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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/08/11/defense-motion-describes-bradley-mannings-unlawful-pretrial-punishment-in-solitary-confinement/>

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by [Jean Casella and James Ridgeway](#) | August 11, 2012



David E. Coombs, attorney for accused Wikileaker Bradley Manning, has made public a [motion](#) to dismiss all charges owing to the unlawful pretrial punishment to which PFC Manning was subjected while at Marine Corps Base, Quantico. Manning spent close to nine months in solitary confinement in the Brig at Quantico, from July 2010 to April 2011, before being transferred into less restrictive conditions at Fort Leavenworth.

Manning was held in conditions that were [denounced](#) as cruel, inhuman, and degrading treatment by UN Special Rapporteur on Torture Juan Mendez. His lawyer is now arguing that they were also in flagrant violation of military code. Keep in mind that Manning had not and still has not been convicted of any crime, nor had he been accused of any disciplinary violations while in custody.

According to the motion, as [summarized on Coombs' website](#), a decision had been made early on at Quantico to keep PFC Manning in MAX Custody and in Prevention of Injury (POI) status in effect, the functional equivalent of solitary confinement. The motion further argues that Multiple psychiatrists at the Quantico Brig recommended for almost nine months that PFC Manning be downgraded from POI status. The psychiatrists informed Quantico Brig officials that PFC Manning's POI status was not warranted because he did not present a risk to himself and that the POI status was actually causing PFC Manning psychological harm. The psychiatrists' recommendations were outright ignored by Quantico officials.

The defense claims it has documents that reveal that the senior Brig officer who ordered PFC Manning to be held in MAX and in POI was receiving his marching orders from a three-star general. They also reveal that everyone at Quantico was complicit in the unlawful pretrial punishment, from senior officers to enlisted marines.

Many aspects of Bradley Manning's conditions of confinement at Quantico will sound familiar to the tens of thousands of American prisoners who have spent time in solitary confinement in supermax prisons and Special Housing Units. Additional restrictions were put in place supposedly because he was at risk of harming himself, though they in fact seem only to have added to his torture. According to the summary of the motion:

According to the complaint, at one point, after he suffered an apparent anxiety attack and then protested his conditions, a Brig official placed PFC Manning in Suicide Risk status, over the recommendation of a Brig psychiatrist. For two days he was confined to his cell, permitted to wear only his underwear during the day, and forced to sleep naked at night; his eyeglasses were also taken away. After he complained about his conditions again, Manning was required to wear a heavy and restrictive suicide smock which irritated his skin and, on one occasion, almost choked him.

As Matt Williams writes at the [Guardian](#):

The defence motion is brought under Article 13 of the Uniform Code of Military Justice. It states that no person, while being held for trial, may be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him, nor shall the arrest or confinement imposed upon him be any more rigorous than the circumstances required to insure his presence. Under Article 13, if a judge decides that a member of the armed forces has been illegally punished before trial, he can grant the prisoner credit on the amount

of time they have already served in custody, or can even dismiss all charges outright.

For more detailed readings of the motion, see [Kevin Gosztolas blog](#) at Firedoglake and [Kim Zetter's post](#) on Wired.

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, Blood in the Face. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book Hell Is a Very Small Place: Voices from Solitary Confinement. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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Mr. Manning is fortunate. I didn't get the suicide mattress and blanket. See my cell was designed by the NIH just for the purpose of psychologically breaking a man.

If you think that is fiction, you can ask Jose Padilla who probably cannot even speak legibly today from the psychological torture.

Yes, it is cruel, but not unusual, since my case was 40 years ago.

If he is in the GP this is will be his most likely fate. It's an educated guess.

<http://www.texasobserver.org/archives/item/13630-1014-cruel-and-unusual-still->

Justice Justice of Texas wrote in 1999:

prison inmates continue to live in fear a fear that is incomprehensible to most of the states free world citizens. More vulnerable inmates are raped, beaten, owned, and sold by more powerful ones. Despite their pleas to prison officials, they are often refused protection. Instead, they pay for protection, in money, services, or sex.

Correctional officers continue to rely on the physical control of excessive force to enforce order. Those inmates locked away in administrative segregation, especially those with mental illnesses, are subjected to extreme deprivations and daily psychological harm. Such practices and conditions cannot stand in our society, under our Constitution.

Here is a quote from the Supreme Court?

U.S. Supreme Court Justice Harry A. Blackmun, Farmer v. Brennan:

The horrors experienced by many young inmates, particularly those who are convicted of nonviolent offenses, border on the unimaginable. Prison rape not only threatens the lives of those who fall prey to their aggressors, but it is potentially devastating to the human spirit. Shame, depression, and a shattering loss of self-esteem accompany the perpetual terror the victim thereafter must endure.

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