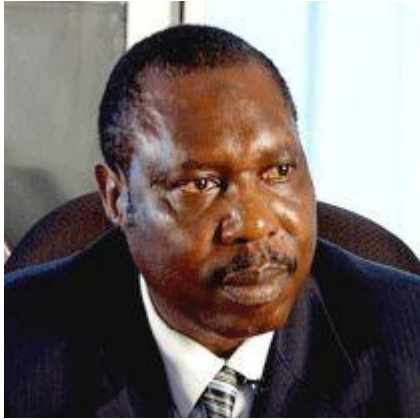




Voices from the Rwanda Tribunal

Official Transcript: Saidou Guindo (Part 2 of 8)



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|---------------------------|-------------------------------------|
| Role: | Detention Warden |
| Country of Origin: | Mali |
| Interview Date: | 16 October 2008 |
| Location: | Arusha, Tanzania |
| Interviewers: | Donald J Horowitz Lisa P. Nathan |
| Videographers: | Max Andrews Nell Carden Grey |
| Interpreter: | None |

Interview Summary

Saidou Guindo discusses the detention facilities used to house those accused and indicted by the ICTR in Arusha. He describes instances where inmates went on hunger strikes in protest against decisions taken by the Tribunal. Guindo also comments on the common critique that the ICTR detention facilities are far more comfortable than those in Rwanda that house people indicted for lesser offenses. Guindo asserts that the ICTR has a duty to meet the minimum detention standards guaranteed under international law.

The transcript of Part 2 begins on the following page.

Part 2

- 00:00 **Donald J Horowitz: And while the prisoners are here and they're in these different categories, are the prisoners treated or, treated differently? I mean do they have different things they must do, or are they allowed, all treated exactly the same?**
- 00:15 **DJH: In other words are there activities for people who are pre-trial that are different from the people who are being tried or different from the people who are being sentenced?**
- 00:25 No, they have the same regime in this detention facility.
- 00:26 **DJH: The same regime. And are they . . . ?**
- 00:29 That's why we say detention facility because we give them a lot of facilities to prepare their case. They have to really, to be really comfortable to prepare and to defend themselves.
- 00:42 **DJH: Okay, and after they've been sentenced of course unless there is an appeal, they're done with preparing their case and they're waiting to go. But the-, they would be tr-, still treated the same way.**
- 00:52 The same way; same regime.
- 00:53 **DJH: Are they, are they all housed together or are there different categories for different places?**
- 00:57 No, they are not all housed together. We have – each of them have (____), individual cell and we have also – we know them depending on the cases, depending on the behavior of each of them. And also for the convicted people we have also a (____) for the convicted people.
- 01:20 **DJH: So there's a, a place where the, the convicted people are that, that's separate from the other people.**
- 01:22 Yeah, yeah, yeah. Separate yes. We have also for the one – we have only one woman here. She is living in (____), in the, in her compound separately.
- 01:32 **DJH: Okay, so if I understand, people who are, the-, everybody has their own cell. The people who are pre-trial have their place; people who are post-trial or sentenced have their own place. Okay. (_____) . . .**
- 01:44 Yes, and then people who also plead guilty or would like to plead guilty are in the, in the different compound.
- 01:52 **DJH: Okay, but each has their own cell?**
- 01:54 Yeah.

- 01:54 DJH: Okay, and the woman of course is treated carefully and protected I'm sure.**
- 01:57 Yeah, yeah.
- 02:01 DJH: Do they mix during the day, you know, in, in the various activities . . .**
- 02:06 It depends, it depends, you know, they s-, can share some activities like sport to play together, sport, volleyball, football and some leisure activities it depends on if they can do it together.
- 02:21 And they go to mass together in the same area or to go to pray. Muslims they have their own mosque. And also this is the, the time maybe they can be, they can meet or to, to go to the cafeteria or the lounge or dinner or to take their meals.
- 02:42 But this does not mean that they, they are mixed totally to, to, to share everything, no.
- 02:49 DJH: Okay. And what do you see as your mission besides of course c-, complying with the rules? What is it that you would like to be the outcome of your, your service here if, if that's a clear question?**
- 03:07 You know our mission here, we are always – we are pioneer in the implementation of, of international minimum standards because UN everything was theory. It is the first time and the first detention which is totally managed by the UN staff. It was a very big challenge for us and . . .
- 03:31 DJH: In what way?**
- 03:32 Yeah, in one way.
- 03:33 DJH: In what way was it a challenge?**
- 03:35 It is a challenge. It is not easy to, to, to from a theoretical view from there to come to, to implement practically. It is another issue; it is a big, big, big, big, big challenge, yes.
- 03:55 DJH: What are the in-, are, do these people have jobs? Or what is it that they are expected to do during the, during the day?**
- 04:03 No, they don't have jobs, no they don't – at the moment because they're very busy . . .
- 04:09 DJH: What are they . . .**
- 04:09 . . . in the preparation of their cases. It is not easy and they have very huge s-, program activities to prepare their case, making the schedules and to prepare their cases. But at the moment – and even the international standards didn't prescribe that they have to work yes, at this stage. Maybe after their sentence, then.
- 04:35 DJH: I was going to ask that. The people who have been sentenced, do they have to do anything?**

- 04:40 Not here, maybe if they are transferred somewhere else maybe they can do something there. It depend on the, the reglamentation and the rules applying on the correctional services of those countries.
- 04:55 **DJH: Okay, and do you have rules for conduct of the prisoners within the facilities, what is allowed and what is not allowed in terms of their personal conduct, you know?**
- 05:10 Like – to fight? Among them?
- 05:13 **DJH: Yes things of that sort. Yeah, yeah (_____) . . .**
- 05:15 Like to, to, to – to what they say – to fight or not to respect the rules . . .
- 05:24 **DJH: Right. Yeah. Okay.**
- 05:25 . . . inside the detention? Yes, to have a problem with the security of the staff. Those are, we have the rules, internal rules, which they know that they are not supposed to do.
- 05:39 **DJH: Okay, and has there – have there been any consistent problems of pe-, people violating, one or more people violating those rules? And what is the procedure for taking care of that if that is (_____)?**
- 05:50 We have – of course where you are dealing with human beings of course . . .
- 05:55 **DJH: Sure.**
- 05:56 . . . especially in the detention. The pressure, the fact that he’s already confined is a problem.
- 06:04 **DJH: Right.**
- 06:06 There will be days when maybe he can lose his self-control and then to, to behave against the rules.
- 06:17 **DJH: Okay.**
- 06:18 And we have, what they say – a report to be made, made and a (_____), a sanction to be taken. We have a misbehavior form which has to be filled according to what the person did, and then it will, from the Duty Officer to the Chief of Operation, the Deputy and then to the Commander.
- 06:42 **DJH: Okay.**
- 06:43 From there we take appropriate action.
- 06:46 **DJH: Can you give me an example – you don’t need to mention a name – but can you give me an example just so we can understand what kind of conduct and what does it lead, what would the penalty be?**

- 06:55 Like the duty officer asked a detainee to (), to go back for, in his cell. He refused. During the closing time he asked him to go in his cell, he refused. And then he – what they say – he exchanged bad words with the, with the, the, the officer.
- 07:15 And then there is a sanction to be taken to remove some of the privileges like phone calls, like to prevent him to go to, to cafeteria or to participate in general activities . . .
- 07:30 DJH: Okay.**
- 07:31 . . . which is very important for them.
- 07:32 DJH: Yes. And have there been instances of fighting or one or more people or somebody beating somebody else? () . . .**
- 07:39 No, no, no, no, because they are people, well-educated people and then calm people and there could be some problem but they don't reach a point where really they, they use force.
- 07:55 DJH: Okay.**
- 07:56 Yeah.