

BY FAX AND MAIL

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

19 January 2011

Dear Secretary of Defense

I am writing to express concern about the conditions under which Private First Class (PFC) Bradley Manning is detained at the Quantico Marine Corps Base in Virginia.

We are informed that, since July 2010, PFC Manning has been confined for 23 hours a day to a single cell, measuring around 72 square feet (6.7 square metres) and 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, which we are told has no chair or table. He has no association or contact with other pre-trial detainees and he is allowed to exercise, alone, for just one hour a day, in a day-room or outside. He has access to a television which is placed in the corridor for limited periods of the day. However, he is reportedly not permitted to keep personal possessions in his cell, apart from one book and magazine at a time. Although he may write and receive correspondence, writing is allowed only at an allotted time during the day and he is not allowed to keep such materials in his cell.

We understand that PFC Manning's restrictive conditions of confinement are due to his classification as a maximum custody detainee. This classification also means that – unlike medium security detainees – he is shackled at the hands and legs during approved social and family visits, despite all such visits at the facility being non-contact. He is also shackled during attorney visits at the facility. We further understand that PFC Manning, as a maximum custody detainee, is denied the opportunity for a work assignment which would allow him to be out of his cell for most of the day. The United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (SMR), which are internationally recognized guiding principles, provide *inter alia* that “Untried prisoners shall always be offered opportunity to work” should they wish to undertake such activity (SMR Section C, rule 89).

PFC Manning is also being held under a Prevention of Injury (POI) assignment, which means that he is subjected to further restrictions. These include checks by guards every five minutes and a bar on his 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 separate pillow, causing uncomfortable sleeping conditions; his discomfort is reportedly exacerbated by the fact that he is required to sleep only in boxer shorts and has suffered chafing of his bare skin from the blankets.

We are concerned that no formal reasons have been provided to PFC Manning for either his maximum security classification or the POI assignment and that efforts by his counsel to challenge these assignments through administrative procedures have thus far failed to elicit a response. We are further concerned that he reportedly remains under POI despite a recommendation by the military psychiatrist overseeing his treatment that such an assignment is no longer necessary.

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Amnesty International recognizes that it may sometimes be necessary to segregate prisoners for disciplinary or security purposes. However, the restrictions imposed in PFC Manning's case appear to be unnecessarily harsh and punitive, in view of the fact that he has no history of violence or disciplinary infractions and that he is a pre-trial detainee not yet convicted of any offence.

The conditions under which PFC Manning is held appear to breach the USA's obligations under international standards and treaties, including Article 10 of the International Covenant on Civil and Political Rights (ICCPR) which the USA ratified in 1992 and which states that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". The UN Human Rights Committee, the ICCPR monitoring body, has noted in its General Comment on Article 10 that persons deprived of their liberty may not be "subjected to any hardship or constraint other than that resulting from the deprivation of liberty; respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons ...".

The harsh conditions imposed on PFC Manning also undermine the principle of the presumption of innocence, which should be taken into account in the treatment of any person under arrest or awaiting trial. We are concerned that the effects of isolation and prolonged cellular confinement – which evidence suggests can cause psychological impairment, including depression, anxiety and loss of concentration – may, further, undermine his ability to assist in his defence and thus his right to a fair trial.

In view of the concerns raised, we urge you to review the conditions under which PFC Manning is confined at the Quantico naval brig and take effective measures to ensure that he is no longer held in 23 hour cellular confinement or subjected to other undue restrictions.

Yours sincerely,

Susan Lee
Program Director
Americas Regional Program

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