

By Marjorie Cohn

From Portside

The end of U.S. military involvement in Iraq coincided with Bradley Manning's military hearing to determine whether he will face court-martial for exposing U.S. war crimes by leaking hundreds of thousands of pages of classified documents to Wikileaks. In fact, there is a connection between the leaks and U.S. military withdrawal from Iraq.

When he announced that the last U.S. troops would leave Iraq by year's end, President Barack Obama declared the nine-year war a "success" and "an extraordinary achievement." He failed to mention why he opposed the Iraq war from the beginning. He didn't say that it was built on lies about mushroom clouds and non-existent ties between Saddam Hussein and Al Qaeda. Obama didn't cite the Bush administration's "Plan for Post-Saddam Iraq," drawn up months before 9/11, about which Former Treasury Secretary Paul O'Neill reported that actual plans "were already being discussed to take over Iraq and occupy it - complete with disposition of oil fields, peacekeeping forces, and war crimes tribunals - carrying forward an unspoken doctrine of preemptive war."

Defense Secretary Leon Panetta also defended the war in Iraq, making the preposterous claim that, "As difficult as [the Iraq war] was," including the loss of American and Iraqi lives, "I think the price has been worth it, to establish a stable government in a very important region of the world."

The price that Panetta claims is worth it includes the deaths of nearly 4,500 Americans and hundreds of thousands of Iraqis. It includes untold numbers wounded - with Traumatic Brain Injury and Post Traumatic Stress Disorder - and suicides, as well as nearly \$1 trillion that could have prevented the economic disaster at home.

The price of the Iraq war also includes thousands of men who have been subjected to torture and abuse in places like Abu Ghraib prison. It includes the 2005 Haditha Massacre, in which U.S. Marines killed 24 unarmed civilians execution-style. It includes the Fallujah Massacre, in which U.S. forces killed 736 people, at least 60% of them women and children. It includes other war crimes committed by American troops in Qaim, Taal Al Jal, Mukaradeeb, Mahmudiya, Hamdaniyah, Samarra, Salahuddin, and Ishaqi.

The price of that war includes two men killed by the Army's Lethal Warriors in Al Doura, Iraq, with no evidence that they were insurgents or posed a threat. One man's brains were removed from his head and another man's face was skinned after he was killed by Lethal Warriors. U.S. Army Ranger John Needham, who was awarded two purple hearts and three medals for heroism, wrote to military authorities in 2007 reporting war crimes that he witnessed being committed by his own command and fellow Lethal Warriors in Al Doura. His charges were supported by atrocity photos which have been released by Pulse TV and Maverick Media in the new video by Cindy Piester, "On the Dark Side in Al Doura - A Soldier in the Shadows." [<http://vimeo.com/33755968>]. CBS reported obtaining an Army document from the Criminal Investigation Command suggestive of an investigation into these war crimes allegations. The Army's conclusion was that the "offense of War Crimes did not occur."

One of the things Manning is alleged to have leaked is the "Collateral Murder" video which depicts U.S. forces in an Apache helicopter killing 12 unarmed civilians, including two Reuters journalists, and wounding two children. People trying to rescue the wounded were also fired upon and killed. A U.S. tank drove over one body, cutting the man in half.

The actions of American soldiers shown in that video amount to war crimes under the Geneva Conventions, which prohibit targeting civilians, preventing the rescue of the wounded, and defacing dead bodies.

Obama proudly took credit for ending U.S. military involvement in Iraq. But he had tried for months to extend it beyond the December 31, 2011 deadline his

predecessor negotiated with the Iraqi government. Negotiations between Obama and the Iraqi government broke down when Iraq refused to grant criminal and civil immunity to U.S. troops.

It was after seeing evidence of war crimes such as those depicted in "Collateral Murder" and the "Iraq War Logs," also allegedly leaked by Manning, that the Iraqis refused to immunize U.S. forces from prosecution for their future crimes. When I spoke with Tariq Aqrabi, Iraq's ambassador to the United Nations, at a recent international human rights film festival in Vienna, he told me that if they granted immunity to Americans, they would have to do the same for other countries as well.

Manning faces more than 30 charges, including "aiding the enemy" and violations of the Espionage Act, which carry the death penalty. After a seven day hearing, during which the prosecution presented evidence that Manning leaked cables and documents, there was no evidence that leaked information imperiled national security or that Manning intended to aid the enemy with his actions.

On the contrary, in an online chat attributed to Manning, he wrote, "If you had free reign over classified networks. and you saw incredible things, awful things. things that belonged in the public domain, and not on some server stored in a dark room in Washington DC. what would you do?"

He went on to say, "God knows what happens now. Hopefully worldwide discussion, debates, and reforms. I want people to see the truth. because without information, you cannot make informed decisions as a public."

Manning has been held for 19 months in military custody. During the first nine months, he was kept in solitary confinement, which is considered torture as it can lead to hallucinations, catatonia and suicide. He was humiliated by being stripped naked and paraded before other inmates.

The U.S. government considers Manning one of America's most dangerous traitors. Months ago, Obama spoke of

Manning as if he had been proved guilty, saying, "he broke the law." But Manning has not been tried, and is presumed innocent in the eyes of the law. If Manning had committed war crimes instead of exposing them, he would be a free man today. If he had murdered civilians and skinned them alive, he would not be facing the death penalty.

Besides helping to end the Iraq war, the leaked cables helped spark the Arab Spring. When people in Tunisia read cables revealing corruption by the ruling family there, they took to the streets.

If Manning did what he is accused of doing, he should not be tried as a criminal. He should be hailed as a national hero, much like Daniel Ellsberg, whose release of the Pentagon Papers helped to expose the government's lies and end the Vietnam War.

Marjorie Cohn is a professor of law at Thomas Jefferson School of Law and past president of the National Lawyers Guild. Her books include "Rules of Disengagement: The Politics and Honor of Military Dissent" and "The United States and Torture: Interrogation, Incarceration, and Abuse." See www.marjoriecohn.com.