

# Bradley Manning hearing focuses on unlawful pre-trial punishment

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The Army's pre-trial hearing resumed Tuesday against Bradley Manning, the 24-year-old private who is accused of leaking hundreds of thousands of classified military and government documents to the whistleblower organization WikiLeaks.

Manning is expected to speak this week about his nine-month confinement at the Quantico, Virginia Marine Corps prison. There he was held in isolation in a 6-by-8-foot cell more than 23-and-a-half hours a day. He was made to stay awake from 5 in the morning until 10 at night with nothing to do, forbidden even to exercise. Guards ordered him to strip naked and stand in humiliating positions in their presence. He was denied such basic items as eye glasses and bedding.

Manning's testimony will be the first public comment by the former intelligence analyst in more than two years.

The pre-trial proceeding, known as an Article 32 hearing, is scheduled to run through Sunday, December 2 at Fort Meade, Maryland. It is the last in a long series of hearings before a full court-martial trial scheduled for February 4. Manning elected to be tried by a military judge, rather than by a jury.

Manning faces possible life imprisonment if he is convicted of "aiding the enemy" under the Espionage Act. He faces 22 separate charges for allegedly accessing classified information while stationed in Baghdad in 2009-2010.

Many of the files Manning is accused of leaking

document war crimes by the US military, most notably a video published by WikiLeaks under the title "Collateral Murder" that captures a 2007 US helicopter attack on Iraqi civilians that left 12 dead, including children and two Reuters journalists. The military had characterized all of the dead as "enemies killed in action."

Other documents from Iraq showed tens of thousands of previously unreported civilian deaths and a formal military policy of covering up torture, rape and murder.

Tuesday's proceedings focused on the testimony of commanders at Quantico. Wednesday will center on the testimony of behavioral health specialists at the brig.

Earlier this month, Manning offered to take responsibility by pleading guilty to certain charges in a legal process known as "pleading by exceptions and substitutions" to some subsets of charges. The soldier's defense team, led by David Coombs, stressed that this move was not to be confused with a guilty plea or a deal with the government. On his blog, Coombs explained that it "does not change the offenses with which PFC Manning has been charged and for which he is scheduled to stand trial."

The government on Tuesday formally announced that it would not accept the "conditional plea."

Coombs contends that Manning has suffered "unlawful pre-trial punishment" during his detention, now running 900 days, and that any sentence should be substantially reduced or waived entirely "due to the government's abject failure to honor PFC Manning's fundamental speedy trial rights."

Denise Lind, the military judge, argued that a plea of guilty waived speedy trial rights for the charges. She declared that the court would not take up the speedy trial motion until a December 10-14 session.

Manning's detention at Quantico drew condemnations internationally, including from the UN's rapporteur on torture, Amnesty International, and US legal scholars. Coombs has argued that Quantico commanders disregarded medical advice by military psychologists and doctors and subjected Manning to "prevention of injury" watch not for his own protection, but in order to cause suffering and deprivation. Official records document at least 16 psychiatric evaluations submitted to brig commanders concluding that Manning was not a threat to himself or others.

Questioning of the commander at Quantico, Colonel Daniel Choike, went on for several hours. Among other revelations, the defense examination produced the astounding admission that the commander relied on unqualified mental assessments of a dentist on staff instead of the brig psychiatrists. Choike insisted that the "prevention of injury" order was based on a report that Manning displayed "erratic behaviour, poor judgment in the past and poor family relationships."

Under questioning by Coombs as to what "erratic behavior" entailed, Choike said, "His acting out, playing peek-a-boo, licking the bars of his cell, dancing, erratic dancing. Those are the ones I recall." Coombs asked whether he could imagine that someone confined to a 6-by-8-foot cell might dance to keep his mind occupied. "I suppose so," Choike replied.

Coombs released documents earlier this year in which Lieutenant General George Flynn, a three-star general at the Pentagon, stated that "we will do whatever we want to do" with Manning. The defense team is seeking to establish that orders relating to the young soldier's mistreatment came from higher up the military chain of command.

Evidence introduced Tuesday revealed the direct role of the Pentagon in Manning's treatment and the way

his case was presented to the public. In one email to brig officials read out during the hearing, Flynn stressed the need as Manning was transported to Quantico in July 2010 "to be proactive and make sure we hold the moral high ground if this issue takes hold in the press."

An email from Choike to his subordinates emphasized that Flynn was to be informed of any change in Manning's status "for his consideration," adding that Flynn "wouldn't put anything in writing." In the same email, Choike stated that Flynn "will have to determine the political impact, media interest, legal ramifications and senior leadership reactions—and he can't do that without us informing him."

Such communiqués reveal that the abuse was part of a deliberate effort to break Manning's resolve at the behest of the Obama administration. The White House, which has been carrying out a witch-hunt of WikiLeaks founder Julian Assange for more than two years and secretly preparing to put him on trial, is seeking to use Manning against Assange and WikiLeaks.

Despite the political magnitude of the case, only a handful of journalists were present Tuesday. The most detailed reports have come from bloggers and independent journalists supportive of Manning.

Kevin Gosztola, writing at *firedoglake.com*, noted that more reporters were covering the proceedings than before: "For the first time in months, one has to have more than two hands to count media present." Over the past two years, mainstream US media coverage of the case has been limited almost completely to brief wire reports.



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