

“Covert Justice” for Bradley Manning: Prosecution Witnesses to Testify Anonymously

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During a pre-trial hearing for Army private Bradley Manning Wednesday, a military judge ruled that government prosecutors can call witnesses to testify anonymously and in secret against the accused whistleblower. The ruling exposes the case for the frame-up that it is.

Army colonel Denise Lind, the judge overseeing the hearings at Fort Meade in Maryland, cited national security in her decision to allow testimony in closed sessions during the court martial, scheduled to begin June 3. Prosecutors for the Obama administration are attempting to cobble together a case linking Private Manning and WikiLeaks to Al Qaeda and Osama bin Laden.

Lind stated on Wednesday that the prosecution would be required to prove that Manning had “reason to believe” the information he provided to WikiLeaks “could be used to the injury of the US or the advantage of any foreign nation.”

The crux of the government’s argument is the assertion that because WikiLeaks made publicly available on the Internet thousands of sensitive official documents, which Manning has already admitted to submitting to the whistleblower organization, the soldier is guilty of “aiding the enemy.” Prosecutors contend that because Manning must have known that *anyone*, including a terrorist, could access the material once published, he understood that his actions were inherently harmful to US interests.

Manning, who faces 22 charges under the Espionage Act and life in prison if convicted, [said in a statement](#) that he provided the information to WikiLeaks because he wanted to “spark a domestic debate on the role of our military and foreign policy in general.” Among the material Manning admitted to transmitting was a video of an American helicopter gunship attack on Iraqi civilians, including children, first responders, and journalists. Other material documented far higher Afghan and Iraqi civilian death tolls than admitted by the US government, conditions at Guantanamo and other military prisons, corruption and diplomatic double-dealing. While offering to plead guilty to 10 of the lesser charges related to transmitting sensitive data, Manning entered a plea of not guilty to “aiding the enemy.”

Late last year, Lind issued a ruling that stripped Manning of a whistleblower defense, declaring that the young private’s motives and conscience—and by extension, the crimes exposed in the leaked material—were irrelevant to the case.

Among the prosecution witnesses Lind ruled on Wednesday to allow is a member of the Navy Seals team that raided Osama bin Laden’s home in Abbottabad, Pakistan, in 2011 and killed the Al Qaeda figure. The witness will be named only as “John Doe” during testimony, which he will give from an undisclosed location via remote hookup during a closed session.

Absurdly, Lind ruled the soldier will be allowed to wear a “light disguise” to obscure his identity. The judge was at pains to insist that the defense team would still be able to adequately detect “body language, eye movements and demeanor” in spite of the disguise.

Manning’s defense team will not be allowed to question the witness on anything related to the Abbottabad raid, or “John Doe’s” background. The defense is limited to a predetermined list of questions related to the charges Manning faces. Lind also suggested the court may have “practice runs” during examination of the witnesses, to see if problematic material emerges.

Obama administration prosecutors have said the Navy Seal will recount seizing digital devices from bin Laden’s living quarters, one of which was later found to have contained information that had been published by WikiLeaks.

David Coombs, Manning’s civilian lawyer, argued in a motion that whether bin Laden saw the documents was immaterial, since anyone could freely access WikiLeaks, and that invoking the Al Qaeda figure would be inflammatory to public opinion and a distraction from the facts of the case. In response, Lind ruled that the “evidence of the path of the intelligence” may be “relevant to whether the accused knew or did not know he was dealing with the enemy.”

By “enemy,” Lind added, she meant “any hostile body such as a rebellious mob or a band of renegades.” This definition leaves the door open to classifying popular uprisings—such as those at least partially triggered by WikiLeaks publications in Tunisia, Bahrain, and elsewhere in 2011—as enemies of the US.

Significantly, Lind referred in her ruling to Al Qaeda, Al Qaeda in the Arabian Peninsula, and a third “enemy” identified only as a “Classified Entity.” The Obama administration has evidently determined a threat, that it is not willing to publicly name, that is at least as dangerous to US interests as the specter of terrorism.

At least three other government witnesses will testify anonymously in closed sessions. The Obama administration has requested that a further 24 witnesses be allowed to similarly testify in secret. Many are officials from the State Department, Defense Department, CIA and FBI. Lind has not yet ruled on the request, commenting that there was a need to balance “state secrets” with “the appearance of fairness” that an open trial would give.

The same day, military public affairs officers at Fort Meade were cracking down on the scant reporters present for the proceedings. While court was in session, the base would turn off wireless Internet in the media center where reporters viewed the courtroom via closed-circuit television. Use of cell phones and air cards were banned during session. The crackdown is in response to an unauthorized [recording of Manning’s courtroom statement](#) in February that was released by the Freedom of the Press Foundation.

“To date I have not ordered persons to be screened for phones and recording devices,” Lind declared Wednesday morning as the court convened. “I hope I won’t have to. I trust you will all follow the rules and we will not have any additional violations of the court’s rules.”

Journalists on hand, including independent bloggers and activists, were told they must be credentialed press reporters and “abide by the journalist ethics rules.” Few US media outlets have reported on the case at all, let alone sent reporters for exclusive coverage. Much of the

news that is available online consists of Twitter updates, hasty blog reports, and the efforts of Manning supporters.

According to the British *Guardian*'s Ed Pilkington, an officer warned, "This media facility is a privilege not a right. Privileges can be taken away."

Via Twitter, Pilkington commented, "There's a great machine in the press room at #Manning hearing that keeps bleeping 'cell phone detected!' Kafka lives!" In another tweet, he asked, "Can sniffer dogs detect digital recorders? TWO dogs scour our cars."

The new restrictions come atop unprecedented censorship of Manning's hearings, which the Center for Constitutional Rights has said have been "more restrictive than military tribunals at Guantanamo Bay." Though the hearings have produced tens of thousands of pages of court transcripts and documents so far, no court rulings or motions have been made available to the public or the press, compelling journalists to type rush transcripts of proceedings as they happen.

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