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Continued Detentions: The Intended Role for Chelsea Manning

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Global Research, April 25, 2019
Region: USA
Theme: Law and Justice

*The noose is tightening around the WikiLeaks world, yet another dedicated attempt to strangle the channels of information that might cast light over the dastardly deeds of state. Connections are being targeted; associates are being brought in. Officials of the United States, having found heart in the revocation of **Julian Assange's** asylum courtesy of Ecuadorean weak will and an accommodating United Kingdom, still deem it appropriate to keep **Chelsea Manning** in custody.*

The object here, given the indictment against Assange, seems clear: the conspiracy charge is set to expand, not merely including the current allegations against Assange, but roping in Manning to assist in the endeavour. The project, in other words, will be expanded. **Josh Gerstein**, writing for Politico, made the obvious point:

> "Prosecutors appear to be pressing for Manning's testimony in order to bolster their case against WikiLeaks founder Julian Assange."

Even now, the prosecution persists on an absurd tack; the alleged hacking of a classified government computer system pursuant to conspiracy supposedly did not work, even though Manning did supply WikiLeaks with classified documents from the US government's Secret Internet Protocol Network (SIRPNet) in 2010.

Such sloppiness has been encouraged, in no small measure, by the US-UK extradition treaty treaty.

The document is an exquisite piece of unequal drafting, making UK prosecutors furnish "such information as would provide a reasonable basis to believe that the person sought committed the offence for which extradition is requested" while making no such demands of US prosecutors. As former Home Office Minister Baroness Scotland of Asthall QC warned,

> "If this order is approved, the United States will no longer be required to supply prima facie evidence to accompany extradition requests that it makes to the United Kingdom."

What may save Assange is the hope that greed and vanity prevails in the prosecution effort; with more charges, the case starts looking distinctly political in the extradition process. If so, "political" offenses are excluded from the extradition treaty between the US and the UK under Article 4(1). Paragraph 3 of the same section further notes that, "extradition shall not be granted if the competent authority of the Requested State determined that the request was politically motivated."

A good number of US politicians have made it clear that Assange's role as publisher, or even his disposition as a hacker, is less relevant to their jaundiced worldview than making him account as an annex of Russian meddling in the 2016 elections. Assange poked the US national security establishment, and must pay.

> "So now he's our property," rejoiced Democratic **Senator Joe Manchin**, "and we can get the facts and truth from him."

That, it would seem, is a purely political affair. Assange's lawyers, take note.

Manning, quite rightly, had asserted her rights not to answer another round of vexatious questions from a grand jury upon a subject the US court martial system deemed fit to convict her on. Having seven years of her sentence, one reduced by President Barack Obama, she is now being kept further as Assange warms the cold environs of Belmarsh prison in the United Kingdom.

Manning, for her part, has been in Alexandria, Virginia jail since March 8. Since then, her spell has been marked by periods of prolonged solitary confinement. After 28 days, her period of "administrative segregation" was concluded, and it was reported that she had "finally been moved into general population at Truesdale Detention Center."

Her legal team have been busy trying to find a means of freeing her since US **District Court Judge Claude Hilto**n found her in contempt for not testifying. A few voices of support in Congress have also been forthcoming. **Alexandria Ocasio-Cortez** claimed that the conditions of Manning's imprisonment amounted to torture.

> "Chelsea is being tortured for whistleblowing, she should be released on bail, and we should ban extended solitary [confinement] in the US."

Manning's reasons – the stifling secrecy of the grand jury process itself, not to mention the fact that she had already been through the entire affair in 2013 – did not impress the judicial ear. Prosecutor **Tracy McCormick**, keener on process than principle, explained that this whole fuss could be dispensed with by simply testifying. "We hope she changes her mind now."

On Monday, the 4th Circuit Court of Appeals considered, if you can even use that term, arguments from Manning's counsel that Judge Hilton had "improperly denied her motion concerning electronic surveillance, failed to properly address the issue of grand jury abuse, and improperly sealed the courtroom during substantial portions of the hearing."

Her attempt to overturn the contempt order was given short shrift. The 4th Circuit Court of Appeals did not tax itself too much, giving no reasons for swallowing the conclusions reached in the lower court. In a two-page ruling, the bench found that Judge Hilton had not erred. "Upon consideration of the memorandum briefs on appeal and the record of proceedings in the district court, the court finds no error in the district courts rulings and affirms its findings of civil contempt. The court also denies appellant's motion for release on bail." Not exactly the high water mark of US jurisprudence.

Manning can appeal the ruling in taking her case via the full Fourth Circuit bench, or the

Supreme Court itself. Given the latter's current conservatism, the chances for release seem slim. Manning may have to wade it out and hope the prosecutors slip in their efforts to lard their case against Assange. And that has been known to happen.

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