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## **Judge Orders a Top Officer to Attend Abuse Trial**

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WASHINGTON , April 18 - A military judge on Tuesday ordered the general who headed the detention center at Guantánamo Bay, Cuba, to appear at the court-martial next month of an Army dog handler in the Abu Ghraib prisoner abuse scandal.

It was unclear, however, whether the officer, Maj. Gen. Geoffrey D. Miller, would testify in the trial of the handler, Sgt. Santos A. Cardona, who is accused of using his working dogs to abuse detainees at Abu Ghraib. If General Miller testified, he would be the highest ranking officer to do so at any trial stemming from the misconduct at the prison.

In January, General Miller invoked his right not to give testimony that might incriminate him and said through his lawyer that he would not answer any questions in court-martial proceedings involving two dog handlers. General Miller's refusal to testify prompted the Senate Armed Services Committee to delay his scheduled retirement until he appeared before the panel to explain himself.

A military lawyer representing General Miller, Maj. Michelle Crawford, did not respond to e-mail messages sent to her on Tuesday. A civilian lawyer for Sergeant Cardona, Harvey J. Volzer, did not respond to e-mail and telephone messages, although Mr. Volzer said in an interview last month that he expected General Miller to testify.

The military judge, Lt. Col. Paul H. McConnell, rejected a request from Sergeant Cardona's lawyers to compel Defense Secretary Donald H. Rumsfeld to appear at the trial.

Lawyers for Sergeant Cardona have said that General Miller could shed new light on the origins of the interrogation practices at Abu Ghraib. General Miller, while commander at Guantánamo Bay, was sent to Abu Ghraib, near Baghdad, in August 2003 to help improve the intelligence-gathering operations at the prison.

At General Miller's recommendation, military dogs were taken to Iraq in the fall of 2003. General Miller has said the dogs were to be used to help maintain order. The former chief military intelligence officer at Abu Ghraib, Col. Thomas M. Pappas, said last month at the trial of another dog handler that he had discussed with General Miller the "Arab fear of dogs" as a reason to "set the conditions" for interrogations.

But Colonel Pappas, testifying under a grant of immunity, said the Army lacked clear rules for using dogs in interrogations at Abu Ghraib, and he took the blame for mistakenly authorizing the use of muzzled dogs inside interrogation booths when only the top commander in Iraq could have approved that step.

General Miller was never summoned to testify in the first trial, in which Sgt. Michael J. Smith was sentenced to six years in jail for tormenting detainees at Abu Ghraib with his snarling Belgian shepherd for his own amusement.

General Miller's lawyer said in January that the general did not intend to answer any more questions because he had already given statements to Congressional committees, Army investigators and other military court proceedings, and that he stood by those statements.

Mr. Volzer, Sergeant Cardona's lawyer, said in an interview last month after the completion of the first dog-handler trial that he would reveal new information at his client's court-martial, which is to begin May 17 at Fort Meade, Md. Mr. Volzer has said that the dog handlers were following the orders of their superiors.

Several investigations have cleared General Miller of any wrongdoing. The most recent inquiry, an Army inspector general's report on Dec. 20, 2005, also concluded that General Miller should not be punished for his role in overseeing detainee operations.

In sworn statements to the inspector general, Lt. Gen. Randall M. Schmidt of the Air Force, an investigator who interviewed Mr. Rumsfeld twice in 2005, said the secretary closely monitored the interrogation of a high-level detainee at Guantánamo Bay and was "talking weekly" with General Miller. The statements from the inspector general's report were first reported last week by Salon.com.

At the request of military commanders, Mr. Rumsfeld in December 2002 approved 16 harsher interrogation techniques for use against the detainee, Mohamed al-Kahtani, believed to have been the planned 20th hijacker on Sept. 11. A month later, Mr. Rumsfeld temporarily rescinded the techniques after military lawyers complained.