



Human Rights Watch Statement on Bradley Manning

On July 30, 2013, Pfc. Bradley Manning was convicted of 19 of 22 counts by a US court martial in Fort Meade, Maryland, for leaking thousands of government documents to the online publisher Wikileaks for public dissemination. The military judge, Col. Denise Lind, acquitted Manning of the most serious charge, “aiding the enemy.” The cumulative charges could amount to 136 years of prison time for Manning. The sentencing phase of his trial will begin on July 31.

The US government decided to proceed with prosecuting Manning after he pled guilty to 10 charges, carrying a total maximum sentence of 20 years in prison. The government accused Manning under the Espionage Act of disclosing sensitive national defense-related information to an unauthorized party, Wikileaks – essentially what Manning had already confessed.

Under the Espionage Act, the government did not have to prove that the information actually harmed national security, nor could Manning defend himself by showing the information was of strong public importance. In this way, the antiquated law fails to protect both the public’s right to information and the speaker’s right to disclose matters of pressing public interest.

The government’s charge that Manning “aided the enemy” set a chilling precedent, by threatening leakers with prosecution on treason-like charges for any communication to the media that could be thought useful to an adversary. Under this charge, the government did not have to show that Manning actually intended to harm the United States. Rather, the judge ruled, the government only had to prove that Manning would have reason to believe that publishing the information via Wikileaks could potentially aid an enemy such as al-Qaeda, which (like the rest of the public), has Internet access.

The only other case in which a soldier has been prosecuted for indirectly aiding the enemy was in 1863, against a Civil War private who was sentenced to three months’ hard labor for giving a military roster to a newspaper, which printed it. The court declined to dismiss the charge on July 18, for lack of evidence once the government had presented its case, but apparently found the government failed to establish the charge beyond a reasonable

doubt. This result, while positive, still leaves a threat of prosecution alive for those who leak information to the media without any actual intent to aid the enemy.

Manning's trial points to the urgent need for reform in the laws the US has used to prosecute those who leak information to the public, as well as the need for [stronger protections for national security whistleblowers](#).