were produced. This was not something that was done by some soldiers just trying to do something to pass the time of day; the people who were in the officers corps instructed these men and women that they were to take these pictures and what they were to be used for in the future. I know some of these nonofficers did things that were wrong, and I am so grateful there were people in the military who came forward and said enough is enough. That is the reason we know about it now. But let's not have a few of the nonofficers be the scapegoats for what went on.

We are a mighty nation. We have to respond accordingly. We cannot allow a few underlings to take the fall for what obviously was a concerted action that officers were involved in. It is just a question of how high up in the officers corps the problem went.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—S. RES. 356

Mr. FRIST. Madam President, I ask unanimous consent that at 4:30 p.m. today, the Senate proceed to a resolution which is now at the desk regarding Iraqi prisoners. I further ask unanimous consent that the time until 5:30 p.m. be equally divided between the two leaders or their designees; provided further that no amendments be in order, and at 5:30 p.m., the Senate proceed to a vote on the adoption of the resolution, with no intervening action or debate. Finally, I ask unanimous consent that immediately following the vote, the preamble be agreed to.

Mr. REID. Madam President, I would ask the leader to modify his agreement to allow Senator DURBIN to use 15 minutes of our time during the debate time the Democrats have under this proposed unanimous consent request.

Mr. FRIST. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

IRAQ PRISONER ABUSE AND WILLIAM HAYNES NOMINATION

Mr. DURBIN. Madam President, I come to the Senate floor with a heavy heart. As so many other Americans, I am horrified at the graphic images of American soldiers abusing Iraqi soldiers and prisoners. We are in a situation today where our troops in the field in Iraq and Afghanistan have performed millions of acts of kindness and good will and bravery which, sadly, have been overshadowed by the recently disclosed photographs. That is a reality.

The war in Iraq is more dangerous today because of the scandal at the Abu Ghraib prison, and our standing in the world is being challenged. A nation which believes in the rule of law and democracy must demonstrate that in its own conduct. Our conduct is being called into question.

I am very concerned that we have reached this point. I am concerned that statements from the Bush administration, sadly, over the last 2 years have sent a message that we were prepared to bend some of the time-honored rules and standards when it came to the treatment of prisoners of war. Over 2000 years ago, the Roman orator Cicero said: Laws are silent in time of war.

In modern times, we have rejected this proposition. Some voices are now calling on us to turn back the clock, but we can't do that. That is not America. That is not what we are all about. Our great country was founded by people fleeing governmental repression. Our founders wanted to ensure that the United States would not oppress its citizens even during time of war, and that is why they included a prohibition on cruel and unusual punishment in the Bill of Rights of the Constitution.

After World War II, the United States and our allies, horrified by the genocidal practices of Nazi Germany, created a new international legal order based on respect for human rights. One of the fundamental tenets was a universal prohibition on torture and ill treatment. Each year Amnesty International and even our State Department issue report cards on countries around the world as to whether they are living up to that standard. Imagine what that report will look like the next time it is issued by our own Department of State.

In light of the horrific abuses that have come to light in recent weeks, we ought to take a moment to review the legal order that was created after World War II. International law absolutely prohibits torture as well as ''cruel, inhuman or degrading treatment.'' The Universal Declaration of Human Rights states unequivocally:

> No one shall be subject to torture or cruel, inhuman or degrading treatment or punishment.

The United States, with a majority of countries in the world, is a party to two treaties that contain absolute bans on torture, cruel and inhuman degrading treatment: The International Covenant on Civil and Political Rights and the Convention against Torture.

The Geneva Conventions govern the status and treatment of those in a wartime detainee situation. The U.S. Government has long held that as a party to the conventions, we are legally bound by its terms. The Geneva Conventions make clear that there are no exceptions to this prohibition against torture and such treatment during armed conflict.

Article 13 of the Geneva Conventions says: Prisoners of war must at all times be humanely treated. Prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against prisoners of war are prohibited.

Article 14 of the Conventions states: Prisoners of war are entitled in all circumstances to respect for their persons and their honor.

Article 17 states: No physical or mental torture, nor any form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatsoever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

The United States of America is a signatory to this international agreement. Army regulations implementing those provisions repeat these standards and make it clear that they apply to the men and women in uniform.

International law, U.S. law, and Army regulations speak clearly. Nonetheless, as we have learned in recent weeks, abuses took place at Abu Ghraib prison that clearly violate these standards. To quote army MG Antonio Taguba's report:

> Between October and December 2003, at the Abu Ghraib Confinement Facility, numerous incidents of sadistic, blatant, and wanton criminal abuses were inflicted upon several detainees. This systemic and illegal abuse of detainees was intentionally perpetrated.

The report describes ''the intentional abuse of detainees by military police personnel,'' including ''punching, slapping, and kicking detainees,'' ''using military working dogs, without muzzles, to intimidate and frighten detainees, and in at least one case biting and severely injuring a detainee,'' ''breaking chemical lights and pouring the phosphoric liquid on detainees,'' ''threatening detainees with a charged 9m pistol,'' ''beating detainees with a broom handle and a chair,'' and ''sodomizing a detainee with a chemical light.''

Importantly, the Taguba report concludes that the military police were not trained or put on notice in other ways that these kinds of abuses were impermissible and would not be tolerated.

Let me say, before I read on, that you would know by human instinct that the things I have just read were wrong. You should know at the moment such an order is given that it is an unlawful order. But the fact is, when General Taguba looked into the background and training of these soldiers, little or nothing was done to prepare them for their assignment.

I will read further from the Taguba report:

> Neither the camp rules nor the provisions of the Geneva Conventions are posted in English or in the language of the detainees at any of the detention facilities . . . There is a general lack of knowledge, implementation, and emphasis of basic legal, regulatory, doctrinal, and command requirements . . . I find that the 800th MP Brigade was not adequately trained for a mission that included operating a prison or penal institution at Abu Ghraib Prison Complex.

Unfortunately, the abuses in Iraq are, in some ways, the logical byproduct of the administrations's policies. In the aftermath of 9/11, the Bush administration made it clear that they believed that international legal order,