

AMNESTY INTERNATIONAL

USACAP ACTION (URGENT): MARCH 2011



Bradley Manning – inhumane treatment



Bradley Manning, the 23 year old US army private accused of leaking information to Wikileaks, has been held in harsh detention conditions since July 2010. He is a pre-trial detainee who has been charged, but not convicted of any offence. He is entitled to

the presumption of innocence. Amnesty International is concerned that his conditions of detention are unnecessarily severe and amount to inhumane treatment by US authorities.

In July 2010, Bradley Manning was charged with violating Articles 92 and 134 of the US Uniform Code of Military Justice (UCMJ) by transferring classified data onto his personal computer and passing that data to an unauthorized third party. On 2 March 2011 an additional 22 charges were laid against him, including violation of Article 104 of the UCMJ, known as 'aiding the enemy' having knowingly given intelligence to the enemy, through indirect means. This is a capital offence, but the army's prosecution team have stated that they will not recommend the death penalty.

Bradley Manning is detained at the Quantico Marine Corps Base in Virginia, USA. Preliminary charges have been filed against him but the final charges and specific factual allegations he will eventually face at trial remain unclear. He is currently awaiting a hearing to determine whether he will face a court martial. This pre-trial hearing is expected in May or June 2011.

Background Information

Private First Class (PFC) Bradley Manning was arrested in May 2010 in Iraq on suspicion of passing information to Wikileaks. He was arrested after he was reported to the FBI by a former computer hacker who accused him of admitting to leaking classified material because he had seen terrible things in these materials that he thought ought to be made publicly available.

The classified data he is accused of leaking between November 2009 and May 2010 include a video of a military operation in Baghdad, known as video file "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi". This video is believed to be the footage of the Apache helicopter airstrike attack on Baghdad in July 2007, published by Wikileaks in April 2010. The data he is alleged to have leaked also includes more than 380,000 military records from Iraq war files, 90,000 records from Afghan war files and over 250,000 classified US state department cables.

Conditions of Detention

After arrest and initial detention in Iraq, he was held in US military detention in Kuwait until he was transferred to the USA on 29 July 2010. Since then he has been confined at the Quantico Marine Corps Base in Virginia, where he is confined in a single cell measuring around 72 square feet (6.7 square metres) for 23 hours a day. His cell is equipped only with a bed, toilet and sink. There is no window to the outside, the only view being on to a corridor through the barred doors of his cell. All meals are taken in his cell. He has no association or contact with other pre-trial detainees and he is allowed to exercise, alone, for just one hour a day – usually walking figures-of-eight in an empty room. He is not permitted to keep personal possessions in his cell, apart from one book and magazine at a time which is taken away at night. Although he may write and receive correspondence, writing is only allowed at an allotted time during the day.

Despite repeated recommendations of three forensic military psychiatrists, Bradley Manning is classified as a maximum custody detainee and is being held under a prevention of injury (POI) assignment – one step short of suicide watch. As a maximum security detainee, he is shackled at the hands and legs during social and family visits. He is also shackled during meetings with his lawyer. He is denied the opportunity for a work assignment which would allow him to be

out of his cell for most of the day. He is also prevented from exercising in his cell.

Prevention of injury status means that Bradley Manning is subjected to further restrictions. These include checks by guards every five minutes and a bar on sleeping during the day. He is required to remain visible at all times, including during night checks. His POI status has resulted in his being deprived of sheets and a pillow, except the one built into his mattress. AI understands no specific reasons are known to have been formally provided to him for his maximum security classification or his POI assignment. He is believed to be the only detainee at Quantico Base being held for a prolonged period under maximum custody and POI assignment.

David House, a friend of Bradley Manning who has been visiting him regularly since his detention, has told AI that he has noticed a significant deterioration in his mental health since November 2010.

On 18 January 2011, Bradley Manning was temporarily categorised as a 'suicide risk', resulting in him being stripped of all his clothes except his underwear, and the confiscation of his prescription glasses for most of the day, which Manning says left him in "essential blindness". Bradley Manning describes how he was verbally harassed just before the suicide watch and how he believes that the punishment was imposed as a retribution for a protest that had been held outside the Quantico military brig the previous day. He remained on suicide watch until 21 January.

Bradley Manning's legal team submitted a complaint in January over his POI watch and to have his status reduced from maximum to medium security. On 1 March the Quantico base commander Colonel Daniel J. Choike denied this request. On 2 March, the same day that new charges were announced against him (see below), Bradley Manning was stripped of all his clothing and left naked in his cell for seven hours. His clothes were returned to him the following morning but not until he was reportedly forced to stand to attention in front of the rest of the clothed inmates, still naked. This treatment followed closely after he made a sarcastic remark about the POI restrictions. Bradley

Manning continues to be stripped of his clothing at night but has recently been given a suicide prevention "smock" to wear at night.

A spokesperson for the Marine Corps claimed that his clothing was removed at night as a precaution so that he did not harm himself. Amnesty International believes that this latest measure constitutes further unnecessarily harsh treatment and humiliation. Bradley Manning is already under close supervision, including being monitored at all times by direct observation and by video, so it is difficult to see how the further measure of depriving him of clothing could have any legitimate purpose.

On 10 March, PJ Crowley, US Assistant Secretary of State of Public Affairs at the US State Department, stated publicly that Bradley Manning was being "mistreated" at Quantico military brig and that "What is being done to Bradley Manning is ridiculous and counterproductive and stupid on the part of the department of defence." The following day, whilst not directly referring to PJ Crowley's remarks, President Barack Obama told a White House press conference that he had asked the Pentagon "whether or not the procedures that have been taken in terms of his confinement are appropriate and are meeting our basic standards. They assure me that they are." PJ Crowley resigned from his position two days later stating that he took full responsibility for his remarks.

AI recognizes that it may sometimes be necessary to segregate prisoners for disciplinary or security purposes. However no specific reasons are known to have been formally provided to Bradley Manning for his maximum security classification or his POI assignment. The restrictions imposed on him appear to be unnecessarily harsh, and the POI restrictions continue to be imposed against the repeated advice of military psychiatrists.

Amnesty International considers that Bradley Manning's prolonged confinement to a sparse, solitary cell, lack of adequate exercise, lack of possessions and other restrictions, applied as they have been over many months and in the circumstances of his case is inconsistent with US obligations to treat all persons deprived of their liberty with humanity and with respect for

the inherent dignity of the human person, with the presumption of innocence to which a person who has been charged but not tried is entitled, and violates the absolute prohibition of cruel, inhuman and degrading treatment under international law.

Further, if any of these measures are being imposed with the purpose of punishing Bradley Manning for the acts of which he is accused, this would fundamentally violate the presumption of innocence to which he is entitled. Any claim that the alleged seriousness of the crimes with which he is charged could, provide a basis for the restrictions imposed on him would also be inconsistent with the presumption of innocence.

Evidence suggests that the conditions of isolation and prolonged cellular confinement that Bradley Manning is held under can cause psychological impairment, including depression, anxiety and loss of concentration. Al fears that this could further undermine his ability to assist in his defence and thus his right to a fair trial.

Useful Documents and Links

Al's open letter to US Secretary of Defence Gates on the case of Bradley Manning
<http://www.amnesty.org/en/library/info/AMR51/006/2011/en>

Al Press release "US accused on inhumane treatment over case of Wikileaks soldier case"
<http://www.amnesty.org/en/for-media/press-releases/us-accused-inhumane-treatment-over-wikileaks-soldier-case-2011-01-24>

AIUSA Bradley Manning webaction
www.amnestyusa.org/manning

The Bradley Manning Support Network website
<http://www.bradleymanning.org/>

The law office of Bradley Manning's lawyer David Coombs (includes a blog on the case)
<http://www.armycourtartialdefense.info/>

ACTION

PLEASE WRITE IMMEDIATELY:

Please send appeals in your own words, using the following points or the model letter:

- Bradley Manning is being held under inhumane conditions of detention inconsistent with respect for his dignity, including being confined 23 hours a day to a small cell without personal possessions, adequate outdoor exercise, and other restrictions;
- Such harsh conditions are inconsistent with his status as an untried prisoner, as all untried prisoners are entitled to a liberal regime in

recognition of their right to the presumption of innocence;

- Bradley Manning was left naked in his cell for several nights and forced to stand to attention in front of other inmates, still naked. He is still forced to strip naked at night but has been given a suicide prevention 'smock' to wear;
- Given that he is already under close supervision, including being monitored at all times by direct observation and video, this treatment appears to be unnecessarily humiliating and degrading;
- Isolation and prolonged cellular confinement may cause psychological harm which could undermine his ability to assist in his defence, and therefore his right to a fair trial;
- Al has received information suggesting that his mental health has deteriorated since November 2010;
- Military psychiatrists at the Brig have repeatedly recommended a lifting of his POI status but that these recommendations appear to have been disregarded;
- Call for an immediate action to alleviate his conditions of isolation, reduce his maximum custody status and lift other undue restrictions; that he should be allowed adequate outdoor exercise, greater access to books and writing materials of his choosing, as well as other forms of contact with the outside world and an opportunity to engage in prison work, in accordance with international standards;

Please send letters to:

President Barack Obama
The White House
Office of the President
1600 Pennsylvania Avenue NW
Washington DC 20500, USA
Fax: + 1 202 456 2461
Email: <http://www.whitehouse.gov/contact/>

The Honorable Robert M. Gates
Secretary of Defense
1400 Defense Pentagon
Washington DC 20301, USA

Colonel Carl R. Coffman Jr.
Commander, US Army Garrison
204 Lee Avenue, Fort Myer
Virginia 22211-1199, USA

Colonel Daniel J. Choike
Base Commander,
MCB Quantico, 3250 Catlin Avenue
Quantico
Virginia 22134-5000, USA

Please send copies of your appeals to:

His Excellency Mr Louis B. Susman
Embassy of the United States,
24 Grosvenor Square,
London W1A 1AE

MODEL LETTER

Dear (President Obama/ Secretary of Defence/Colonel Coffman/ Colonel Choike)

*I am deeply concerned about the conditions in which **Bradley Manning** is being held at the Quantico Marine Corps Base in Virginia. Harsh and inhumane conditions, which include solitary confinement to a small cell for 23 hours a day, deprivation of personal possessions, inadequate outdoor exercise and other restrictions, are inconsistent with his status as an untried prisoner with the right to presumption of his innocence and his dignity as a human being.*

Furthermore Bradley Manning has been subjected to humiliating and degrading treatment, including being forced to stand to attention naked in front of other inmates even though he is being closely monitored directly and by video at all times.

Amnesty International has received information that his mental health has deteriorated during his detention and this is hardly surprising since isolation and prolonged confinement in a small space are known to cause psychological damage. Such damage could harm his ability to assist in his defence and thus undermine his right to a fair trial. Military psychiatrists at the brig have recommended that his POI status be lifted but apparently their advice has been ignored.

I urge that Bradley Manning's maximum custody status is reduced and his conditions of isolation lifted immediately. I also urge that the other restrictions to which he is subjected are removed and that he is allowed adequate outdoor exercise, access to writing materials and books of his choosing, opportunities of contact with the outside world and engagement in prison work, in accordance with international standards

Yours Sincerely