

"He's a nice guy. He loves the service," D'Castro said from Camarillo.

D'Castro said the last time he saw Cunningham was when he visited Camarillo at Christmas-time.

Cunningham was one of seven Americans who died in the bloodiest operation of the war in Afghanistan. They were killed as troops were being taken into the battle area on two different missions, the Pentagon said Tuesday.

Early Monday, a two-helicopter team was ferrying in reconnaissance troops south of Gardez when one was hit by enemy fire, said Brig. Gen. John W. Rosa Jr., deputy director of operations for the Joint Chiefs of Staff.

One soldier fell from a helicopter and later died, Rosa told a Pentagon news conference.

Cunningham was killed during a subsequent rescue mission involving special forces on two helicopters. Once on the ground, those forces got into a firefight in which at least 11 were wounded and six died.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I join my colleague, Senator DOMENICI, in expressing condolences to the family of Jason Cunningham. I also read with great sadness the report of his death in Afghanistan. It was emphasized in the report which I read that he was part of this para-rescue team and that he had made a very conscious decision in choosing his career path in the military to be on a para-rescue team rather than on a different type of military team because he did want to commit his life to saving other people's lives. That is the exact activity he was engaged in in Afghanistan when he came under enemy fire and was killed in that combat.

This is a reminder to all who serve in the Senate, as well as, of course, to his family. It is an enormous responsibility we take on as a nation when we send our best young people into battle to do the work of this country, to put these men and women at risk, as has been the case in Afghanistan. It is an enormous undertaking. His sacrifice is the ultimate sacrifice and his family's sacrifice, as well. We join with them in mourning his death.

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Mr. FEINGOLD. Madam President, I rise today to voice my support for the International Criminal Tribunal for Rwanda which is the often-neglected sister court to the International Criminal Tribunal for the former Yugoslavia at the Hague. While the international media carries regular coverage of the Milosevic trial and the NATO efforts to arrest individuals wanted by the ICTY, much of the world, it seems, has forgotten about the ICTR. This week, as the UN's fifth committee considers the tribunal's budget, I want to make plain my continuing concerns about the tribunal, but I also want to be crystal clear about my continued support for its work.

In 1994, an unspeakable horror unfolded in the tiny central African site of Rwanda. Despite the initial ref-

erences to "ancient tribal hatreds" at the source of violence, we now know that the genocide was not a series of spontaneous acts; it was not about crowds gone wild or tribal bloodlust. It was carefully planned and centrally directed. Extra machetes had been imported, militia groups were in place, and incitements to murder had become a regular element of programming on the hate-radio station. The planners targeted not only ethnic Tutsis, but also politically moderate Hutus who threatened their grip on power. We know today that individual people—leaders and planners—are responsible for the deaths of some 800,000 people, and that the blame for these atrocities cannot be heaped on some imagined cultural failing.

Two weeks ago, I had an opportunity to visit the International Criminal Tribunal for Rwanda in Arusha during a weeklong trip to Kenya, Tanzania, and Mozambique that I undertook in my capacity as Chairman of the Senate Foreign Relations Committee's Subcommittee on African Affairs. During my brief visit, I was able to meet with the Deputy Registrar, with Judge Navanatham Pillay, who is the President of the ICTR, and with some members of the Prosecutor's office. I was also able to sit in on one of the trials underway—that of Laurent Semanza, a former mayor of Bicumbi who is charged with several counts of genocide, conspiracy to commit genocide and crimes against humanity, including rape. I heard some of the wrenching testimony in that case, and was astounded at the strength of the tribunal officials, whose work requires them to confront the horrible facts of the Rwandan genocide every day of their work.

For many years, I have strongly supported accountability measures in cases where crimes against humanity have occurred, and I think that international support for such measures is particularly important in Africa, where too often the international community fails to respond to atrocities the way we would if such acts occurred in Europe or North America.

For this reason, I have been a supporter of the Special Court for Sierra Leone. I have long supported the ICTR. In the last Congress, I authored legislation that was signed into law that would extend the U.S. rewards program to allow our government to offer and pay rewards for information about individuals wanted by the tribunal. The reason that we did this is because this provision had already existed for the International Criminal Tribunal for the Former Yugoslavia—an example of how a double standard relating to the courts was at one time institutionalized in our government.

What had happened since the Arusha tribunal's inception is nothing short of groundbreaking. The ICTR was responsible for the very first international convictions for the crime of genocide. Many people do not realize this, al-

though the international community adopted the definition of the crime of genocide following the holocaust, it was the ICTR that launched the first successful investigation and prosecution for that crime. It was the first-ever international tribunal to convict an individual of rape as a crime against humanity and to rule that rape can be a crime of genocide. The Tribunal was the first such institution to actually convict a national leader, the former Prime Minister of Rwanda, of genocide. The court has established principles of international law that will be studied in law schools around the world for generations to come.

And more importantly, it is establishing, in the minds of African leaders and African elites and African societies, the possibility that those responsible for crimes against humanity may one day be held accountable for their actions. In central Africa in particular, this goal is essential to ending the culture of impunity for gross violations of human rights, whether they occur in Rwanda or Burundi or eastern Congo. The people who have been laboring in Arusha to hold those most responsible for the genocide and for crimes against humanity in Rwanda in 1994 deserve recognition, and respect, and support.

Now, there are a number of steps that the international community can take to help this worthy effort. First, we can ensure that the prosecutor's office is adequately staffed. It is almost appalling that the post of Deputy Prosecutor has been vacant since the middle of last year. I was informed that vacancies exist throughout the office. The UN has to speed up its recruitment process, prioritizing the expeditious placement of competent applicants in important jobs, rather than starving the court of staff for the overriding goal of even geographic distribution of personnel. UN member states must also help to address another problem—that of sentence enforcement. Currently, few of the African countries willing to house persons convicted by the ICTR in their jails can meet international standards for prison conditions. Of course I am not suggesting that the international community refurbish the prisons of an entire continent. But I am suggesting that perhaps there are small and reasonable steps that we can take to help.

And the US and the rest of the international community I think should support the tribunal's request for ad litem judges. They have already supported a similar request for the ICTY for the former Yugoslavia. All observers have been concerned about the pace of the tribunal. It makes sense to provide it with the capacity to move more quickly through its work.

Mr. President, much has been made in recent days of the Administration's decision to publicly push for the ICTR and ICTY to finish their work in the next few years. And the need to wrap-

up the Tribunal's work is not in dispute—in my meetings with Tribunal officials, no one suggested that the Tribunal should not aim to finish its work by 2008. This consensus, however, does not change the fact that much important still remains to be done, and the tribunals will need continued support to complete it.

Some have also suggested that the existence of tribunals has given the international community a rationale for neglecting developing of indigenous justice systems in countries subject to the tribunals. And I agree that this is a pitfall that must be avoided, and I strongly support efforts to strengthen the capacity and independence of the judiciary in countries that have suffered from wide-scale human rights violations. Last week, Ambassador-at-Large for War Crimes Pierre Prosper told the House International Relations Committee that “the United States stands prepared to assist the states in rebuilding their shattered judicial systems to make them capable of dispensing truth-based justice and establishing systematic respect for the rule of law.” I certainly hope he is right, because this is an indispensable element in the global effort to bring some stability to the heart of Africa. But I am not yet convinced that our actions will match this rhetoric, and I am specifically concerned that no funding is being requested in 2003 for the Great Lakes Justice Initiative. And while I am encouraged by the Rwandan Government's efforts to address the massive backlog of genocide-related cases through a system of community courts known as *gacaca* and believe that the international community should help the government in Kigali to ensure the integrity and efficacy of this effort, I also respect the Rwandan's decision not to attempt to try those most responsible for the genocide—known as Category One suspects—in these untested courts in which judges have very little training and where only limited safeguards exist for victims and for the accused.

Madam President, it is important to acknowledge that much of the criticism that has been leveled at the tribunal is fair, and it reflects real, and in some cases ongoing problems with the ICTR. Too often in the past, allegations of waste and mismanagement proved to be accurate, and the tribunal must exercise constant vigilance to fight corruption and abuse. Decisive steps must be taken to address the issue of fee-splitting between those on trial and defense counsel. I was pleased to learn about some of the efforts currently underway during my visit. I have raised these issues with the Chief Prosecutor, I have raised them with U.N. officials in New York, I raised them in Arusha, and I will continue to raise them. And overall, the tribunal simply has to pick up the pace of its work. I believe that this, too, is being addressed. During my visit there were three cases being heard simulta-

neously. And as I have mention, providing additional judges to the ICTR will help to address this problem.

Madam President, because this tribunal is so important, the international community must keep working to get it right. The ICTR still has a great deal of work to do, and the international community, including the United States, must ensure that they are operating with all the necessary support, and operating under clear demands for accountability and integrity. These two initiatives—supporting the court and demanding an end to corruption and waste—are not contradictory, they are complementary. I urge my colleagues and the administration to pursue both with equal vigor.

The PRESIDING OFFICER. The Senator from Nevada.

TRIBUTE TO PFC MATTHEW COMMONS

Mr. ENSIGN. Madam President, I rise to speak of a brave young nevedan, PFC Matthew Commons, who was killed in combat in Afghanistan. I am humbled and grateful that he was willing to make the ultimate sacrifice to preserve our freedom.

For he is one of the noble soldiers of whom Thomas Jefferson spoke when he warned that “the tree of liberty must be refreshed from time to time, with the blood of patriots and tyrants.”

In doing his duty for God and country, he gave up all so that we could grow and thrive and learn and love in the greatest Nation in the world.

He is our fallen hero. A grateful Nation should never forget, he had family, friends, and plans for the future. He was just 21 years of age, old enough to dedicate his life to protecting our country, but too young to have a family of his own.

His mother told me that one of the hardest burdens she now has to bear is the knowledge she will never get to hold Matthew's children.

Matthew was an all-American kid, growing up in Boulder City. He ran track and played soccer at Boulder City High. He was elected secretary of his senior class.

On September 11, al-Qaida terrorists attacked the United States.

On March 4, Matthew Commons sought to make sure that would never happen again.

He died to make sure that no American was left behind at the mercy of al-Qaida. His mission was a success. And his fellow soldiers endured heavy fire so that he, too, ultimately would come home from the front.

In fighting for our Nation, he ensured that we would be free.

In dying, he left in his wake the grief of those who knew and loved him, including his mother, Patricia Marek and his father, Greg Commons.

God bless you, Matthew Commons.

And God bless America.

Would the senior Senator from Nevada like to make some comments?

The PRESIDING OFFICER. The senior Senator from Nevada.

Mr. REID. Madam President, I certainly applaud my colleague from Nevada for making his heart-felt statement. I am not much for calling people when there is a tragedy. I tend to write letters. It is difficult for me to speak to people upon the loss of a loved one because it brings back memories of those loved ones of mine I have lost. So I normally just write a letter.

But I thought it was appropriate yesterday, when I learned about the death of Matthew, that I call and speak to the parents; and I did that. Certainly, it was not a pleasant call in the sense that you call and talk to grieving parents, but it was a call I will never forget.

His mother asked me if I would write her a letter. I said I would be happy to. She said: The reason I want the letter is because I will have that to refer to. I will not have my son anymore. And she broke down and cried a little bit about that.

As I just indicated, I talked to his mom, Patricia, who lives in Las Vegas. I also talked to his dad, Gregory. Gregory, as do most fathers, put up a very brave front during the first part of our conversation. Like all dads, toward the end of it, his emotions got the best of him. He shed a few tears, I know. I could tell by his voice that he was crying on the other end of the line.

I talked to him about Matthew's brothers. Matthew had three brothers. Matthew was the oldest. And his dad said: Matthew always looked out for his brothers, that if anyone tried, in any way, to get the better of his little brothers, he was always standing there making sure that they did not.

And I said to Mr. Commons: You have to explain to your sons that they have a great example to live up to because their brother gave his life for our country.

So I was saddened to see that one of those who died was from Bolder City, NV. As indicated in the Washington paper today, in their comments about his death, Matthew was the youngest of those who were killed, but the parents and the wives of the other men who were killed are grieving just as Matthew's parents, no matter where they live in this great country of ours.

But I do say that as a result of the courageous act of Matthew, who was actually going to the aid of one of his comrades, we are going to win the war on terrorism—because there are people all over America today like Matthew Commons willing to give their lives for their country.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2002

Mr. ENZI. Madam President, I rise today to join my colleagues in introducing the Genetic Information Non-discrimination Act of 2002. I am particularly grateful to Senators SNOWE, JEFFORDS, FRIST and GREGG for their