

he had always been in southern Sudan. It was a historic moment not that long ago, cheered by millions and millions of Sudanese.

Tragically, 1 month later, on July 30, the helicopter that was carrying Dr. Garang and his passengers crashed, a sudden crash. Why it crashed nobody knows.

Salva Kiir replaced Dr. Garang as First Vice President, and he promises to carry forward this peace process, which is challenging, but it can be accomplished.

His predecessor had worked very hard over many years to take that country to the point of peace. Under that peace agreement, Sudan enters a 6-year interim period, and 4 years into that, at the 4-year mark, nationwide elections will be held at the provincial and national levels. The interim period will culminate with a vote by the people in southern Sudan to decide their political future.

It is a fragile moment for Sudan, but it is one for great hope.

I had gotten involved and worked very hard with Dr. Garang and other leaders of the SPLA and SPLM. I had the opportunity to meet with Dr. Garang many times. I was hosted last August at his home in a place called New Site in southern Sudan, where I spent several days with Dr. Garang and his wife.

This June, not that long ago, I had the opportunity to host Dr. Garang in my Capitol office. During that meeting, he emphasized to me, looking me directly in the eye, that for the peace to hold, both parties must fulfill their obligations. He stressed that continued pressure from the United States is absolutely critical to ensure that these obligations are met.

The civil war and its aftermath have created a staggering humanitarian crisis. I mentioned 5 million people displaced from their homes and over 2 million people have died. That subjects the country to a famine and deterioration and destruction of health care systems and education infrastructure. International assistance in education, in building of roads, in the infrastructure of health care can help show a traumatized nation, after 21 years of civil war, that peace is the only way forward.

As I mentioned, this is a critical moment for Sudan. Many southerners have expressed concern about the unfair distribution and domination of key Cabinet posts by the ruling party. Soldiers from southern Sudan are still waiting for a decision regarding the formation of what are called Joint Integrated Units, with troops from the north and the south participating together, side by side. And violence against civilians in southern Sudan is slowing down, hindering humanitarian and reconstruction efforts in this war-ravaged region of the country.

The road forward is not going to be easy. In the best of worlds, it is not going to be easy. Millions have lost

their lives in this 21 years of struggle. But the days, weeks, and months ahead do hold great promise not only for the north and the south but for the entire country.

During our meeting this afternoon, I hope to hear Salva Kiir's assessment of the peace process and his suggestions, his counsel, his recommendations on how we in this body and the United States can help.

I also hope to discuss the deteriorating situation in Sudan's western region, Darfur. Last week on the floor, I summarized again the deterioration of what is happening in that Darfur region. I also had the opportunity to visit, a little over a year ago, the country west of Darfur, Chad, where there are so many refugees today.

In the past few weeks, we have witnessed a serious escalation in violence among the Jingaweit militias who are supported by government forces. They are ravaging villages, they are ravaging these refugee camps and attacking—and these are the descriptions we continue to get—attacking civilians, attacking humanitarian groups, and attacking the African Union peace-keeping forces.

The recent split among the leadership of Darfur's main rebel group further threatens to undermine the peace talks that are scheduled to resume in the Nigerian capital on November 21, a couple of weeks from now.

It is imperative that all parties bring the violence to a halt. Only peaceful negotiations and dialog ultimately are going to bring true resolution. The Comprehensive Peace Agreement shows that it can be done.

Before his death, Dr. Garang told a hopeful country that the peace agreement between the north and the south—and these are his words—will change Sudan forever and engulf the country in a democratic and fundamental transformation." And he is right.

It is now First Vice President Kiir's great challenge and opportunity to carry forward that torch and lead his country toward that permanent and lasting peace.

I look forward to our discussion this afternoon. On behalf of the American people, I offer our hope and our optimism to the First Vice President and to the people of Sudan.

Mr. President, I yield the floor.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 2 p.m., with the time equally divided between the majority and the minority.

The Senator from New Mexico.

#### INDEPENDENT COMMISSION ON DETAINEE TREATMENT

Mr. BINGAMAN. Mr. President, I rise to speak in support of Senator LEVIN'S

amendment to create an independent commission to investigate the policies and practices relating to the treatment of what we have come to call detainees but what are, in fact, prisoners being held by the Government.

I am proud to be a cosponsor of that important amendment. I urge my colleagues to support it as well.

Let me say a word, initially, about the use of language. We sometimes use language without focusing on the implications of that language. Unfortunately, in the case of this discussion, we have fallen into the practice of referring to these individuals at Guantanamo and elsewhere as "detainees." Of course, the suggestion that someone is being detained is a lot less onerous or implies a lot less of a taking of that person's freedom than the phrase "being imprisoned." The truth is, these individuals are being imprisoned.

The amendment that Senator LEVIN has offered would have an independent commission evaluate the current practice of indefinitely imprisoning individuals at Guantanamo without ever charging them with a crime in either Federal court or under a competent military tribunal.

This commission would then report back to Congress and give us recommendations on whether we should change existing law or change policy on this set of important issues. The current practice of holding detainees or prisoners indefinitely, without affording them basic due process rights, has been widely criticized in this country and throughout the world. For a country such as ours that has consistently advocated for the rule of law, the policies of the current administration are nothing short of a major embarrassment.

Since September 11 of 2001, the administration has asserted extraordinary new powers with respect to the imprisoning of individuals suspected of being involved in terrorism. The President has argued that the Government has the authority to indefinitely imprison any person that he, the President, determines to be an "enemy combatant." They have that authority whether or not the person is a U.S. citizen. Of course, our Government has also forcefully opposed any judicial review of the President's determination in that regard.

There are over 500 people who are currently being imprisoned in Guantanamo. Many of these individuals have been held for over 3 years without being afforded the ability to challenge the basis for their detention. The administration has developed a new category of detainee, the "unlawful enemy combatant," and they have argued that neither the laws of war nor traditional criminal laws apply to these individuals. In essence, we have created a new type of prisoner who is unable to seek the protections of the Geneva Conventions or to take advantage of the rights afforded to individuals in this country under our criminal justice system or