



Peace and Justice Commission

ACTION CALENDAR
November 15, 2011

To: Honorable Mayor and Members of the City Council
From: Peace and Justice Commission
Submitted by: Eric Brenman, Secretary, Peace and Justice Commission
Subject: Official Visits for Army P.F.C. Bradley Manning

RECOMMENDATION

Adopt a Resolution urging President Obama to comply with existing laws and grant access to Army P.F.C. Bradley Manning for official visits.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on September 12, 2011, the Peace and Justice Commission adopted the following recommendation:

Adopt a Resolution urging President Obama to comply with existing laws and grant access to United States Army P.F.C. Bradley Manning for official visits by the United States Special Rapporteur on Torture, Juan E. Mendez, of the United Nations Office of the High Commissioner for Human Rights and by Congressman Dennis Kucinich, Member of the House Committee on Oversight and Government Reform, and by Amnesty International in their official capacities.

M/S/C: (Meola/Sorgen)

Ayes: Kenin; Lippman; Litman; Maran; Masri; Meola; Nicely; Rabkin; Rueda; Siegel; Sochet; Sorgen

Noes: None.

Abstain: None.

Absent: Bohn; Deger

BACKGROUND

United States Army P.F.C. Bradley Manning has been incarcerated by the United States since May 26, 2010, and is currently held at the military prison in Fort Leavenworth in Kansas and was widely alleged to have been held under torturous pre-trial confinement conditions for nine months at the United States Marine Brig in Quantico, Virginia and is yet to see his day in court.

The United Nations Office of the High Commissioner for Human Rights has repeatedly stated that his requests to meet and talk candidly with P.F.C. Bradley Manning continue to be frustrated by the Obama administration and that, “[h]owever, in addition to obtaining first hand information on my own about his new conditions of confinement, I need to ascertain whether the conditions he was subjected to for several months in Quantico amounted to torture or cruel, inhuman or degrading treatment or punishment. For that, it is imperative that I talk to Mr. Manning under conditions where I can be assured that he is being absolutely candid.”

Additionally, Congressman Dennis Kucinich, in his official capacity as a member of the United States House Committee on Oversight and Government Reform has also requested and been denied an official visit with P.F.C. Bradley Manning; and Amnesty International, in its official capacity, has also requested and been denied an official visit with P.F.C. Bradley Manning.

RATIONALE FOR RECOMMENDATION

The Peace and Justice Commission, consistent with its mandate to promote peace and justice, locally, nationally and internationally, recommends that the Council support this recommendation to ensure fair and constitutional treatment for Army P.F.C. Bradley Manning.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the Commission’s recommendations or the contents of its report.

CONTACT PERSON

George Lippman, Chairperson, Peace and Justice Commission, 510-843-1160
Robert Meola, Commissioner, Peace and Justice Commission, 510-644-1102
Eric Brenman, Secretary, Peace and Justice Commission, 510-981-5114

Attachments:

1. Resolution
2. Background materials (links)
3. Press Release (dated July 19, 2011)

RESOLUTION NO. –N.S.

URGING PRESIDENT OBAMA TO COMPLY WITH EXISTING LAWS AND GRANT ACCESS TO UNITED STATES ARMY P.F.C. BRADLEY MANNING FOR OFFICIAL VISITS BY THE UNITED NATIONS SPECIAL RAPPORTEUR ON TORTURE, JUAN E. MENDEZ, OF THE UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS AND BY CONGRESSMAN DENNIS KUCINICH, MEMBER OF THE HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, AND BY AMNESTY INTERNATIONAL IN THEIR OFFICIAL CAPACITIES

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.68.070) and is in its 25th anniversary year of doing so; and

WHEREAS, P.F.C. Bradley Manning has been incarcerated by the United States since May 26, 2010, and is currently held at the military prison in Fort Leavenworth in Kansas and was widely alleged to have been held under torturous pre-trial confinement conditions for nine months at the United States Marine Brig in Quantico, Virginia and is yet to see his day in court; and

WHEREAS, Juan E. Mendez, the United Nations Special Rapporteur on Torture, of the United Nations Office of the High Commissioner for Human Rights has repeatedly stated that his requests to meet and talk candidly with P.F.C. Bradley Manning continue to be frustrated by the Obama administration and that, "However, in addition to obtaining first hand information on my own about his new conditions of confinement, I need to ascertain whether the conditions he was subjected to for several months in Quantico amounted to torture or cruel, inhuman or degrading treatment or punishment. For that, it is imperative that I talk to Mr. Manning under conditions where I can be assured that he is being absolutely candid"; and

WHEREAS, Congressman Dennis Kucinich, in his official capacity as a member of the United States House Committee on Oversight and Government Reform has also requested and been denied an official visit with P.F.C. Bradley Manning; and

WHEREAS, Amnesty International, in its official capacity, has also requested and been denied an official visit with P.F.C. Bradley Manning; and

WHEREAS, such "official" visits differ from "authorized" visits in that official visits are not subject to monitoring or audio or visual recording; and

WHEREAS, President Barack Obama has a sworn duty to defend the constitutional rights of American soldiers and a legal obligation to uphold the United Nations Convention Against Torture, which has been ratified by the United States.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council urges President Barack Obama to individually notify Juan E. Mendez, the United Nations Special Rapporteur on Torture, Congressman Dennis Kucinich, member of the House Committee on Oversight and Government Reform, and Amnesty International, that they may now have the official visits with P.F.C. Bradley Manning that they have already requested; and that President Obama also notify John M. McHugh, Secretary of the Army and the authorities at Midwest Joint Regional Correctional Facility, the military prison in Fort Leavenworth, Kansas that as President of the United States and Commander-in-Chief of the United States Armed Forces, he is ordering the granting of the aforementioned requests for official visits with P.F.C. Bradley Manning.

BE IT FURTHER RESOLVED that copies of this resolution be sent to President Barack Obama, Juan E. Mendez, UN Special Rapporteur on Torture, Congressman Dennis Kucinich, Amnesty International, P.F.C. Bradley Manning, Congresswoman Barbara Lee, Senator Barbara Boxer, and Senator Dianne Feinstein. A record copy of said Resolution to be on file in the Office of the City Clerk.

Background Materials (Links):

- a) BBC: Bradley Manning visit limits 'break UN probe rules'
<http://www.bbc.co.uk/news/world-us-canada-14126223>
- b) July 12, 2011 Statement from the United Nations Office of the High Commissioner for Human Rights:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11231&LangID=E>

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

FOR IMMEDIATE RELEASE
October 19, 2011

Contact: Zack Pesavento, [919-418-1285](tel:919-418-1285)
zack@beyondthechoir.org

U.N. Torture Investigator Confirms No Unmonitored Access to Bradley Manning, Condemns Solitary Confinement

Report on Bradley Manning to be Released Soon

NEW YORK -- Juan Mendez, the United Nations Special Rapporteur on Torture, confirmed yesterday that the Department of Defense has blocked his requests for an unmonitored meeting with PFC Bradley Manning, the accused WikiLeaks whistleblower. He told reporters gathered at a U.N. General Assembly committee on human rights that he would be issuing a report on Bradley Manning's case "in the next few weeks."

Mendez noted that the Obama administration had offered the possibility of a meeting, but only under "conditions in which they could not confirm the confidentiality of my conversations with him." He said that, according to the rules of his U.N. mandate, "that is a condition that we cannot accept." Mendez explained further that he nevertheless offered to meet with PFC Manning, but that "he also chose not to waive his right to have a private conversation with me."

"The Special Rapporteur's report on Bradley Manning's conditions of confinement unfortunately won't be complete so long as the Obama administration prevents them from having a private conversation," said Kevin Zeese, a legal adviser with the Bradley Manning Support Network. **"The administration owes an explanation to the American people why they won't let a U.N. official investigate evidence of Eighth Amendment violations committed against a U.S. citizen."**

Juan Mendez condemned the use of solitary confinement at yesterday's press conference, arguing that under no circumstances should it be employed for longer than 15 days in excess of 22 hours a day. PFC Manning was held in solitary confinement for 23 hours a day during the eight months he was detained at a brig in Quantico, Virginia.

Supporters of Bradley Manning recently surpassed a signature threshold on a new White House petition website demanding unmonitored access to Manning for the U.N. investigator. According to the website's rules, the administration must now issue an official response to the request.

###