

Title: United States: Manning Court Martial
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Comments:
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Summary

The court martial of PFC Bradley Manning commenced on Monday 3 June with opening statements from the Prosecution, which outlined its key evidence, including claims of connections to WikiLeaks/Julian Assange. The Defence also provided an opening statement.

Post s 22 1(a)(ii) attended the opening day of the court martial of PFC Bradley Manning at Fort Meade, Maryland on 3 June 2013.

Opening Statements

2. The Prosecution presented its opening statement with the aid of a PowerPoint presentation. Prior to opening statements, the Defence had objected to 3-4 slides that referenced WikiLeaks' 2009 'Most Wanted List'. The Prosecution suggested that Manning had used this list to drive his searches and leaks, purportedly supporting their thesis that he was taking direction from WikiLeaks. The Defence asked that the slides be removed, objecting on various grounds of failure to authenticate the list, hearsay, relevance, and prejudice. Presiding Judge Lind allowed the slides to be presented in the opening statement (i.e. overruling the objection), but will rule on the specific admissibility of the 'Most Wanted List' evidence when it is formally introduced during trial. Judge Lind said she could disregard the evidence if it was found not to have been authenticated properly. "I can unring the bell should that need be."

3. The Prosecution outlined its case as follows:

- Investigation in Iraq (including collection of forensic evidence, interviews, interrogations etc)
- Manning's intelligence training (including on the nature of WikiLeaks and non-disclosure obligations)
- Iraq deployment
- Charges and specifications, including chronology, forensic evidence, and nature of the information leaked

4. Included in the 'key evidence' the prosecution plans to introduce (most referenced in pre-trial hearings) are:

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- the Manning-Lamo (the hacker turned FBI informant) chat logs, in which Manning allegedly said: "If you had unprecedented access to classified networks 14 hours a day 7 days a week for 8 months, what would you do?"

- Manning's training and research had repeatedly warned him of the enemies' use of the Internet writ large and the enemies' use of WikiLeaks. He knew the dangers of "unauthorized disclosure to an organization like WikiLeaks and he ignored that evidence". The prosecution referenced previously unheard evidence that Manning had accessed a classified Army Counterintelligence Report on the 'threat' posed by WikiLeaks, arguing that Manning would have known that WikiLeaks was being accessed by, and was valuable to, enemies of the US.

- Manning "systematically and indiscriminately harvested" over 700,000 records for WikiLeaks, an organisation that "advocates for random openness without any appropriate limits."

- The Prosecution continued to argue that a 'pre-association' chat handle/account on Jabber was used by Mr Assange. No new/additional evidence was referenced, instead the prosecution referred generally to 'forensic evidence', which may be drawn out during the trial.

- The Prosecution claimed that the Manning-'Assange' chat logs showed Manning had "enlisted Mr Assange's help in figuring out a way to browse" and collect information 'anonymously' at a rate of 1000 documents an hour. The Prosecution again referenced the so-called 'rainbow tables' (also described as hash-cracking or password reverse engineering). They also suggested that Manning had helped WikiLeaks edit the 'Collateral Murder' video.

5. The Prosecution ended by saying, "Manning knew the dangers of unauthorized disclosure to an organization like WikiLeaks and he ignored that evidence."

6. The Prosecution's opening witnesses included agents assigned to the Army's Computer Crimes Investigation Unit who conducted the search and seizure of Manning's computers and possessions in Iraq, and initial interviews. Manning's roommate in Iraq also testified.

Defence Opening Statement

7. The Defence's statement described Manning as a young, naïve, idealistic humanist struggling with what he perceived as gross injustices and unnecessary secrecy. He wanted to do all he could to protect his soldiers in the field and local civilians. Manning had access to "literally hundreds of millions of documents as an all-source analyst and these were the documents he released. And he released these documents because he was hoping to make the world a better place. When he decided to release this information, he believed this information showed how little we value human life. He was troubled by it and he believed if the American public saw it they too would be troubled by it and maybe things might change."

8. The Defence again rejected the theory that Manning was guided by WikiLeaks and the "2009 'Most Wanted' list". He selected information that "needed to be made public" but he had no actual knowledge the enemy would access the information. Manning was "naïve to think that the information he selected could actually make a difference but he had good intentions".

Comment

9. NGOs and media have criticised the lack of public access to the proceedings. There are 16 seats in the courtroom allocated to the general public on a first-come-first-serve basis. There are two overflow areas with live feeds: a trailer, which seats 35, next to the courthouse; and a theatre that can accommodate 100 seated, and possibility 540 if seats were to be

removed. All three areas were used today. The live feed cut out numerous times during the day rendering a seat in the courtroom necessary for complete coverage. There are also 10 courtroom seats reserved for credentialed media organizations. The Center for Constitutional Rights (CCR) (which represents WikiLeaks and Julian Assange) issued a statement criticising alleged 'pre-trial secrecy' and the lack of public access to the proceedings and noted that the Reporters' Committee on Freedom of the Press will be filing an amicus brief this week in the new CCR federal case challenging the public's lack of meaningful access to the trial and trial documents. Oral argument in that case will commence on June 17.

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