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USA must allow Bradley Manning to use ‘public interest’ defence

Bradley Manning must be allowed to argue that he acted in the public interest when he distributed information to Wikileaks, Amnesty International said today as the trial against the US soldier begins in the US state of Maryland.

Manning faces multiple charges in relation to obtaining and distributing thousands of classified documents to unauthorized parties, including “aiding the enemy”.

The charge of aiding the enemy carries a potential death sentence, although the prosecution has said it would not seek this in his case. Instead, Manning faces a possible life sentence or decades in prison.

“The court must allow Manning to explain in full his motives for releasing the information to Wikileaks. It is disturbing that he was not permitted to offer the ‘public interest’ defence as he has said he reasonably believed he was exposing human rights and humanitarian law violations,” said Anne FitzGerald, Director of Research and Crisis Response at Amnesty International.

“Allowing Manning to explain his motives only at the sentencing stage could have a chilling effect on others who believe that they are whistleblowing or acting in the public interest in disclosing information.”

“Manning should have been allowed to explain how in his opinion, the public interest in being made aware of the information he disclosed outweighed the government’s interest in keeping it confidential.”

Manning has already pleaded guilty to 11 of the charges after presiding Judge Col. Denise Lind ruled that he could not argue that he was acting in the public interest when he released information to Wikileaks. At the start of his trial, in a statement read to the Court, Manning stated that he believed he was exposing abuses.

Judge Lind ruled that Manning’s motives for disclosure were not relevant to whether he had intentionally broken the law, but could only be considered in mitigation for purposes of sentencing. .

Manning could be sentenced to a maximum of 20 years for the 11 charges for which he has pleaded guilty.

Bradley Manning was arrested in May 2010 while stationed with the US army in Iraq and has been held in military custody since then.

Information released by Manning included a video of a 2007 Apache helicopter attack in Baghdad in which US soldiers killed 12 people, including civilians, and which hadn’t been in the public domain until then.

Although a US military internal inquiry on the incident concluded that the soldiers had acted appropriately, there has been no independent and impartial investigation into the attack.

Amnesty International will continue to follow the case closely and will send an observer at key points of the trial, which is expected to run for the next several months.