

# Chelsea Manning files motion for immediate release pending appeal

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Chelsea Manning's legal team submitted a motion on Monday to the US Eastern District Court of Virginia for her immediate release pending her appeal of the decision that sent her to jail indefinitely on March 8.

Manning was imprisoned by District Judge Claude Hilton on civil contempt charges for courageously refusing to testify before a secret grand jury preparing a frame-up case against WikiLeaks publisher Julian Assange.

The latest motion argues that the judge's decision to remand Manning to the Alexandria Detention Center was in violation of her constitutional rights and should be reversed. It says, "Ms. Manning timely filed her notice of appeal, and now requests that this court grant bail pending the resolution of the appeal."

On Friday, March 29, Manning's legal team filed an appeal of her imprisonment for contempt with the United States Court of Appeals for the Fourth Circuit. US law provides that release must be granted as long as the appeal is neither frivolous nor a delay tactic.

The release motion says that Judge Hilton's initial decision to deny bail pending appeal was in violation of appellate rules. These rules require the court to state in writing the reasons for refusing bail. Judge Hilton not only failed to follow this procedure, he refused to comment at all on the matter.

The vindictive nature of Hilton's jailing of Manning is self evident. As the motion explains, "Without explicitly ruling on the motion for bail, he ordered Ms. Manning to custody of the Attorney General. He issued no written denial or justification therefor, nor did he issue any verbal rationale for denial of bail."

Manning has been held in prolonged solitary confinement, called "administrative segregation," a form of torture according to the UN Rapporteur on Torture, for more than 25 days. The political aim of the

jailing and confinement of Manning is clear: to force her to provide answers to questions before a grand jury that will be used as part of the US government's case against Julian Assange.

WikiLeaks founder Assange, who has himself been living under prison-like conditions in the Ecuadorian embassy in London for seven years, faces life imprisonment or the death penalty if extradited to the US on manufactured espionage and conspiracy charges. Both Manning—who provided US war logs and diplomatic cables to WikiLeaks in 2010—and Assange, who published this information, are being persecuted for exposing and publishing to the world the truth about the crimes of American imperialism.

Manning's motion elaborates on the fact that Judge Hilton's decision to find her in contempt was a violation of her Fifth and Sixth amendment rights because the hearing was held in a closed courtroom. The motion also explains why her appeal is neither frivolous nor a delay tactic and that Manning is not a flight risk or danger to the community.

Furthermore, the motion outlines why Manning's continued imprisonment has already been transformed from coercive to punitive. This is the point reached when it becomes clear to all that the witness is not going to testify under any circumstances and continued imprisonment serves no further purpose.

Ms. Manning's attorney, Moira Meltzer-Cohen, told Sparrow Media, "This is the strongest appeal of a grand jury contempt I have ever seen, and so release ought to be granted. The lower court acted without considering clear legal mandates and this error, including the denial of release, must be corrected in the appellate court."



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