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Army Dog Handler Is Convicted In Detainee Abuse at Abu Ghraib

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WASHINGTON, March 21 -- An Army dog handler was found guilty Tuesday of tormenting detainees at the Abu Ghraib prison in Iraq with his snarling Belgian shepherd for his own amusement.

The soldier, Sgt. Michael J. Smith, 24, was found guilty on 6 of 13 counts, including maltreatment, dereliction of duty and conspiring with another Army dog handler to frighten detainees into urinating and defecating on themselves. Sergeant Smith could face more than eight years in prison, forfeiture of pay and a dishonorable discharge. Had he been convicted of all counts, he would have been subject to more than 24 years in prison.

A hearing to determine the sentence began Tuesday and will continue Wednesday. Several witnesses, including the sergeant himself, testified on his behalf.

The case of Sergeant Smith, who is from Boynton Beach, Fla., is the latest in a long series arising from abuses committed by members of the United States military at Abu Ghraib. Although Pentagon officials have insisted that only a tiny fraction of American soldiers behaved badly, there is wide agreement that their conduct damaged the standing of the United States in the Arab world.

In addition to Sergeant Smith, nine other low-ranking soldiers have been convicted of abusing detainees at Abu Ghraib. Among them, Cpl. Charles A. Graner Jr. received the stiffest sentence, 10 years in prison and demotion to private.

A jury of four officers and three enlisted soldiers rejected Sergeant Smith's defense that he was simply following orders and using a barking dog to keep prisoners in line. The prosecution asserted that Sergeant Smith treated inmates at Abu Ghraib inhumanely in late 2003 and early 2004, a period during which photographs depicted prisoners naked and stacked in human pyramids, or leashed and crawling like dogs, with soldiers posing alongside them. One of the most notorious images was of Sergeant Smith holding his growling dog straining on its leash just inches from the face of a cowering orange-clad prisoner.

The jury also found him guilty of indecent acts for ordering his dog, Marco, to lick peanut butter off the genitals of an American male soldier and the breasts of an American female soldier while a third soldier videotaped the episode.

At issue in the dog-handler trial was a familiar refrain from similar courts-martial: was the misconduct unsanctioned abuse by a rogue soldier or part of a pattern of harsh interrogation techniques approved by military commanders in Baghdad and senior government officials in Washington?

Sergeant Smith's weeklong trial at Fort Meade, Md., failed to resolve this debate. One of the witnesses, the former military intelligence chief at Abu Ghraib, Col. Thomas M. Pappas, had been considered a possible link between the abusive tactics used at the prison and his superiors in Baghdad and Washington.

Colonel Pappas said during testimony last week that he had learned that military working dogs were an effective interrogation tool from a team of intelligence officials visiting Iraq in September

2003 from the military prison at Guantanamo Bay, Cuba. He said he had discussed with Maj. Gen. Geoffrey D. Miller, the team leader and commander at Guantanamo Bay, the "Arab fear of dogs" as a reason to "set the conditions" for interrogations.

But Colonel Pappas, testifying for the defense under a grant of immunity, said the Army lacked clear rules for using dogs in interrogations at Abu Ghraib, and he took personal responsibility for failing to ensure that military police and intelligence officers were properly trained in using dogs.

Colonel Pappas acknowledged that he had approved a one-time use of muzzled dogs inside interrogation booths but only later learned that he could not give such an order without the approval of Lt. Gen. Ricardo S. Sanchez, then the top commander in Iraq. Colonel Pappas also said he was unaware that military intelligence soldiers were using unmuzzled dogs outside the booths.

"In hindsight, clearly we probably needed to establish some definitive rules and put out some clear guidance to everybody concerned," Colonel Pappas said in his first public statements about the scandal. He is currently assigned to a planning job at Fort Knox, Ky.

Two months ago, General Miller took the unusual step of invoking his right not to give testimony that might incriminate him, and said he would not answer questions in the court-martial proceedings against Sergeant Smith and another dog handler, Sgt. Santos A. Cardona, who is to stand trial in May.

A military lawyer for General Miller said he had already fully answered all questions put to him on the issue by Congressional committees, Army investigators and other court proceedings. General Miller has said he only advised using working dogs to keep order.

General Miller had been expected to retire from the Army soon, but the Senate Armed Services Committee earlier this month told the Army to delay that until the dog handlers' cases were resolved.

The panel's chairman, Senator John W. Warner, Republican of Virginia, said in a telephone interview on Tuesday from Baghdad that he would summon Colonel Pappas and General Miller to testify again after the court proceedings involving them were complete.

Avi Cover, a lawyer with Human Rights First in Manhattan who monitored the trial, said, "The testimony in these proceedings revealed an appalling level of confusion and implicated the chain of command, certainly Pappas, for blame in authorizing these techniques in some instances."

The Pentagon last fall approved a policy directive governing interrogations as part of an effort to tighten controls over questioning of terror suspects and other prisoners by American soldiers. It also reaffirmed that military working dogs could not be used in interrogations and that military police could assist interrogators by providing information about detainees' behavior but could not participate in the interrogations themselves.

In addition to Corporal Graner in cases related to abuse at Abu Ghraib, Private Lynndie R. England was sentenced Sept. 27 to three years in prison and a dishonorable discharge at a second court-martial after an earlier one at which she entered a guilty plea ended in a mistrial. The highest-ranking officer to be punished was Brig. Gen. Janis L. Karpinski, who was demoted to colonel and lost command of her military police unit.