

business will be to hold her to the commitments she made during her confirmation process.

With regard to surveillance policy, she expressed her support for a warrant requirement for U.S. person searches of communications collected under section 702 of the Foreign Intelligence Surveillance Act. With section 702 reauthorization up next year, DNI support for reforms like these will be critical to protecting the privacy rights of Americans.

Ms. Gabbard also confirmed that she has significant concerns about the constitutionality of several provisions of the PATRIOT Act. Importantly, she opposed mandated backdoors into encrypted communications, which threaten both Americans' privacy and national security. As she stated during her hearing:

These backdoors lead down a dangerous path that can undermine Americans' 4th amendment rights and civil liberties.

We are living in a time of increasingly devastating cyber breaches, including the Salt Typhoon compromise of our telecommunications infrastructure. The lesson from that hack was that surveillance capabilities designed for law enforcement will be targeted by foreign intelligence services. In other words, there is simply no way for the government to mandate access to Americans' encrypted communications and not also expose those communications to the government of China or other adversaries.

Let me mention something particularly alarming last week. The press reported that UK officials insisted that Apple provide them a back door into files backed up to Apple's iCloud service. This is a development that threatens America's national security and Americans' privacy. That is even before U.S. Government officials come around once again asking for the very same dangerous and irresponsible accesses. That is why Ms. Gabbard's statement was so important and why, if she is confirmed, the Congress needs to hold her and the rest of America's intelligence Agencies to it.

During her confirmation process, Ms. Gabbard supported restrictions on the collection of communications records of America's journalists. She endorsed the Biden administration Justice Department policy prohibiting this collection except in very narrow circumstances. That was a policy she said was "essential to protecting press freedoms and maintaining the critical balance between national security and upholding the First Amendment." She also called for making sure that policy was actually codified.

I asked Ms. Gabbard about the collections of communications records of congressional Members and staff, as was detailed in a Department of Justice Inspector General report released late last year. She agreed that this spying on Congress was a "significant breach of the Constitution and separation of powers" and, most importantly,

she endorsed reforms to keep it from happening again.

During this confirmation process, she also confirmed that the Government Accountability Office should audit the intelligence community to ensure that it is not targeting Americans outside of the Foreign Intelligence Surveillance Act. She also expressed support for the Public Interest Declassification Board, which has the task of promoting transparency.

Finally, I asked Ms. Gabbard whether intelligence Agency whistleblowers must have a clear path to the Senate Intelligence Committee and don't need permission from Agencies to talk to the members. She responded that the answer was "clearly yes." Given Donald Trump's ongoing attacks on public servants defending the rule of law, that protection of whistleblowers that we discussed may be one of the most important principles of all.

Let me wrap up this way, Madam President. In just 3 short weeks since his inauguration, here is the checks and balances scoreboard on President Trump: He has illegally fired inspectors general; he has purged the three Democratic members of the independent Privacy and Civil Liberties Oversight Board, not only removing the most pro-privacy members, but leaving the board without enough members to function; he has appointed or nominated people to carry out political retribution, including a nominee to be FBI Director who comes with his own published enemies list. At the same time, Donald Trump has demonstrated thorough contempt for the security of Americans' private information by granting Elon Musk's people unsupervised access to the country's most sensitive security systems and databases.

So what will happen when he attempts to steamroll oversight and the rule of law and put the privacy and constitutional rights of all Americans at risk and on the line? If she is confirmed, it will be up to Ms. Gabbard to stand up to him and stick to the principles and commitments that she has expressed and answered in response to my questions. It will be our responsibility to ensure that she does just that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

RUSSIA

Mr. WICKER. Madam President, I come to the floor to direct Members' attention to a very important article on the front page of yesterday's Wall Street Journal, February 10, 2025, by Thomas Grove. The headline states "Be Cruel," how Russia tortured Ukrainians. This is a most disturbing bit of news, and it demonstrates who we are dealing with in hoping somehow that there will be a negotiated settlement of Vladimir Putin's illegal invasion of a smaller neighbor that he thought was weaker, in violation of every international law dealing with this.

Madam President, I ask unanimous consent to have the article by Mr. Grove printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Feb. 10, 2025]

EXCLUSIVE—"BE CRUEL": INSIDE RUSSIA'S TORTURE SYSTEM FOR UKRAINIAN POWS

(By Thomas Grove)

In the weeks after Russia invaded Ukraine, the head of St. Petersburg's prisons delivered a direct message to an elite unit of guards tasked with overseeing the influx of prisoners from the war: "Be cruel, don't pity them."

Maj. Gen. Igor Potapenko had gathered his service's special forces at the regional headquarters to tell them about a new system that had been designed for captured Ukrainians.

Normal rules wouldn't apply, he told them. There would be no restrictions against violence. The body cameras that were mandatory elsewhere in Russia's prison system would be gone.

The guards would rotate through Russia's prison system, serving a month at a time in prisons before other teams took their place. Across the country, other units—from Buryatia, Moscow, Pskov and elsewhere—received similar instructions.

Those meetings set in motion nearly three years of relentless and brutal torture of Ukrainian prisoners of war. Guards applied electric shocks to prisoners' genitals until batteries ran out. They beat the prisoners to inflict maximum damage, experimenting to see what type of material would be most painful. They withheld medical treatment to allow gangrene to set in, forcing amputations.

Three former prison officials told The Wall Street Journal how Russia planned and executed what United Nations investigators have described as widespread and systematic torture. Their accounts were supported by official documents, interviews with Ukrainian prisoners and a person who has helped the Russian prison officials defect.

The officials—two from the special forces and one member of a medical team—have entered a witness-protection program after giving testimony to the International Criminal Court's investigators. The two special-forces officers said they quit the prison service before they were forced to engage in torture but kept in touch with their colleagues who stayed.

Kremlin spokesman Dmitry Peskov said Russian and Ukrainian ombudsmen overseeing the treatment of prisoners were in contact and that exchanges were continuing. He said broad generalizations about Russian prison conditions are unfounded. "You have to look at individual cases," he said.

Neither the office of Russia's commissioner for human rights nor its presidential human-rights commission responded to requests for comment.

The ICC has accused Russia of attacking civilians and unlawfully transporting Ukrainian children to Russia, issuing at least six arrest warrants for Russian officials, including for President Vladimir Putin. Other investigations are continuing, the ICC said, but it declined to comment further.

Russia has a long history of cruelty in its prison system, reaching back to the earliest decades of the Soviet Union, when Joseph Stalin created labor camps for those deemed dangerous to Soviet rule. In recent decades, Russia has taken some steps to improve conditions, such as separating first-time offenders from the rest of the prison population,

and some regions have introduced body cameras for guards after years of campaigning by human-rights groups.

But Russia's prison system remains a separate world inside the country, with its own rules, slang and even tattoos meant to denote authority within prison walls. Many prisons are in remote locations where the guards act with impunity, said the prisoners and rights advocates.

The special forces in the Russian prison services aren't regular guards who are based in individual prisons full time. Instead, they act as a praetorian guard that is called in to deal with particularly dangerous situations, such as conducting searches or controlling uprisings.

While dealing with Ukrainian prisoners of war, they were tasked with working with local prison guards to direct the POWs' activities. They interpreted Potapenko's instructions at that March 2022 meeting as a *carte blanche* for violence, said the two former guards. They pushed their mistreatment of Ukrainians to a new level with the belief that they had the permission of their leadership, said one of the former guards.

While on duty, the guards wore balaclavas at all times. Prisoners were beaten if they looked a guard in the eye. Those measures, along with the monthlong rotations, were taken to make sure individual guards and their superiors couldn't be recognized later, said one of the former officers.

In March 2022—the same month that Potapenko held the meeting with guards in St. Petersburg—Russia began preparing its penitentiary system for the arrival of prisoners from the war. Letters went out to prison authorities across Russia ordering them to clear out floors, wings and even entire prisons, according to documents and one of the former prison officials.

On the battlefield, Russia was encountering fiercer resistance from Ukrainians than Moscow had expected. Prison authorities were similarly unprepared for the number of POWs they would have to hold.

Pavel Afisov, who was taken prisoner in the city of Mariupol in the initial months of the war, was among the first Ukrainian prisoners detained in Russia. For 2½ years, the 25-year-old was moved from prison to prison in Russia before being released in October of last year.

He said beatings were the worst when he was transferred into new prisons. After arriving at a penitentiary in Russia's Tver region, north of Moscow, he was led by guards into a medical examination room and ordered to strip naked. They shocked him repeatedly with a stun gun while shaving his head and beard.

When it was over, he was told to yell "glory to Russia, glory to the special forces" and then ordered to walk to the front of the room—still naked—to sing the Russian and Soviet national anthems. When he said he didn't know the words, the guards beat him again with their fists and batons.

The violence served a purpose for the Russian authorities, according to the former guards and human-rights advocates: making them more malleable for interrogations and breaking their will to fight. Prison interrogations were sometimes aimed at extracting confessions of war crimes or gaining operational intelligence from prisoners who had little will to resist after they suffered extreme brutality.

The cruelty made them more willing to submit to Russian interrogators and drained "any will or ability to fight again if they are ever swapped," said Vladimir Osechkin, who heads human-rights organization Gulagu.net and has helped Russian officers from the penitentiary system leave the country and offer testimony to the ICC.

The former guards described a staggering level of violence directed at Ukrainian prisoners. Electric shockers were used so often, especially in showers, that officers complained about them running out of battery life too fast.

One former penitentiary system employee, who worked with a team of medics in Voronezh region in southwestern Russia, said prison guards beat Ukrainians until their police batons broke. He said a boiler room was littered with broken batons and the officers tested other materials, including insulated hot-water pipes, for their ability to cause pain and damage.

The guards, he said, intentionally beat prisoners on the same spot day after day, preventing bruises from healing and causing infection inside the accumulated hematoma. The treatment led to blood poisoning and muscle tissue would rot. At least one person died from sepsis, the officer said.

Many of the guards enjoyed the brutality and often bragged about how much pain they had caused prisoners, he said.

Ukrainian former POW Andriy Yegorov, 25, recalled how guards at a prison in Russia's western Bryansk region would force prisoners to run 100 yards through the hallway, holding mattresses above their heads. The guards stood to the side and beat them in the ribs as they ran by.

When they got to the end of the hall, they would be forced to do sit-ups and push-ups. Each time they came up, the guards would punch them or hit them with a baton.

"They loved it, you could hear them laughing between themselves while we cried out in pain," he said. "There I understood fear exists only for the future, you can be afraid of what happens in 10 or 15 minutes, you can be afraid of what might happen. But when it's happening, you're no longer afraid."

Two of the longest-held prisoners of war, both Afisov and Yegorov spent around 30 months in the Russian prison system before they were finally released in a swap that brought them home on Oct. 18.

Yegorov found out during his medical checkup following the exchange that he had five broken vertebrae. He is undergoing medical treatment for his injuries and has met with a hospital-appointed psychologist. But he is skeptical that the psychologist can help.

"If you haven't gone through what I've gone through, you can't help me," said Yegorov.

After returning home, Afisov resisted sleep for days, fearing it could turn out to be a dream and he would wake up back in prison. "Then whenever I finally trusted myself enough to fall asleep all I had was nightmares," he said.

The former prison officials were preparing to start new lives when they spoke with the *Journal*. They are now living in undisclosed locations and have had to cut off contact with people they had known all their lives.

One of them said he had always been a Russian patriot and never wanted to live anywhere else but Russia. But after the war began, he said, he couldn't stay in the country or remain silent. He said giving testimony to the ICC was one way to work toward justice.

Mr. WICKER. Madam President, it starts out by saying that in the beginning of this war, which now has lasted almost 3 years, word came down from the leadership of Vladimir Putin's dictatorship in Russia to prisoners of war captured by the Russian soldiers, from Major General Igor Potapenko: "Be cruel, don't pity them," the Ukrainian prisoners.

We all know that war is hell. There is no question about it. We also are finding out that Russia has learned this. They thought that it would be a 1- or 2-day excursion and that they would be welcomed by pro-Russian Ukrainians as they rolled their tanks in. They found out very differently soon, and 3 years later, we have seen how the Ukrainians have fought and died for their own homeland.

Also, once a combatant has been captured, there are very important international rules and regulations and a matter of international law—which can be punished by life imprisonment, which can be punished by the death penalty—about treatment of prisoners of war.

This is what we are learning about what Major General Igor Potapenko told the Russian prison officials that they could do: "There would be no restrictions against violence" against these prisoners of war. "The body cameras mandatory elsewhere in Russia's . . . system would be gone. The guards would rotate . . . serving a month at a time in prisons before other teams took their place. Across the country, other units . . . received similar instructions."

We are not finding this out, by the way, from some international reporter that somehow got into the system and saw this.

This is information given by former Russian prison guards who were so disturbed by these orders that they defected to the West. Three Russian prison guards are telling *The Wall Street Journal* and Americans and anyone who would listen about the horrors. This resulted in nearly 3 years of relentless torture.

Guards applied electric shocks to prisoners' genitals until the batteries ran out.

I am almost reluctant to speak these words in public.

They beat prisoners to inflict maximum damage, experimenting to see what kind of material would be most painful. Then, when there were medical problems, as there would surely be, medical treatment was withheld to allow gangrene to fester, forcing amputations.

Three former prison officials told this reporter how Russia planned and executed what United Nations' investigators have described as widespread and systematic torture. Their accounts were supported by official documents, interviews with Ukrainian prisoners, and a person who helped the prison officials defect.

Thank God they were able to defect.

This is also borne out by a former prisoner of war, Pavel Afisov, taken prisoner in Mariupol early in the war. He was among the first Ukrainian prisoners detained in Russia. For 2½ years, this 25-year-old combatant, who was entitled to the protections afforded by the Geneva Conventions, was, instead, moved from prison to prison before being released just last October.

He said beatings were the worst when he was transferred. After arriving at a penitentiary in Russia's Tver region north of Moscow, he was led into a medical examination room and ordered to strip. Guards shocked him repeatedly with a stun gun while shaving his head and beard. When it was over, he was told to yell "Glory to Russia! Glory to the Special Forces!" and then, still naked, he was ordered to sing the Russian and Soviet—and Soviet—national anthems. When he said he didn't know the words, the guards beat him with fists and batons.

This is hard to read, but what did the former guards say—Russian citizens—who thankfully have been willing to defect and come forward and tell the truth about the vicious, brutal, illegal regime of Vladimir Putin?

The former guards described a staggering level of violence directed at Ukrainian prisoners. Electric shockers were used often, especially in showers; that officers complained they were running out of batteries too fast. Can't do this anymore because the batteries have gone dead. The guards used police batons until they broke. Officers tested other materials, including insulated hot water pipes, for their ability to cause pain and damage.

This is Putin's Russia. This is the regime that some people are hoping we can somehow negotiate with in good faith and depend on them to keep up their end of the bargain.

The guards intentionally beat the prisoners at the same spot on their bodies every day, preventing bruises from healing and causing infection, and at least one person died of sepsis because of this type of brutality.

The guards enjoyed their brutality. According to these Russians who were guards at the facility and who defected rather than countenance what their own government was doing, Ukrainian former POW Andriy Yegorov recalled how guards at a prison in Russia would force prisoners to run 100 yards through the hallway, holding mattresses above their heads. The guards stood to the side and beat them on the ribs as they ran by. When they got to the end of the hall, they would be forced to do sit-ups and push-ups, and each time they came up, the guards would punch them or hit them with a baton.

I would say to my colleagues that this is not a bunch of prison guards gone rogue; this is a bunch of prison guards in Vladimir Putin's dictatorship and Vladimir Putin's illegal regime that were following orders from a high-ranking major general.

There are differences about the United States' interest in Ukraine, but I will tell you that the countries around Ukraine—in the neighborhood—know what they are facing, and they know, if Vladimir Putin succeeds in his illegal war to take over a neighbor, that it will not be the end of it. One can only listen to what we are hearing out of neighboring countries—out of

the Republic of Georgia, out of neighboring Armenia, and Azerbaijan. Russia intends and the war criminal Vladimir Putin intends to return to as much of the old Soviet Union dictatorship as he possibly can.

I hope this war ends. Frankly, I have hoped for 3 years under the Biden administration that that administration would provide the freedom fighters inside their own country to have the necessary equipment, the necessary ammunition, the necessary permission to defeat this illegal invasion. But I simply, at this point, want to alert anyone who is listening—my colleagues, anyone who is listening to the sound of my voice in any way—to the reality of the utter cruelty, of the unspeakable contradictions that Russia uses in violation of every international law.

If Vladimir Putin comes to the negotiating table and agrees to a cease-fire, we need to bear in mind that he is the gentleman who has countenanced this outrage that I have barely been able to speak about today. Any negotiations we have with the Russians and with the current leadership need to be done in light of the facts as outlined in this independent report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### NOMINATION OF TULSI GABBARD

Mr. REED. Madam President, I rise to oppose the nomination of Tulsi Gabbard to be Director of National Intelligence.

In its first few days in office, the Trump administration has been remarkably cavalier and incompetent in its handling of our national security affairs—shutting off foreign aid; threatening Panama, Greenland, and Canada; calling for the mass deportation of Palestinians from Gaza. And just last week, it was reported that the CIA sent an unclassified email, listing all employees it had hired over the last 2 years, in order to comply with an Executive order from President Trump. One former Agency officer called this a "counterintelligence disaster."

The President's choices to lead our national security Agencies have also not inspired confidence.

The Director of National Intelligence, or DNI, serves a critical role in leading the intelligence community and in collecting analysis so that the President, Congress, and decision-makers across the U.S. Government have the best and most timely information for our national security. Indeed, the office was created after 9/11 to better coordinate analysis across the intelligence community. The position of DNI requires someone of great experience, character, judgment, and the confidence to speak truth to power, especially when the findings of the intelligence community differ from the policy objectives of the administration.

While I respect Ms. Gabbard's military service, including overseas deployments, she does not have a demonstrated record of experience to qual-

ify her to lead the intelligence community. As DNI, she would oversee 18 different organizations, tens of thousands of military and civilian personnel, and an annual budget of more than \$100 billion. She has never even served in an intelligence role, much less led a global intelligence enterprise.

More concerning than Ms. Gabbard's lack of experience is her record of erratic statements and actions, many of which have run counter to the interests and findings of the intelligence community.

In 2020, Ms. Gabbard and Congressman Matt Gaetz cosponsored a resolution calling on the Federal Government to drop all charges against Edward Snowden. Snowden was a contractor who was indicted for espionage and for publicly releasing the details of some of our most sensitive intelligence efforts, including those that were conducted jointly with foreign allies and partners, before Snowden fled to Russia.

Former Deputy DNI Sue Gordon responded to Ms. Gabbard's defense of Snowden by saying:

It reflects a lack of understanding of who we are, and it reflects a lack of respect for what we do. Unauthorized disclosures of intelligence are always bad. Don't go with the good or bad, any good outcome or whether he was right or wrong. . . . He not only harmed intelligence, he harmed our allies and partners, and he harmed our businesses by what it allowed China to assume about that. There is nothing justifiable about what he's done. None.

Let me be clear: Edward Snowden's betrayal has cost American lives. He is a traitor by every definition of the word.

As the chairman of the Intelligence Committee, Senator COTTON, has said in the past, Mr. Snowden is an "egotistical, serial liar and traitor whose unauthorized disclosures of classified information have jeopardized the safety of Americans and allies around the world. Snowden's close and continual contact with Russian intelligence services speak volumes. He deserves to rot in jail for the rest of his life."

Yet, during her confirmation hearing, Ms. Gabbard was repeatedly asked whether or not she believed that Snowden was a traitor. I think colleagues on both sides of the aisle were stunned that she not only refused to do so but that she continued to defend him.

Our national security leaders consistently emphasize that the greatest advantage we have over our adversaries is our network of allies and partners, including those who share intelligence with us. If Ms. Gabbard is confirmed as DNI, I have serious concerns about whether or not our allies and partners will trust her with their nations' most sensitive intelligence given her past actions.

I am also concerned about the pattern of statements over the years by Ms. Gabbard peddling what the intelligence community has found to be Russian propaganda.