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

24 March 2011

Dear Secretary of Defense,

Amnesty International is writing further to its letter of 19 January about the pre-trial detention conditions of PFC Bradley Manning at the Quantico Marine Corps Base, Virginia.

We remain concerned that, apart from visits which are allowed at week-ends, Bradley Manning continues to be confined for 23 hours a day to a small cell, with no personal possessions and with limited access to writing and reading materials. All visits, including those with his family or lawyer, take place in a non-contact setting during which, we are told, he is shackled at the wrists and legs. We understand that he continues to be subject to a Prevention of Injury (POI) classification which means he is deprived of sheets and a separate pillow and must be checked and alert every five minutes during the day. He is also prevented from exercising in his cell despite the minimal amount of out-of-cell exercise he is allowed. We are told that he rarely receives any outdoor exercise, contrary to the United Nations (UN) Standard Minimum rules for the Treatment of Prisoners.

While we have not received a reply to our letter of 19 January, we have heard from other sources that Bradley Manning's treatment has been reviewed by the General Counsels of the Department of Defense, Navy and Marine Corps and found to be legal and in keeping with the treatment of any other maximum security prisoner on POI status. However, this does not alter Amnesty International's concern that the conditions described above appear to be unnecessarily harsh and inconsistent with PFC Manning's status as an untried prisoner: under international standards prisoners who have not yet been tried should be treated in accordance with their right to the presumption of innocence.

We understand that Bradley Manning is the only prisoner currently at the Quantico brig to have been confined to a cell under Maximum Custody/POI status for as long as eight months. His requests to have his custody assignment downgraded to Medium Custody-In (MDI) have been denied despite his reportedly presenting no problems to staff or inmates and having a clear disciplinary record while in custody.

Our concerns regarding his treatment are further heightened by the fact that military psychiatrists have repeatedly recommended that Bradley Manning be removed from POI status. According to observation reports provided by the military authorities and contained in a Memorandum submitted under an Article 138 complaint, between 27 August 2010 and 29 January 2011, military psychiatrists regularly evaluated Bradley Manning and recommended at least 17 times that he be removed from POI status. At no time was such a recommendation acted upon by the authorities.

Earlier this month, Bradley Manning was forced to remove all clothing and to sleep naked for several consecutive days. This treatment followed shortly after he made a remark to a custody officer when he was told that he would remain under POI status (his remark was to the effect that, had he wanted to commit suicide, he could have done so using the elastic waistband of his undershorts). He has described being required to stand to attention naked and cold at his cell door each morning before his

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clothes were returned to him. This appears to be evidence of further unnecessarily harsh, as well as humiliating, treatment. We note that the measure – reportedly done to prevent him from self-harming – was not undertaken on the recommendation of any person charged with his well-being such as a health professional. We can see no legitimate purpose for such a measure, particularly given that he was already under close observation. We understand that he is still required to remove all clothing at night, although he is now provided with a “tear-proof” smock.

Amnesty International recognizes that the authorities need to take reasonable precautions to ensure the safety of persons in custody. However, the restrictions imposed upon Bradley Manning would appear more likely to be detrimental to, rather than safeguard, his wellbeing. As we noted in our previous correspondence, there is evidence that prolonged isolation and confinement to a small cell, with lack of adequate exercise and other restrictions, can cause severe psychological impairment, including depression and anxiety. We understand that Bradley Manning has been prescribed anti-depressant medication while in custody.

Amnesty International strongly reiterates its concern that the combined deprivations imposed on Bradley Manning are in breach of the USA’s obligations under international law and standards to treat all those in its custody humanely. The USA has ratified the Convention against Torture and the International Covenant on Civil and Political Rights, both of which prohibit torture and other ill-treatment. Article 10 (1) of the ICCPR requires that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”.

Bradley Manning’s treatment is also contrary to specific articles of the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (SMR). While the SMR do not have the binding force of a treaty, they are internationally recognized minimum guidelines for the treatment of convicted and untried prisoners. Rule 21 of the SMR provides that every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits, as well as provision for physical and recreational training. Rule 89 provides that “Untried prisoners shall always be offered opportunity to work” should they wish to. Rule 90 provides that every untried prisoner “shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution”.

Amnesty International again urges you to review the conditions under which Bradley Manning is detained and to take immediate steps to ensure his conditions are in line with international standards for humane treatment. We urge, in particular, that he be removed from 23-hour cellular confinement, be provided with adequate access to exercise and recreation and to reading and writing materials, and the opportunity to engage in prison work.

Yours sincerely,

Susan Lee
Program Director
Americas Regional Program

Cc COL Carl R. Coffman Jr.
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