis to ensure that they have the necessary resources and security.

### **Special Tribunal**

- Iraq has established a special tribunal to deal with war criminals and terrorists.
- Iraq will decide on an individual basis, based on facts, who will be tried by the special tribunal, including Saddam. Cases will be assessed on factors such as the types of activities, where they occurred, the nationality of the individual, and jurisdictional criteria, among others.
- We also want to ensure that the process of the Iraqi Special Tribunal is fair, open and effective. We are also providing technical assistance to the Iraqis on this tribunal. The IIG and the PM Alawi are actively engaged on this issue.
- The Statute of the Iraqi Special Tribunal calls for the use of international advisors and allows for participation of international judges. The process, however, must be an Iraqi one, with Iraqi judges, prosecutors and investigators.
- The US supports the Tribunal, and encourages all countries to support this Tribunal to make it a strong and credible process.

### **Moqtada al Sadr:**

- Our position on Moqtada al-Sadr remains unchanged.
- We support the rule of law, and al-Sadr is operating outside the law. He is under Iraqi indictment for the murder of a respected Iraqi religious leader.
- His private militia are terrorizing and killing fellow Iraqi citizens and destroying their homes and businesses. He has attacked the Iraqi police. His actions threaten the peace and stability of the future Iraq.
- The Iraqis and the interim government have recognized this, and they are developing a policy that addresses his activities. The US and coalition forces will cooperate with the IIG as deemed necessary.
- As the President said, “The interim Iraqi Government will deal with al-Sadr in the way they see fit. When we say we transfer full sovereignty, we mean we transfer full sovereignty. And they will deal with him appropriately.”

### **Privileges and Immunities for Contractors:**

- We do not believe that anyone should be “above the law”.
- The Vienna Convention on Diplomatic and Consular Relations says “it is the duty of all persons enjoying ... privileges and immunities to respect the laws and regulations of the receiving State.” We take this duty seriously.

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- US diplomatic regulations require that “An employee shall respect the laws of the country in which the employee is present.” We expect this and the highest standards of personal conduct from all members of the U.S. Mission, and persons employed by the mission, regardless of their level of immunity.
- Work in Iraq, however, is extremely dangerous. There is still an active military conflict underway in some parts of the country where Mission personnel and contractors must work to achieve our objectives in Iraq.
- Our aim is to provide our people with the legal protections necessary for them to perform their official duties and maintain their personal security. We are talking with the Iraqi authorities about how best to accomplish this aim.

### **Palace:**

- Discussions with interim government regarding the Palace are ongoing.
- We respect the sovereign authority of the interim government to dispose of national property as it sees fit.
- No decisions have been made.

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