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2-star's turn on the stand

Defense says sgt. had orders to use dogs in interrogation at Abu Ghraib; prosecution says he had other options

By Kelly Kennedy
TIMES STAFF WRITER

FORT MEADE, Md. — After months of speculation, two-star testimony did not lend any obvious credence to the claim that an Abu Ghraib dog handler was following orders when he allegedly used his dog to harass prisoners.

During a week of court-martial hearings that began May 22, Maj. Gen. Geoffrey Miller testified that he advised the American leadership in Iraq to use military working dogs for custody and control but not for detainee interrogation.

Defense attorneys for Sgt. Santos Cardona, 32, are trying to prove the soldier was following orders when he ordered his dog to attack a naked detainee; to bark, unmuzzled, inches away from a detainee's face; and to fully enter a detainee's cell without a muzzle.

Cardona's civilian attorney, Harvey Volzer, said Cardona was also reacting to prison riots, and gun smuggling and the shooting of another prison guard by a detainee.

"Word gets around that the rules are off," Volzer said. "You can do whatever you need to to make sure those riots don't occur."

Cardona's lawyers said the abuses came after a memo from Army Lt. Gen. Ricardo Sanchez, commander of the U.S. forces in Iraq at the time, that specifically listed the use of military working dogs as a possible way to extract information from high-level detainees.

The prosecution presented evidence to try to prove Cardona could have refused to follow orders he believed were illegal or against his training, and that a second memo from Gen. Sanchez

required written permission from Sanchez to use military working dogs during interrogations. And, in at least one instance, no interrogator was with Cardona when he ordered his dog to attack a prisoner.

"This accused released his dog on a naked, helpless prisoner," prosecuting attorney Maj. Matthew Miller said. "This is a case about military police who were trained better, knew better and did otherwise."

The case began in 2004 when a soldier leaked pictures to the press documenting a naked detainee at the prison in Iraq cowering against a wall with dog-bite marks on his thighs. Cardona was the dog's handler.

Other pictures showed a female soldier leading a naked detainee on a leash, naked detainees piled in a pyramid, and soldiers grinning and giving thumbs-up signals above bleeding detainees.

Cardona, of the 42nd Military Police Detachment at Fort Bragg, N.C., is the second dog handler to be court-martialed. Sgt. Michael J.

Smith of the 423rd Military Police Detachment at Fort Riley, Kan., was sentenced to six months in prison after being found guilty in April of using unmuzzled dogs to frighten prisoners.

Cardona's court-martial is expected to last until at least June 2. Attorneys are expected to present closing arguments after Memorial Day weekend.

During the trial, prosecutors repeatedly displayed the photo showing the detainee with dog-bite marks on his thighs. Two soldiers with dogs stood in front of him as the detainee stood with his hands behind his head and



THE ASSOCIATED PRESS

Prosecutors repeatedly displayed the photo showing the detainee with dog-bite marks on his thighs. The soldiers are Sgt. Michael J. Smith, Sgt. Santos Cardona and Pvt. Ivan Frederick.

slightly hunched over.

Cardona's dog bit that detainee twice on the thighs, prosecutors said.

Witnesses to the bites said no interrogator was involved, and that the interrogator had finished questioning the man and had not requested a dog.

The defense presented evidence to try to show Cardona released his dog after the man attacked Pvt. Charles Graner and that the other three military police soldiers in the area did not have time to react. Graner was a specialist at the time.

But Pvt. Ivan Frederick, who was sentenced to eight years for his role as noncommissioned officer in charge of the prison area where the abuse took place, changed his testimony under cross-examination. Frederick was a staff sergeant during his time at Abu Ghraib.

During his testimony, Frederick said the detainee ran across the hallway and slapped Graner a few times, which caused Cardona to release his dog.

"He got a little nip on his right leg," Frederick said.

He said the detainee attacked Graner again, and Cardona again

obtaining information from detainees about the whereabouts of Saddam Hussein, weapons of mass destruction or Osama bin Laden. He said he did not tell them to use dogs in interrogations.

"I'm going to ask this straight up," Graveline said to Miller during his testimony. "Did you suggest that military dogs should be used in interrogations?"

"No," Miller replied.

Col. Thomas Pappas, who had operational control of the prison wing where the alleged abuse took place in 2003, said he implemented policies based on Miller's advice.

In previous testimony to Army investigators, Pappas said Miller told him it was OK to use dogs during investigations. But at the Cardona trial, Pappas said Miller told him the Arab culture had a fear of dogs, but that the two had never discussed specific use of dogs during interrogations.

The dogs, which had been requested months before by military police, arrived in November soon after Miller's visit — and after they had been requested by military intelligence soldiers, according to Maj. David Di Nenna, who was S-3 for the 320th Military Police at Abu Ghraib.

According to the defense, the soldiers had no training to prepare them for duty at a detention facility in a combat zone.

And, evidence showed, the dog handlers received no information about using dogs in interrogations, although all interrogators had to sign a document saying they knew they needed permission from Sanchez to use dogs during interrogations.

Navy dog handlers who were at Abu Ghraib with Cardona and Smith testified they did not participate in the interrogations because it was against their training and because they did not feel comfortable using their dogs in that manner. The sailor in charge of them, Petty Officer William Kimbro, said he ordered his dog handlers not to participate after being brought in on an interrogation himself.

"What happened in that cell was not something I wanted to be a part of," he testified. □



Miller



Volzer