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## **Former Guantanamo Commander Invoking Right Against Self-Incrimination in Detainee Abuse Cases**

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WASHINGTON (AP) - The former commander of the Guantanamo Bay detention center, who has been tied to the prisoner abuse scandal, is declining to answer questions in two courts-martial cases involving the use of dogs during interrogations.

Maj. Gen. Geoffrey D. Miller invoked the military's version of the Fifth Amendment right to not incriminate himself, a move that was defended Thursday by the military's top commander.

Gen. Peter Pace, chairman of the Joint Chiefs of Staff, told Pentagon reporters that while he expects military leaders to do the right thing, that does not mean they should lose their constitutional rights.

Pace said officers should "tell the truth as they know it." He added, "We expect our leaders to lead by example. But we do not expect them to give up their individual rights as people."

Miller's lawyer, Michelle Crawford, said Thursday that her client repeatedly has answered questions about the matter in various investigations, interviews and congressional testimony. In May 2004, for example, he told the Senate Armed Services Committee there "was no systemic abuse at Guantanamo at any time."

"From our perspective, nothing has changed since he began answering these questions. In fact, not a single new question has been posed," Crawford said in an e-mail.

She added that "Miller's decision to stop answering these same questions and exercise his Article 31 rights was made wholly independent of any investigations, inquiries, or other proceedings that may be pending."

Military investigators proposed disciplining Miller for failing to oversee the interrogation of a prisoner who was suspected of being involved in the Sept. 11 attacks. But that recommendation was overruled by a military commander who concluded Miller didn't violate any U.S. laws or policies.

The commander referred the matter to the Army's inspector general, who looked into it and closed the case.

His decision to invoke his Article 31 rights -- which are similar to the Fifth Amendment right against self-incrimination -- affects two general court-martial proceedings scheduled for the coming weeks.

Sgt. Michael Smith and Sgt. Santos Cardona are facing courts-martial in connection with charges they used their dogs to frighten detainees at the Abu Ghraib prison in Iraq. The two dog handlers, attached to the 320th Military Police Battalion, were charged with dereliction of duty and maltreatment of detainees.

Smith told investigators in February 2004 that he and Cardona used their unmuzzled dogs to help the military intelligence unit with interrogations.

Miller, who recently requested retirement, took command of the Guantanamo detention center in Cuba in late 2002 with a mandate to get more and better information from prisoners.

In August 2003, the Pentagon sent Miller to inspect interrogation procedures in Iraq, and he recommended using the Guantanamo techniques on prisoners in Iraq to improve intelligence on the growing anti-U.S. insurgency. He was sent to Iraq in March 2004 to run detainee operations.