

GI's Treatment Focus of Hearing in WikiLeaks Case

An Army private charged in the biggest security breach in U.S. history is trying to avoid trial by claiming he's already been punished by confinement conditions that a United Nations torture investigator called cruel, inhuman and degrading.

Pfc. Bradley Manning is expected to testify about his treatment during a pretrial hearing starting Tuesday at Fort Meade. The young intelligence analyst has never spoken publicly about his nearly nine months in the Marine Corps brig in Quantico, Virginia, from July 2010 to April 2011. The hearing is scheduled to run through Sunday.

Manning was confined alone in a 6-by-8-foot (1.8-by-2.4-meter) cell for at least 23 hours a day, according to documents filed by the defense. For several days in January 2011, all his clothes were taken from him each night until he was issued a suicide-prevention smock, military officials have said.

The Defense Department has said Manning's treatment properly conformed to his classification as a maximum-custody detainee who posed a risk of injury to himself or others. He was moved in April 2011 to Fort Leavenworth, Kansas, where he has a medium-security classification.

Publicity about Manning's treatment helped bring worldwide attention to his case. In March, U.N. Special Rapporteur on Torture Juan E. Mendez presented a report to the U.N.'s Human Rights Council in which he criticized the U.S. government for refusing his repeated requests for a private visit with Manning.

Although they never spoke, "I am persuaded that Pfc. Manning was subjected to cruel, inhuman and degrading treatment" in violation of the U.N. Convention Against Torture, Mendez wrote in a Nov. 15 email to The Associated Press.

Mendez said he doesn't know if Manning's treatment amounted to torture, as Manning supporters claim.

Military judges can dismiss all charges if pretrial punishment is particularly egregious, but that rarely happens. The usual remedy is credit at sentencing for time served, said Lisa M. Windsor, a retired Army colonel and former Army judge advocate now in private practice in Washington.

"I think the likelihood of him getting any charges dropped is extremely remote," she said.

If the military judge refuses to dismiss the case, defense attorney David Coombs has requested 10-for-1 credit for 258 days of supposedly punitive confinement. That would knock a little more than seven years off Manning's sentence if he is convicted. He faces the possibility of life imprisonment if convicted of the most serious charge, aiding the enemy, and 162 years on the 21 other counts. His trial is set to begin Feb. 4.

Jeff Paterson, a leader of the Bradley Manning Support Network, said the credit would be meaningless if Manning gets a lengthy sentence.

"If that credit is meaningless, then that signals that you can actually torture any personnel or detainee without any actual consequences," Paterson said.

Manning is accused of sending to the secret-spilling website WikiLeaks hundreds of thousands of classified Iraq and Afghanistan war logs and more than 250,000 diplomatic cables while working as an intelligence analyst in Baghdad in 2009 and 2010.

The 24-year-old allegedly told a confidant-turned-informant in an online chat in 2010 that he leaked the information because "I want people to see the truth."

Manning has offered to take responsibility for the leak by pleading guilty to reduced charges. The military judge hasn't yet ruled on the offer. It is not part of a plea deal, and it would not preclude prosecutors from pursuing the original charges.