

#101573 Human Rights, Peace & Development

Assessment 2 – Case Study

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**Abbreviations:**

UN-CT	* Convention against Torture and other Cruel, Inhumane or Degrading treatment or punishment
UNDHR	* United Nations Declaration of Human Rights
ICCPR	* International Covenant on Civil and Political Rights
U.S	* United States of America
USC	* Constitution of United States of America
POI	* Prevention of Injury
NDAA	* National Defence Authorisation Act

**PFC Bradley Manning, Information & false classification: Violations of Human**

**Rights by the United States of America**

PFC Bradley Manning, US Army Analyst, arrested in 2010 whilst on active tour in Afghanistan for suspected treasonous activities whilst on deployment in Iraq and Afghanistan. Suspected of downloading U.S Army data, in specific; a video titled Collateral Murder as well as Iraq War Logs and Afghan War Diaries which revealed the length the U.S will go to, in order to cover up indiscretions, such as the indiscriminate killing of civilians by United States armed forces in Iraq (Clarke, Bamat 2010). U.S troops turning a blind eye to public abuses, as they were obeying orders, 'Frago 242' a 'fragmentary order' issued in June 2004 (Davies N, 2010). This release of information into the public sphere shed light on the many indiscretions and distortions in the history of the Iraq and Afghanistan invasions. This data being deemed classified is in direct violation of United

States Executive Order 15326 Section 1.7 which states: that in no case shall information be deemed “classified or fail to be declassified in order to conceal violations of law or administrative error or to prevent embarrassment to an agency” (Obama 2009).

By July 2010, PFC Manning was transferred to Quantico Marine Detention Facility in Virginia, where he was held for 10 of his 18 month incarceration there, (now transferred) in maximum security custody and under the 'POI' status. POI is a classification for detainees who pose a risk of “self harm”. PFC Manning and lawyer challenged the reasoning behind the POI status (Human Rights Watch 2010) yet all attempts to challenge were originally ignored by authorities. A detainee confined under POI status is deprived of sheets and a separate pillow and must be questioned every 5 minutes during the day. Despite 16 occasions when military mental health officials recommended that POI status be removed from PFC Manning (Stoddart K 2011), authorities continued to uphold the POI status during his incarceration at the Marine Detention Centre.

These conditions of ongoing harsh detainment can be viewed in direct violation of Article 5 of the UNCHR “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” if we further look into this, at the UN-CT (1984) we can see further articles breached by the U.S in regards to inhumane treatment of PFC Manning, which are; Article 2.2; Article 2.3; Article 4.1; Article 13. We must note that the U.S has ratified this convention in 1988 with reservations added in 1994 that state that; the convention does not require action if it [torture/inhumane treatment] is prohibited by the Constitution, inhumane treatment is clearly prohibited in USC, Amendment XIII (USC 1787).

President Obama justified the treatment of PFC Manning and Military Prosecutors have

spoke of him as a terrorist to the national security of the United States (Economic and Political Weekly 2012). PFC Manning faces as many as 30 charges including treason. The charge of treason applied to this case, appears in direct violation of the USC Article 3, the charge of treason requires an enhanced due process in treating cases suspected of treason, specifically; “no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in an open court” (USC - 3.2). To this date, no two witnesses, whom saw PFC Manning actually commit these treasonous acts have come forward. Wikileaks have stated they are unable to confirm if Bradley Manning was the source but “if he is the whistle-blower then, without a doubt, he's a national hero” (Fishman 2011). To further justify his stance on the issue of PFC Manning, President Obama signed in legislation that will negate centuries old rights guaranteed by the constitution. The NDAA authorises the arrest and imprisonment, without charge or trial of terrorism suspects anywhere, globally (Kenny J, 2011).

However clear the case may seem to be, there are relevant layers of complexity. The first and most complex, is that PFC Manning was arrested under Military Law whilst on a tour of duty. This effectively means that PFC Manning will be held and tried Militarily and historically, these types of tribunals often do not meet the required standards of independence and impartiality (Symonidies, 2011). The fact that the U.S turn a blind eye to human rights abuses in war time, is in violation of the UN-CT (1988) , Article 2.2 states “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture”. In addition, article 9.3 of the ICCPR states that those “detained on a criminal charge shall be brought promptly before a judge” or “authorised officer legally able to exercise judicial power” and that the trial be “within a reasonable time or to release” (ICCPR, 1984). Let us make note that, PFC Manning has been held (at the time of writing)

695 days under either POI status or maximum security protocol without access to bail conditions. The extensive time incarcerated and the lack of bail conditions set upon PFC Manning, are in direct violation of the ICCPR Article 9.3. Considering there is no evidence of any violent history by PFC Manning, the inexplicable and continuous use of such maximum security protocol can be considered a breach of PFC Manning's Human Rights. PFC Manning may have breached US Military law, however, conversations he had with a confidant reiterate the fact that he (Manning) saw himself as defending the human rights of others (Fishman 2011). Some U.S Diplomats have even called for the assassination of Julian Assange [Wikileaks founder] and for a punitive example to be made out of PFC Manning, (Economic Political Weekly 2012).

If we look at this case using Durkheim's theory of deviance, it is clear that the U.S Elite officials have condemned Manning's behaviour as deviant, it could be considered that he disrupted the social order by forcing this information into public sphere (Economic and Political Weekly 2012). However, in reality, the expose has forced society to re evaluate norms and values regarding, war and human rights. The data has forced a new lens for society to view political powered wars and how war and politicians can manipulate facts, data and perceptions (Henslin, Possamai, Possamai-Inesedy 2011).

This case can only reiterate the fact to the greater society that social deviance, although required, in this era and within any faction, can be highly punishable. At most, we see, our freedoms and rights come ultimately, at a cost.

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