

IN THE UNITED STATES ARMY
FIRST JUDICIAL CIRCUIT

UNITED STATES)

v.)

MANNING, Bradley E., PFC)
U.S. Army, xxx-xx-9504)
Headquarters and Headquarters Company, U.S.)
Army Garrison, Joint Base Myer-Henderson Hall,)
Fort Myer, VA 22211)

**DEFENSE REQUESTED
WITNESSES: ARTICLE 13
MOTION**

DATED: 3 July 2012

1. On behalf of PFC Bradley E. Manning, his civilian counsel, David E. Coombs requests the attendance of the following witnesses for purpose of his Article 13 motion:

- a) [REDACTED] will be out of the office until at least 10 July 2012. He will testify that neither the [REDACTED], [REDACTED], nor the [REDACTED], gave him any reasons for maintaining the Prevention of Injury (POI) precautions other than stating it was for PFC Manning's safety. He will testify that [REDACTED] intimated that he was receiving instruction from a higher authority on the matter, but did not say who was providing this direction. [REDACTED] will testify that he knew that the higher base authorities had frequent (sometimes weekly) meetings to discuss PFC Manning. [REDACTED] will testify that he gave weekly status reports stating that he felt the POI precautions were unnecessary. [REDACTED] will testify that he recalls a meeting with [REDACTED] where [REDACTED] stated that PFC Manning would remain in his current status Maximum Custody and POI status unless and until he received instructions from higher authority to the contrary. [REDACTED] cannot recall [REDACTED] exact words, but he does recall that [REDACTED] saying something to the effect of "I will not have anything happen to Manning on my watch. So, nothing is going to change in his custody status. He won't be able to hurt himself and he won't be able to get away, and our way of making sure of that is that is he will remain on Maximum Custody and POI indefinitely." [REDACTED] will testify that he expressed concerned to [REDACTED] because he did not feel there was a behavioral health reason for the POI. In response, he will testify that [REDACTED] said "We will do whatever we want to do. You make a recommendation and then I have to make a decision based upon everything else." He will also testify that [REDACTED] made it clear that nothing would change with PFC Manning regardless of his behavior or the recommendations of behavioral health.
- b) [REDACTED]. He will be out of the office until the end of July. He will testify that the Quantico Brig instituted more precautions than he would from a psychiatric perspective. He will testify that he consistently recommended to the Quantico Brig to remove PFC Manning from POI

status. He will testify that if PFC Manning were not in custody, he would have recommended routine outpatient care for him. He will testify that it has long been known that restriction of environmental and social stimulation has a negative effect on mental function. He will testify that PFC Manning's restrictive confinement was not necessary from a psychiatric perspective, and that he made repeated recommendations that the PFC Manning's status should be downgraded.

c) [REDACTED]. He will testify that during a meeting in early January of 2011, the [REDACTED], clearly stated to the Brig Staff that "I will not have anything happen to Manning on my watch.... So, nothing is going to change.... He won't be able to hurt himself and he won't be able to get away, and our way of making sure of that is that is he will remain on Maximum Custody and POI indefinitely." He will testify that one of the other Brig psychiatrists, [REDACTED] then said "You know Sir, I am concerned because if you are going to do that, maybe you want to call it something else because it is not based upon anything from behavioral health." In response, [REDACTED] will testify that [REDACTED] said "We will do whatever we want to do. You make a recommendation and then I have to make a decision based upon everything else." [REDACTED] will testify that [REDACTED] then said, "Well then don't say it is based upon mental health. You can say it is Maximum Custody, and just don't put that we [behavioral health] are somehow involved in this." [REDACTED] replied, "Well, that is what we are going to do." [REDACTED] will testify that a Command Judge Advocate was present during the meeting, but did not intercede to say that [REDACTED] was in the wrong. [REDACTED] will also testify that he spoke with others at the Brig to see if they knew why the Brig was so heavy handed on PFC Manning. He will testify that others at the Brig told him that they have never seen anything like this before. [REDACTED] will testify that others told him that they were afraid to speak out about the situation given the concern of what would happen to them as a result of any complaint about PFC Manning's treatment.

d) [REDACTED]. [REDACTED] will be out of the office until 3 August 2012. He will testify concerning PFC Manning confinement conditions and his Maximum Custody and POI status. He can also testify regarding any outside influence concerning the custody status of PFC Manning.

e) [REDACTED] has now left active duty and is in the reserves. He can be reached at [REDACTED]. [REDACTED] He will testify concerning the effects of solitary confinement on the psychological well-being of those subjected to it, and PFC Manning specifically. He will testify that isolation or solitary confinement is among the most harmful conditions that can be imposed upon a detainee. He will also testify how PFC Manning was held in restrictive solitary confinement for nearly a year without any

psychiatric or behavioral justification. Finally, he will testify how these conditions likely placed PFC Manning at an increased risk of exacerbating any existing psychiatric symptomatology or condition.

f) [REDACTED]. She will testify that once PFC Manning was transferred to the JRCF on 19 April 2011, he spent nine days in the normal indoctrination process. After completing the indoctrination process, PFC Manning was held in medium custody with all privileges of a normal pretrial detainee. She will testify that PFC Manning was not placed upon any POI status given the fact there was no psychiatric or behavioral health basis for such a status. Since being held in that medium custody status, PFC Manning has not engaged in any self-harm behavior, engaged in any assaultive behavior towards the guards, or made any attempt to escape from custody.

g) [REDACTED]. [REDACTED] will testify about his communications with the U.S. Government regarding the confinement conditions of PFC Manning. He will testify that he was told the confinement conditions were imposed on account of the seriousness of the offenses. He will also testify that the U.S. Government informed him that PFC Manning was not being held in "solitary confinement" but was being held in "prevention of harm watch" but would not offer any details about what harm was being prevented by such a status. He will also testify regarding his efforts to meet with PFC Manning for an unmonitored conversation. Despite his numerous requests, he will testify that he was informed that his conversation would be monitored. [REDACTED] will testify that the U.S. Government's refusal to allow unmonitored conversations with PFC Manning violate international norms and U.N. requirements. Due to the U.S. Government's refusal to allow unmonitored conversations, [REDACTED] had to decline the opportunity to meet with PFC Manning.

h) PFC Bradley Manning, Headquarters and Headquarters Company, U.S. Army Garrison, Joint Base Myer-Henderson Hall, Fort Myer, VA 22211. He will testify for the limited purposes of the motion under M.R.E. 104(d) and M.R.E. 304(f). PFC Manning will testify concerning his nine months of unlawful pretrial punishment that he endured while at Quantico.

2. The Defense also requests that the Government produce the following physical pieces of evidence under R.C.M. 703(f)(4)(A) for purposes of the motion:

- a) The Quantico issued suicide prevention smock;
- b) the Quantico issued suicide prevention blanket; and
- c) the Quantico issued suicide prevention bed that was issued to PFC Manning while at the Quantico Confinement Facility.

3. The Defense reserves the right to supplement this witness list should it be necessary to do so. If the Defense submits any additional request for witnesses, it will do so in a timely manner.

Respectfully submitted,

DAVID EDWARD COOMBS
Civilian Defense Counsel