

Project:

ICTY ORAL History - Documented by SENSE

An Interview with

Timothy McFadden

SENSE Transitional Justice Center

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Interviewee: Timothy McFadden (TMcF)

Interviewer: Mirko Klarin (MK)

Location: Scheveningen, The Netherlands

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From 1997 to 2009, Timothy McFadden was head of the UN Detention Unit in Scheveningen, near The Hague. In an interview from April 2005, McFadden speaks about life and the atmosphere in the detention unit and how detainees who were on different sides of the conflict during the war in the former Yugoslavia relate to each other.

TMcF: I'm Tim McFadden, I'm a former Irish army officer and during my military career I got some extensive prison management experience during a difficult time in Irish politics back in the '70s and early '80s, specifically with politically oriented prisoners at that time. And subsequently, I followed my military career and worked extensively with the United Nations and finally, I retired from the army and went to work full-time for the United Nations. Around that time these tribunals were being established and I suppose having a background in prison management, and also an understanding of the United Nations administration, I was asked to go to Arusha to set up the custodial function that serves the Rwandese tribunal there, which I did and we built a large prison and took in the first indictees. And when that was up and running in 1997 I was asked to come here to perform the same function in The Hague. So, I arrived here in The Hague on the first of July in 1997 and I'm here since.

MK: How many detainees you had at that time?

TMcF: On the day I arrived I think there were four or six. I'm not quite sure it was,

there were six two days after I arrived or something of that nature and four when I arrived.

MK: And tell me, how many do you have today here?

TMcF: Today, we have 61 people in custody and 19 people on provisional release.

MK: So, is it a little bit crowded?

TMcF: It's busy. It's interesting there's never a dull moment at the moment. It's, you know, six people generate a certain amount of work but 61 people generate ten times that amount, you know. And our staff has increased. I suppose the management system we have in place is very effective so I wouldn't say that there's ten times the work because we have a good system in place but certainly it's a busy and interesting job.

MK: So, 61 and 19 that's 80 yeah and 11 more... Do you have a capacity for all 90 or 91?

TMcF: Yeah, I mean one would have thought a week ago, you know we were very close to having to expand even further but with the provisional release and some transfers in for enforcement, we freed up some space, and yeah we're in a position to cater for all eventualities I think.

MK: How would you describe the atmosphere in the Detention Unit not among the staff but among the clients there?

TMcF: The detainees I think they're reasonably happy with their conditions of detention, you know. As I've often said to you before, we don't involve ourselves in the judicial process. We have a responsibility to maintain their physical and emotional welfare

while they're in custody, you know, defend their rights as individuals, and protect their dignity as human beings and I... For the most part, the detainees understand that that is our aim and they would assist us in that aim. Now they may have emotional... and there may be some confusion in their minds with regard to the judicial process but that doesn't affect their relationships with us, because we are looking after their day-to-day needs as such and they would be cooperative with us in that regard and as we are with them.

MK: How do they relate to each other having in mind that they represent the sides which have been in war with each other for years and years?

TMcF: These gentlemen are... They're all facing the same tribunal. They have a common problem in that they all face the same judicial process albeit for different reasons. Now they have to live in a community here, I mean that's the nature of prison life as such. And they clearly understand that they can make that difficult for themselves by causing friction among themselves or they can make it reasonably pleasant and acceptable for themselves by cooperating with one another. And I think they're very very sensible in that regard. They're very supportive of one another, they're helpful with regard to arranging visits and swapping visiting rooms and when the families are here they help one... The families are in the strange environment in the Netherlands and they may be from different ethnic backgrounds, but their experience, the ones who have experienced coming here for a week, coming visiting every day using trams, booking hotels... they would share those experiences and help one another. So I think it's a fairly good attitude really.

MK: But do you see any animosity between you know the "warriors" from different sides?

TMcF: I don't see any animosity between the people of different ethnic backgrounds. I often see personality clashes. Indeed, they could even be confined to the same ethnic grouping you know where people just don't get on with one another. But there is no animosity that is generated by the history of the past, by the events of the war, or anything of that nature. I don't see that overtly.

MK: There have even been confirmed reports about some clashes. I remember once between Dusko Tadic and one of the guards; that was back in maybe '96, '97 maybe, before you were here... and then, more recently between two Bosnian Croats.

TMcF: There you are, between people from the same ethnic background. Very minor, very isolated incidents. I mean you've singled out two and there were minor incidents and you've singled out two and that's since 1996. That's ten years almost and two minor incidents you know. I mean in your normal daily life you will have a conflict with those with whom you interact. So, I think that's a fairly good record and it shows that the individuals are prepared to get on with their lives and help one another inside.

MK: In every detention institution you have the individuals who are let's say, troublemakers. Do you have anyone here who can be qualified like that?

TMcF: Yeah, we have people who can take minor actions that make life interesting for us. Yes, but I mean the system is such that it can cater for the behavior of that nature you know. And indeed, other detainees don't appreciate it and they would put pressure on people to actually comply and make life as pleasant as possible for everybody you know.

MK: In every prison, you have prisoners who are planning how to escape. I mean did

you ever face that situation. Do you think that among them there are those who are dreaming or planning or trying to find a way out?

TMcF: In my previous experience in other prisons, certainly escape was certainly a huge factor. It is not a major factor here. I don't think that there is any sort of intention on the part of those that are currently in custody to escape or any plan. I did actually get a very funny Christmas card one year from all of the detainees and underneath, where names were signed, it was signed "the tunneling committee" which I found, but that was a joke between them and I. But other than that, I don't think it's a major factor.

It's something I'm very aware of and something that I don't ignore it, you know. It's not something that I don't consider but in all my consideration I have never ever seen any evidence of that intent. However, I keep it in my mind at all times.

MK: Did you ever hear about some outside plans for some action? I remember reading some Dutch report many years ago where their secret service said that there is always such a possibility and that they are very careful.

TMcF: You know we're not foolish. It's not that we don't keep this under consideration at all times and keep gathering information that might indicate such a plan was being formulated. We have never had any positive um indications that such was the case. We will continue to gather information and be very much aware of it. You know, we can control what's inside, what's outside we don't really know about, except through gathering information here and there, and we continue to do that. There is an awareness on our part of this at all times.

MK: In the status conferences, when the judges ask detainees about their condition, I mean they are full of compliments, mostly all of them.

TMcF: I would say mostly not all of them, yeah

MK: For the staff especially, but many of them complain let's say two things. The first thing is food in the detention unit.

TMcF: Yeah, the food is something that is certainly different. I mean we don't have the wonderful train as you describe it down in the Balkans of a "meze" coming past on a train on the table. It's not that kind of food. It's different food but it is healthy and substantial food. They, of course, have developed the capacity to order supplies that enable them to prepare the food that they like themselves, and this they do, and they do it very well.

MK: Do they do it often? All of them, some of them?

TMcF: It seems that in the Balkans, I'm not familiar with it, but you can make an excuse every day to have a party in the Balkans between your saints days, instead of having a Christmas and an Easter like we have over here you have two Christmases two Easters. Just in case that's enough, you have the various Muslim festivals which everybody... you have saints days, you have birthdays you have your father's days and they celebrate every one of these.

MK: The second complaint is healthcare. Very often accused complain that they are not getting enough or prompt medical assistance especially when they need something to do outside the detention, to go to the hospital.

TMcF: I think that the health care that's in place at the moment, and over the last eight years, has improved greatly. I think that if you were guaranteed health care to the quality that they are receiving in there, you would be a very happy man. It is of course something that always occupies the mind of somebody who is detained because you know, time is a big enemy when you're in detention. And if you have a minor ailment it becomes enlarged, you know. It becomes the focus of your attention at all times. If you had that same minor ailment and you're carrying on with your normal daily life in freedom, you'd say, "I'll have to wait till next week because I'm too busy at the moment to go to see the doctor." But they want to see the doctor yesterday when they have a complaint. They get excellent healthcare. We have access to all of the major specialties in the major hospitals here in The Hague and this is readily available to us at all times. You've had specialists from the Balkans coming up to examine people even in the recent past and they have all been very happy with the protocols that we use for the treatment of those who require specialist treatment.

MK: During your time here you have two fatal incidents, two deaths. How does, how did those issues affect you personally?

TMcF: Personally, I was very upset. I was very upset for the families, for the individuals themselves. Remember, I knew these people fairly well. I was living with them on a daily basis. I was also responsible for their health care and I don't have anything on my conscience with regard to that. I feel very, very sorry for the families. The unfortunate... you're referring specifically to Mr. Dokmanović and doctor Kovačević. Dr. Kovačević had an underlying condition which was a very, very serious condition, requiring constant attention, which he was receiving. But ultimately it was an irreversible condition. And in the case of

Mr. Dokmanović, you know if you study the history of any custodial institution anywhere in the world that has been open for longer than five or six years, you will find that it would have experienced an accident such as we experienced with Mr. Dokmanović despite our best efforts to avoid it.

MK: Another complaint is some security measures during the transfer like bulletproof vest.

TMcF: The bulletproof vests and the other restrictive items and protective items that are used in the transport are used for a number of reasons. They're used for security reasons and they're used for the protection of the individual who's being transported. Yes indeed, the type of bulletproof vest that was in use in the past was very heavy and cumbersome and for a big man who was finding this very tight and quite uncomfortable. We have now got a much lighter type of vest and you don't hear of them talking about that anymore. People understand we have done our best to make it as user-friendly as possible.

MK: You have a lot of VIPs in your detention unit. Do they have the same treatment as all others and how do they relate to the others or others toward them? Are there those class differences, social differences?

TMcF: The conditions of detention are the same for everybody you know. Once you step inside you get the same treatment as everybody else. Among themselves, there may be an indication you know of the background of the individual, etc. You don't notice it that much, but you know if some guy wants advice on a legal matter and he's not a lawyer and his occupation was something... he would ask one of those who might know something about the law you understand you see it in that way. But generally speaking, they treat one

another equally and with respect.

MK: You mentioned the Christmas card you received from “the tunnel committee”, but are you receiving any petitions from the detainees?

TMcF: It is our policy not to react or respond to petitions. It's clearly understood by each detainee that he has the right to see me at any time with a problem, for himself. Now if he comes and says, “I’m here to speak on behalf of the Serbs from such and such a place” or “I’m here to speak on behalf of the third floor” I will say, “No, everybody on the third floor has the right to see me. What is your problem?” So, I don't, they know that too, so I don't receive petitions, no.

MK: But there was at least one during the McDonald presidency.

TMcF: That's right. I suppose because of my attitude towards that, they sent a letter directly to the president and she dealt with it. But she dealt with it clearly that “I’m not responding to this on the basis that it has been sent to me by a group”, she said, “I’m responding to investigate is there something wrong here.” So, it was different, it wasn't the pressure of the group that caused her to act. It was the fact that something that may have been wrong was drawn to her attention.

MK: Are the other presidents also coming and speaking with the detainees?

TMcF: Not necessary to speak with them, but they do visit. The president you know comes and satisfies himself that the conditions of detention are in keeping with normal human rights norms and he would be careful that I, to check that I run the place in a humane and orderly fashion.

MK: Why cannot we go inside and film the detention unit with or without the detainees?

TMcF: It's more or less a universal prison policy that you know you don't allow the media inside. There are a whole lot of reasons for it. First of all, as I mentioned earlier, defending these people's dignity as human beings. It is not a zoo that we're running, it is not a zoo. We're not going to satisfy the morbid curiosity that people would have to go and look at people who unfortunately have their freedom denied. We're very, very conscious of that fact. In addition to that there are other measures. There are security measures, there are privacy measures, there are lots of other factors. Opening the door to one say media outlet could very, very easily cause an avalanche and we would be conscious of that as well.

MK: And how would you respond to the critics which are coming sometimes from former Yugoslavia, especially from the victims' part, that your clients, your detainees, have privileged treatment here, that they live much better in your detention than themselves in freedom in their homes in Bosnia, Serbia or Kosovo.

TMcF: We're running this unit in line and to comply with international human rights standards for the treatment of prisoners. There are a number of documents from the European Union and there are a number of documents from the United Nations. I mean the United Nations' charter document the standard minimum rules for the treatment of prisoners, dictates that when a person's freedom is denied that he is entitled to certain conditions and that he has certain rights, and we are ensuring that these conditions are met and that these rights are defended. And I don't believe that for one moment, that it could be described as pleasant to be an inmate in the unit. It is after all a custodial institution. These

people have had their freedom denied. Some of them are there for a very, very long time. Now, are they entitled to live a normal enough life in that situation or do people think they should be tortured? I certainly don't think so. Remember there are people who have passed through this institution who were there because they ran similar institutions and did not comply with these minimum requirements for the treatment of prisoners.

MK: There are a lot of your "colleagues", under the quotation marks, there. Do they have some special let's say relation toward you because they were in the same position as a warden?

TMcF: You know if you have been a warden or a governor of prison you know an awful lot more about how a prison is run than a normal prisoner. And indeed you can, because of your knowledge, understand that the prison has been run well. You could also indeed cause chaos in the prison because you also know how to do it. And I certainly, those individuals that would have had a background in prison management prior to coming here, do understand that we are doing the job as well as it can be done.

MK: Thank you very much.

TMcF: You're most welcome.