



Written by [Joe Wolverton, II, J.D.](#) on March 18, 2012

## UN: Army Private Accused in WikiLeaks Case Was Tortured by U.S.

At the hearing on March 15 conducted in Ft. Meade, Maryland, attorneys for the 24-year-old from Crescent, Oklahoma, argued that government investigators mishandled the transfer of documents during the discovery phase of the proceedings against the Army private. At a [subsequent hearing](#) the following day, two of the motions were addressed, while one was left undecided.

In what is described as “the biggest leak of classified information in U.S. history,” Manning is accused of passing over 700,000 documents and video clips to WikiLeaks, the widely known website devoted to releasing documents exposing government corruption throughout the world.



If convicted of the charge of giving aid to the enemy, Manning could face life imprisonment. The maximum penalty for the other charges he faces is 150 years combined.

Private Manning has been detained since he was arrested on May 29, 2010 while on deployment with the 10th Mountain Division in Iraq. While on duty near Baghdad, Manning had access to the Secret Internet Protocol Router Network (SIPRNet) and the Joint Worldwide Intelligence Communications System. SIPRNET is the network used by the U.S. government to transmit classified information.

Manning’s arrest came as the result of information provided to the FBI by a computer hacker named Adrian Lamo. Lamo told agents that during an online chat in May 2010, Manning claimed to have downloaded classified information from SIPRNet and sent it to WikiLeaks.

According to published reports, the material Manning is accused of unlawfully appropriating includes a large cache of U.S. diplomatic cables (approximately 250,000), as well as videos of an American airstrike on Baghdad conducted in July 2007 and a similar attack in May 2009 on a site near Granai, Afghanistan (an event sometimes known as the Granai Massacre).

The military avers that Manning indirectly provided critical intelligence to al-Qaeda in the Arab Peninsula (AQAP).

In his defense, Manning’s lawyers argued that Manning was not the only one in his unit with access to the computers from which the information in controversy was obtained. As reported by the [Associated Press](#):

They say he was in emotional turmoil, partly because he was a gay soldier while U.S. armed forces still barred gays from serving openly. The defense also claims Manning's apparent disregard for security rules during stateside training and his increasingly violent outbursts after deployment were red flags that should have prevented him from having access to classified material.



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Military prosecutors disclosed printed copies of excerpts of Internet chats found on Manning's personal computer. According to the Army, these transcripts prove Manning's collaboration with the founder of WikiLeaks, Julian Assange.

Manning's defense team claimed that regardless of who was responsible for the leaks, they did "little or no harm to national security."

Lawyers for the Army refuted this portrayal of the effect of Manning's participation in the Wikileaks revelations. Additionally, they argued that they were under no legal obligation to turn over the cache of documents in question as the trial in the case has not been scheduled.

David Coombs, Manning's lead attorney, disagreed, insisting that the government is under applicable procedural rules to disclose all the information he requested, including classified material.

The ineptitude of the government has been so egregious, Coombs argues, that the case against his client should be dismissed. Furthermore, the Army's behavior in the case has been "hopelessly" dilatory throughout the nearly two years Private Manning has spent imprisoned.

One of the military lawyers prosecuting Manning told the presiding judge, Colonel Denise Lind, that the Army had given the defense "as much as possible" and that it violated none of the rules of procedure as set out in the Uniform Code of Military Justice (UCMJ). Captain Ashden Fein, one of the Army's lawyers, also accused Coombs and his colleagues of going on a "fishing expedition," meaning they were requesting documents not knowing whether they were relevant to the case against Manning.

Fein and his team filed their answer to Manning's motion, and on March 16 Colonel Lind issued a ruling that held that the motion to compel discovery would be kept "under advisement" while the defense's motion to compel *ex parte* testimony was denied.

With regard to the allegedly classified material being sought by Manning's defense team, Colonel Lind issued a protective order that "best balances the protective information [classified material] ... and accused right to a fair trial." The precise parameters set up by this order were not defined, however.

Although it was anticipated, at the hearing on March 16, the judge did not issue a scheduling order informing all parties when Manning's trial will begin. As reported earlier in [The New American](#), Private Manning has thus far declined to decide whether he prefers a trial by jury or a bench trial (in the latter, guilt or innocence would be determined by a judge alone).

Colonel Lind did, however, set the next pre-trial hearing dates for April 24-26. It is unclear what issues will be addressed at those proceedings.

In other news in the case of PFC Bradley Manning, the Special Rapporteur on Torture for the United Nations has formally accused the U.S. government of cruel, inhuman, and degrading treatment of Manning during his incarceration.

In [a document submitted last month](#) to the U.N. Human Rights Council, Juan Mendez outlined the alleged mistreatment of Manning.

Mendez reported that the U.S. government's "prolonged confinement" of PFC Manning was inhuman. The relevant section of Mendez's report declares, "Mr. Manning was held in solitary confinement for twenty-three hours a day following his arrest in May 2010 in Iraq, and continuing through his transfer to the brig at Marine Corps Base Quantico."

Further on, Mendez wrote, "Solitary confinement is a harsh measure which may cause serious



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psychological and physiological adverse effects on individuals regardless of their specific conditions.”

Moreover, “Depending on the specific reason for its application, conditions, length, effects and other circumstances, solitary confinement can amount to a breach of article 7 of the International Covenant on Civil and Political Rights, and to an act defined in article 1 or article 16 of the Convention against Torture.”

In response to his accusations that Bradley was being unfairly detained in solitary confinement, the U.S. government insisted that Bradley was not in solitary, but was on what it described as “prevention of harm watch.” When asked to inform Mendez as to the harm posed by Manning, the government refused to elaborate.

In what is perhaps the most damning and constitutionally offensive allegation in the report, Mendez claims “that imposing seriously punitive conditions of detention on someone who has not been found guilty of any crime is a violation of his right to physical and psychological integrity as well as of his presumption of innocence.”

While the United Nations certainly does not have clean hands when it comes to human rights and they have no legal oversight of the U.S. government’s treatment of prisoners, the description of Manning’s treatment while in the custody of the military may be a frightening though revelatory foreshadowing of the future of American citizens arrested by the military on order from the President under the powers given him in the National Defense Authorization Act (NDAA) that was signed into law by President Obama on New Year’s Eve, 2011.

As part of the NDAA, the President is granted the unilateral authority to deploy the American military to arrest and indefinitely detain any citizen that he suspects of posing a threat to national security.

Despite its harsh portrait of Bradley Manning’s life since his arrest, the accusations in the U.N. representative’s report are nothing new.

Reporter for *Salon*, Glenn Greenwald, [wrote in December 2010](#):

From the beginning of his detention, Manning has been held in intensive solitary confinement. For 23 out of 24 hours every day — for seven straight months and counting — he sits completely alone in his cell.... For reasons that appear completely punitive, he's being denied many of the most basic attributes of civilized imprisonment, including even a pillow or sheets for his bed (he is not and has never been on suicide watch.) For the one hour per day when he is freed from this isolation, he is barred from accessing any news or current events programs.

Perhaps of the most interest to constitutionalists is the fact that regardless of the severity of the crimes of which he is now accused, Private Manning was held in solitary confinement without being apprised of the crimes with which he was being charged, allegedly tortured by the U.S. government, and because of his supposed indirect aid to al-Qaeda, he was denied the due process guaranteed to all citizens by the Constitution.

This may become the new standard of American due process and habeas corpus in our post-NDAA world.

*Photo of Bradley Manning: AP Images*



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