

AI Index: PRE 01/346/2013
12 July 2013

Bradley Manning: US must drop “aiding the enemy” charge

The U.S. government should immediately drop the most serious charges against Pvt. Bradley Manning, Amnesty International said today after the conclusion of all testimony in the case.

“We’ve now seen the evidence presented by both sides, and it’s abundantly clear that the charge of ‘aiding the enemy’ has no basis. The government should withdraw that charge,” said Widney Brown senior director for international law and policy at Amnesty International.

Manning’s lawyers asked the judge to dismiss these and other charges in a motion filed over the weekend.

“The prosecution should also take a long, hard look at its entire case and move to drop all other charges that aren’t supported by the evidence presented,” said Widney Brown.

Last week, prosecutors withdrew a charge that Manning had leaked intelligence to a “classified enemy”.

To prove the charge that Manning has “aided the enemy,” the U.S. government has to establish that he gave potentially damaging intelligence information to an enemy, and that he did so knowingly, with what presiding judge Col. Denise Lind called “a general evil intent”.

The prosecution has struggled throughout the trial to make a convincing case for this charge. Its own witnesses repeatedly told the court that they found no evidence that Manning was sympathetic towards al Qaeda or other terrorist groups, that he had never expressed disloyalty to his country, that they had no evidence that he had ties to any government other than his own, and that they had no reason to believe he had ever collected money for the information he disclosed.

Instead, government witnesses testified, for example, that Manning was involved in the lesbian, gay, bisexual, and transgender community and is on “on the extreme Democratic side” in political terms.

“The government’s case for ‘aiding the enemy’ is ludicrous, and that’s not surprising,” said Widney Brown. “What’s surprising is that the prosecutors in this case, who have a duty to act in the interest of justice, have pushed a theory that making information available on the internet -- whether through Wikileaks, in a personal blog posting, or on the website of The New York Times -- can amount to ‘aiding the enemy.’”

In fact, at times it appeared that the prosecutors were putting Wikileaks, rather than Manning, on trial. The charges against Manning do not include conspiracy with Wikileaks or any other actor, so the relevance of this aspect of the prosecution’s case was not clear.

The government faced challenges in proving lesser charges as well. He’s charged, among other offences, with the use of unauthorised software and other alleged violations of similar operating procedures. But one special agent testifying for the prosecution told the court that at least one of the programmes Manning was accused of illegally adding to his computer was in fact used by everyone in Manning’s intelligence

cell. Other software used by Manning was not expressly prohibited by commanders, the court heard.