

Defense lawyers win right to question U.S. generals in Abu Ghraib prison scandal

By Todd Pitman
THE ASSOCIATED PRESS

BAGHDAD, Iraq — Lawyers for two defendants in the Abu Ghraib prison scandal won the right Monday to question top U.S. generals to bolster arguments their clients were following lawful orders in their treatment of inmates. The order, issued by a military judge at pretrial hearings, compels Lt. Gen. Ricardo Sanchez, the top U.S. commander in Iraq, Gen. John Abizaid, chief of the U.S. Central Command, to give depositions.

The defense will also have access to Maj. Gen. Geoffrey Miller, who was in charge of the Guantanamo Bay prison camp and now runs U.S. detention facilities in Iraq, others who could be questioned include Lt. Gen. Thomas F. Metz, commander of Multinational Forces Iraq, and Maj. Gen. Barbara Fast, chief of coalition intelligence operations. Questioning senior officers who run the Iraq war could shed light on interrogation techniques and help determine how the abuse extends up the chain of command.

However, the military judge, Col. James Pohl, rejected motions by counsel for Sgt. Javal S. Davis and Spc. Charles A. Graner to compel testimony from Defense Secretary Donald H. Rumsfeld.

Pohl also ruled out moving the trial to the United States or Germany, but said he might reconsider if conditions in Iraq warranted by the time trial begins. A civilian attorney, Guy Womack, said the trial was unlikely to start until October.

The judge declared Abu Ghraib a crime scene that should not be destroyed. President Bush had offered to tear down the prison to remove the stain of abuse, but Iraqi authorities have shown no interest. Seven members of the 372nd Military Police Company, a reserve unit from Cresaptown, Md., have been charged in the scandal, which gained attention in April after CBS' "60 Minutes II" broadcast shocking photos of abuse and sexual humiliation of Iraqi prisoners.

Civilian defense attorneys have contended the MPs were acting on instructions from military intelligence officers and civilian contract interrogators.

"No one can suggest with a straight face

that these MPs were acting alone," Womack told reporters. "They were directly under the supervision and the direction of military intelligence officers."

Womack, Graner's civilian lawyer, said he could prove the MP and military intelligence commanders "were aware of everything that was being done."

A third defendant — Staff Sgt. Ivan L. Frederick II — also appeared in court Monday but his hearing was postponed until July 23 because his civilian lawyer, Gary Myers, refused to travel to Baghdad. None of the three has entered a plea.

oners did not apply to Iraqis.

Bergrin said commanders put more pressure on MPs at Abu Ghraib to "soften up" detainees as the insurgency gained steam so they would give information to interrogators and "save the lives of American soldiers."

Womack said the MPs knew they were in a war zone and believed the orders were legal.

"We can't have American soldiers in a war zone questioning the legality of orders," Womack told reporters.

Bergrin told reporters interrogators were using "Israeli methods" — including nudity and sexual humiliation — which the Israelis had employed to pressure Arab prisoners into talking.

During a recess, Bergrin, a former New Jersey prosecutor, said he would like to question the president because "we know as a matter of fact that President Bush changed the rules of engagement for intelligence acquisition." He did not elaborate.

Bergrin said he didn't make the request in court because he couldn't prove any link between his client's case and directives from Bush.

The hearings took place in a tightly guarded building in the so-called Green Zone, the nerve center of the American-run occupation of Iraq. Unlike Sivits' trial last month, attendance at the Monday proceeding was light, with few Iraqis present and remaining seats filled by two dozen journalists and military officials.

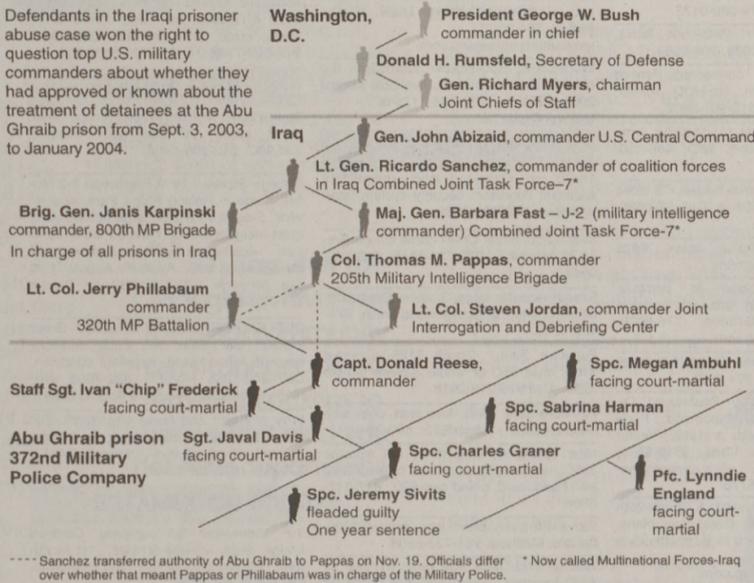
Graner, who had been photographed giving the thumbs-up sign behind a pile of naked detainees, sat subdued beside Womack and a military lawyer.

Womack said Graner, who has worked in American prisons, was "very sorry" and "very concerned" about the abuses committed at Abu Ghraib — even while they happened.

"He relayed those concerns up his chain of command ... and made it known that he thought he was doing things that as a civilian could get him fired and perhaps thrown in jail," Womack said. "But they told him that he was working for military intelligence and he was to follow their orders."

A hearing for another soldier charged in the scandal, Pfc. Lynndie England, 21, was postponed this week until July 12 at Fort Bragg, N.C., where she is now stationed. The military has not decided whether to refer the cases against two others — Spc. Sabrina Harman and Pfc. Megan Ambuhl — to courts-martial.

Abu Ghraib: military chain of command



**** Sanchez transferred authority of Abu Ghraib to Pappas on Nov. 19. Officials differ over whether that meant Pappas or Phillabaum was in charge of the Military Police. * Now called Multinational Forces-Iraq

SOURCE: Military reports

AP

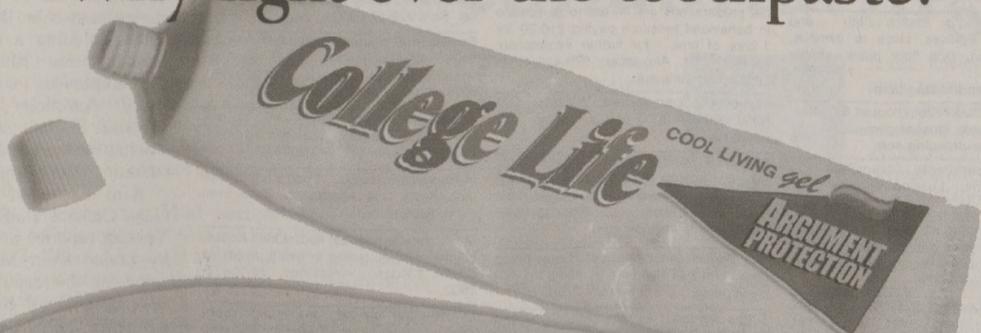
COLLEGE STATION POLICE BLOTTER

- 6/19/04 4:47 a.m. DWI, 1700 George Bush. One arrest.
- 6/19/04 11:36 a.m. Burglary of vehicle, 117 Holleman. Taken: CD player, clothing.
- 6/19/04 12:14 p.m. Burglary of vehicle, 2021 Legacy. Taken: Stereo.
- 6/19/04 2:45 p.m. Burglary of vehicle, 907 Camellia. Taken: Wallet, misc. items.
- 6/19/04 3:44 p.m. Burglary of vehicle, 1500 Olympia Way. Taken: CD player.
- 6/19/04 4:41 p.m. Burglary of habitation, 500 Kerry St. Taken: Computer, TV, stereo.
- 6/19/04 9:01 p.m. Warrant arrest, 1100 Georgia. One arrest.
- 6/19/04 10:02 p.m. Warrant arrest, Houston/George Bush. Theft of a firearm. One arrest.
- 6/20/04 12:05 a.m. DWI, 2504 Texas. One arrest.
- 6/20/04 1:18 a.m. DWI, 2700 Texas. One arrest.
- 6/20/04 3:44 a.m. DUI, 100 Wellborn. One arrest.
- 6/20/04 10:58 a.m. Violation of a Court order, 2500 Central Park. One arrest.
- 6/20/04 1:40 p.m. Traffic arrest, W feeder 6/Barron. No driver's license. One arrest.
- 6/20/04 2:15 p.m. Burglary of habitation, 2611 Texas. Taken: nothing
- 6/20/04 8:32 p.m. Public intoxication, 1011 Wellborn. One arrest
- 6/20/04 9:01 p.m. DWI, 1011 Wellborn. Also fail to ID. One arrest.
- 6/20/04 9:07 p.m. Burglary of a building, 608 Pearce. Taken: bike.
- 6/20/04 10:13 p.m. Assault, 401 University Oaks. Family violence. One arrest.
- 6/20/04 11:32 p.m. Theft, Associates/Harvey. One arrest.
- 6/21/04 12:50 a.m. Burglary of vehicle, 900 Holleman. Taken: money clip, face plate, cash.
- 6/21/04 2:02 a.m. Major accident, 1500 Holleman. Head injuries.
- 6/21/04 2:32 a.m. Burglary of vehicle, 604 Holleman. Taken: Stereo, wallet.
- 6/21/04 2:42 a.m. DWI, 1500 Holleman. One arrest.

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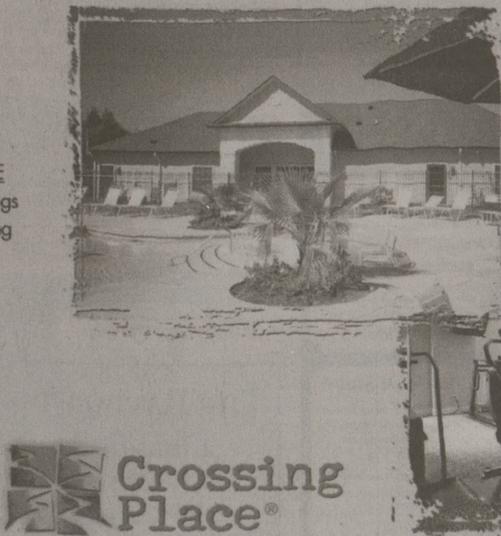
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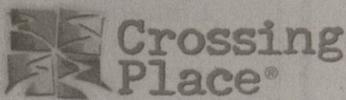
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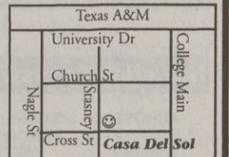
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