



Briefing N°2

The Selection of Persons to Interview in the Context of Preventive Detention Monitoring

Since its founding in 1977, the Association for the Prevention of Torture (APT) has promoted the regular and independent monitoring of places of detention as an effective means for preventing torture and other forms of ill treatment in detention. The new *Detention Monitoring Briefing Series* makes APT's pioneering research-analysis and our counterparts' best practices available to practitioners at national and international levels around the world. It aims to complement and provide more detailed consideration of aspects introduced in the APT publication, *Monitoring Places of Detention: A Practical Guide*.

Feedback, comments or suggestions on the content of the series are welcome and should be sent to apt@apt.ch.

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1. How to use this briefing

This paper is designed to be used by any organisation that carries out or plans to carry out visits to places of detention for the purpose of preventing torture and other ill treatment. It is to be applied while designing or modifying an overall monitoring strategy or to inform interviewing strategy prior to a specific visit. Its focus is the selection of persons deprived of their liberty to be interviewed. As ever, it does not provide a blueprint but rather presents a series of options and issues that monitoring bodies may find useful to consider in order to enhance their work. For guidance on how to conduct an interview, see the APT publication *Monitoring Places of Detention: A Practical Guide*.

2. Initial considerations

Individual private interviews with persons deprived of their liberty form a fundamental part of preventive monitoring visits. They both provide first-hand information from 'inside' and allow rights holders to express their own experiences. They highlight fundamental pieces of the analytical jigsaw monitors seek to put together and can lead to identifying and understanding the systemic failings that impact on the enjoyment of human rights in detention.

For effective preventive monitoring, significant numbers of detainees must be interviewed. Some monitoring organisations consider that only by interviewing 5%, 10% or even 20% of detained persons at any one place of detention can an adequate picture be collected. This may not be easy. In many cases, hundreds or even thousands of persons may all be held in a single installation. As a result, monitors have to make complex decisions to optimise limited human, material and temporal resources. With regard to interviewing therefore, there is a need to be strategic.

It is useful to consider the following broader policy issues before turning to specific selection strategies.

Team Size

Within the resources of the monitoring organisation, and in accordance with the size of the place of detention to be visited, maximising the number of monitoring team members is important. It enables them to divide and work in parallel as sub-teams. In such a way, more interviews can be carried out within a given period of time.

Interview Individually or in Pairs

Many monitoring organisations prefer to have two monitors conduct each interview, with one leading while the other takes notes. This has clear advantages. Nonetheless, other organisations allow their monitors to interview alone once they are sufficiently experienced. This can enable more interviews to be held in the same space of time. It can also be less threatening for the interviewee and contribute to a more open discussion. However, it has disadvantages in terms of consistency, completeness, objectivity and security.

Length of Visit

The possibility of lengthening the duration of monitoring visits should also be considered. This gives more time for interviewing and the other aspects of the visit. In the case of in-depth visits where all aspects of detention are examined thoroughly, some institutions and organisations carry out visits of up to four days to large detention centres. Such inspections are alternated with shorter, focussed follow-up visits.

Frequency of Visits

A further alternative is to carry out a series of shorter visits, with more regularity. This is more feasible when the centre in question is close by. In such circumstances, the monitoring team can choose to select one or various parts of the installation to visit, or a specific theme each time, and in this way monitor the installation comprehensively on a progressive basis. A series of more frequent visits without an announced agenda can also generate added advantages in terms of dissuasive impact, and can encourage more sustained attention to human rights conditions on the part of the authorities. In addition, more regular visits also provide a good opportunity for relationship building and follow-up with the centre authorities, personnel and persons deprived of their liberty.

Preparatory Information

The importance of effective preparation and of accessing adequate information prior to the visit cannot be overemphasised. Gaining lists of the persons in the centre and their location, staffing lists with hierarchical information, knowledge of the classification and separation systems, a map of the installation and other such data enables the monitoring team to select interviewees more strategically, maximising the use of available resources.

3. Complementary Methodologies to Private Interviews

Preventive detention monitoring focuses on identifying and analysing the factors that give rise to - or fail to prevent – torture, other ill-treatment and other affronts to human dignity in detention. It seeks to mitigate or eliminate these risk-factors systemically and propose preventive measures as opposed to processing individual complaints and cases. In this context, the private interview with the detainees must be combined with other information gathering and analysis including the monitors' own observations; revision of documentation and registers; interviews with the authorities; and the analysis of laws, institutions, policies and procedures. All of these enrich the content and focus of private interviews. The following possibilities may also be considered for helping to better target interviews:

Previous Questionnaire

Some monitoring organisations and institutions administer a questionnaire in the detention centre previous to carrying out an announced visit. The questionnaire is distributed to and collected from a representative number of detained persons. It addresses their individual perceptions and experiences. This questionnaire can help to pre-identify themes or parts of the installation for the later visit and in that way reduce the number of issues to be treated in private interviews. How exactly to administer this process presents its own challenges, including questions of literacy, respect for anonymity and the required labour intensive information processing. Nonetheless, it represents a tool that may be integrated successfully into the general methodology in certain contexts, particularly with regard to smaller and medium-sized centres.

Pre-Visit

An alternative to the pre-visit questionnaire is a previous visit. This can be used to carry out a rapid tour of the installation days or weeks before the main monitoring visit in order to form impressions on the situation and decide on strategy. This option has the advantage that it does not require the presence of the entire team initially, given that the aim is not to carry out in-depth monitoring. In addition, the introductory meeting with the centre director or commander can be held at this early stage. This will hopefully build bridges and save time when the whole team is present. In other circumstances, the pre-visit may provide an opportunity for a quick assessment of potential risks to detainees as a consequence of the monitoring. While it is useful to announce the pre-visit, monitors may choose whether or not to inform the authorities of the exact date of the main visit.

Group Interviews

Arranging group interviews early on during a monitoring visit can be a useful means for collecting general information on the situation and functioning of the centre. This can reduce the number of issues to be covered in private interviews but should not replace them. It can also be the only option when the monitoring body finds that it is absolutely *impossible* to hold private interviews. Going through a complete list of issues with these groups at the beginning of a visit can serve as a useful first-minute 'temperature reading' to identify specific themes, systems, incidents or persons for closer follow-up. Care must be taken with sensitive issues such as offences committed or alleged to have been committed by the detainees, inter-personal violence and intimidation or sexual violence, although there are no hard and fast rules. The risk of informants should also be taken into account. The purpose and process of the group interview should be explained carefully at the outset. In addition, the same issues of confidentiality, informed consent, and choice not to participate should be emphasised as for individual interviews.

4. Strategies for Selecting Persons for Private Interviews

The key objective in developing an interviewing strategy for a general (as opposed to thematic) preventive visit is ensuring that the information gathered will be *representative* of general conditions while also reflecting the situations encountered by particular groups and individuals, and being indicative of critical issues that need to be addressed. In order to achieve this, four broad categories of approaches to selecting interviewees may be identified. These should be combined for greater effectiveness:

1. Ad hoc selection
2. Critical issue selection
3. Representative selection
4. All or nothing selection

AD HOC SELECTION

Spontaneous Selection

The team can select persons to interview spontaneously during the course of a visit based on hunches or observations. If any of the individuals in question refuse, their choice should be respected. However, monitors should be able to gauge the possible reasons for the refusal and respond appropriately without putting the person at risk. Spontaneous selection has the disadvantage that the authorities, personnel or other detainees may believe that the selected persons were chosen for a particular reason. This may increase the possibility of reprisals. As such, there are fewer risks when the monitors are not accompanied by the

authorities in their tour of the installation. This method alone does not provide monitors with a representative sampling of perspectives.

Volunteers

Individual or groups of detainees may request to be interviewed during the visit. This does not guarantee a representative sample but can provide useful information that pre-planned selection might miss. Time for interviewing detainees that request a private conversation should be integrated into the planning for the visit but monitors should not depend on volunteer interviewees alone.

Interviewees Proposed by the Authorities

The authorities may well suggest that monitors interview specific detainees during a visit. In general, these interviews should be accepted but managed in such a way that they do not divert the team from its established interviewing strategy. If accepting these interviews is not desirable, they may be politely declined by emphasising the demands of the monitoring team's established agenda.

CRITICAL ISSUE SELECTION

Pre-identified Individuals of Concern

The monitoring body may have received or been informed of the presence of particularly vulnerable individuals or specific incidents of alleged human rights violations within the place of detention in question and will probably want to conduct interviews on that basis. Where monitoring teams wish to interview pre-identified individuals of concern, the monitors should also interview other detainees before and after and for a similar period of time. It should also be remembered that for preventive monitors, the purpose of compiling information on *specific* incidents is to gain an understanding of systemic problems. The channelling of individual complaints for the purpose of legal advice, litigation or denunciation should be clearly distinguished from preventive monitoring activities.¹

Clues from Registers and Documents

Upon examining registers and other administrative documents during the monitoring visit, the monitoring team will come across anomalies or concerns that need to be followed up on in private interviews. The detainee(s) in question will be an essential source of information.

Retrospective Interviewing

Monitors can choose to interview persons that have been released or transferred from a particular place of detention about their experiences there. Interviewees may often be more candid when they are no longer held in that facility. This is particularly important for detention centres where the persons deprived of their liberty stay for a relatively short period of time or where interviewing on the spot may not have been possible. Monitors should also keep in mind that transfer vehicles are places of detention where abuses may occur. Interviews should also seek to cover experiences there.

REPRESENTATIVE SELECTION

Random Sampling

For effective preventive monitoring, the above mentioned selection strategies should be additional to a methodology designed to give a representative sample of the perspectives of

¹ See upcoming APT briefings on *What Is Prevention?* and *What Is Preventive Monitoring?*

the persons deprived of their liberty. A 'random' sample can be chosen for example, by, selecting the second person or the first two in each alphabetically divided listing of detainee surnames if there is an alphabetical listing (A, B, C, etc.) or simply every tenth persons on the list. The exact formula used will depend on how many detainees there are and how many interviews the team aims to carry out. This methodology should be modified to deal with the actual lay-out of the installation and other practical factors, and has the disadvantage that it normally requires that the authorities be informed of whom the team wishes to interview.

Refined Random Sampling

A more sophisticated version of the same system, which facilitates a more representative sample although requiring more preparation, is to identify from the register of detainees those persons that belong to strategic categories of interest to the monitoring team. Examples of such grouping include among others: those serving a life sentence, young detainees, older persons, political prisoners, recent arrivals, members of minority groups and those detained for serious crimes such as terrorism. Having identified the nature of these groups, the monitoring team can decide on the number or percentage of them that are to be interviewed and choose those to be interviewed based on a modified version of the random sampling method above. This method of selection is also useful for choosing candidates for initial group interviews.

As noted, all of these methodologies should be combined in order to contribute to the effectiveness of preventive monitoring interviews.

ALL OR NOTHING SELECTION

With regard to places of detention holding very limited numbers of persons such as small police stations, it is important that monitors choose either to interview all persons deprived of their liberty or none. They should avoid interviewing only some as the risks of reprisals may be higher for those selected. They should also keep in mind that collective reprisals are not unheard of. The team's experience with the institution and its authorities, as well as its ability to follow-up with a further visit, will inform this decision.

5. Final Considerations on Interviewing Strategy

Formal v. Informal

It is worth remembering that "interviews" do not have to be formal. Small talk and casual conversations, whether initiated by the monitors or persons in the place of detention can be essential in gaining information. The monitoring team should make a conscious effort to appear as approachable and receptive to such opportunities as possible while also ensuring the security of themselves and these actors.

General Precautions

In addition, immediately after receiving important information in a private interview, the team must in no way manifest or externalise the fact unless they have the permission of the interviewee and they consider it strategically opportune. Body language can give much away unconsciously and institutional staff often study the behaviour, including non-verbal signals, of monitoring teams throughout their visits and even after they leave.

Furthermore, when important relevant information is received, it is important, whenever possible and with adequate precaution, to corroborate it in a suitably cautious manner in

other interviews. The fact of having several sources of the same information offers certain protection for the initial source although the possibility of erroneous or collective reprisals can never be discounted.

Reprisals

It is important to highlight the need to integrate a general strategy to prevent reprisals and minimise risks for detainees - and others - that participate in monitoring interviews. Such reprisals occur around the world, especially with regard to detention centres that already present human rights situations of concern. The monitoring team must observe the *do no harm* principle proactively before, during and after the visit. As noted, the “pre-visit” methodology (above) provides an opportunity for assessing risks and adopting a strategy to address them even before the visit. A responsible monitoring team may be obliged to take a decision *not* to interview under circumstances suggestive of unacceptable and uncontrollable risk.

It is also essential that the team ensure to the greatest extent possible that risks as well as issues of consent and confidentiality are understood by potential interviewees at all interviewing stages. Interviewees should specifically be asked if there is any reason they would prefer *not* to be interviewed. In this way, they can take the best decision possible for themselves with regard to collaborating with the monitors.

6. Conclusion

Preventive detention monitoring requires monitors to think through how they decide which persons deprived of their liberty to interview. This assists in maximising the effectiveness of the monitoring in a context of limited temporal, financial and human resources. Having a selection strategy enables monitors to gain as representative an insight as possible into both the general situation and the situations of vulnerable groups. Combining the methodologies outlined above should contribute to achieving these goals.

As ever, the greater the quality of information gathered during a monitoring visit the better the analysis and the systemic proposals that can be made. This should assist in the fundamental task of enabling persons deprived of their liberty to access and exercise their rights, prevent torture and other ill-treatment and generally enhance the respect for human rights in detention.

