



International Residual Mechanism for Criminal
Tribunals

MICT/19

2 November 2017

Original: English

CONFERENCE AND LANGUAGE SERVICES

GUIDELINES FOR REQUESTING AND WORKING WITH INTERPRETATION SERVICES

1.	INTRODUCTION	1
2.	DEFINITIONS	1
3.	PROCEDURE FOR REQUESTING INTERPRETATION SERVICES	1
3.1	Courtroom Proceedings with Simultaneous Interpretation into English, French, and the language of the accused or of the convicted person.....	1
3.2	Courtroom Proceedings with Simultaneous Interpretation into any Other Language(s).....	1
3.3	Other Meetings Requiring Interpretation.....	2
4.	WORKING WITH SIMULTANEOUS INTERPRETATION	2
4.1	Preparation Requirements.....	3
4.2	Use of Written, Audio or Video Material During Meetings Requiring Simultaneous Interpretation.....	3
4.3	Confidentiality	4
4.4	Verification of Accuracy of Interpretation During Courtroom Hearings	4
4.5	Guideline for Interpreters.....	4
4.6	Guidelines for Speakers	5

1. INTRODUCTION

In keeping with the Registry's commitment to provide interpretation services in accordance with the Mechanism's Statute, Rules and other relevant documents, this document sets out guidance for requesting and working with interpretation services. This guidance is intended both to allow users of interpretation services to obtain the maximum benefit of such services and to enable interpreters to carry out their duties efficiently.

2. DEFINITIONS

In these Guidelines, unless the context otherwise requires, terms shall have the meaning set out in Rule 2 of the Rules, and the following shall mean:

BCS:	Bosnian/Croatian/Serbian;
Chamber:	A Trial and/or Appeals Chamber of the Mechanism, or a Single Judge, in accordance with Article 12 of the Statute;
Court Officer:	The Registry representative within the courtroom tasked with assisting the Chamber in the overall courtroom proceedings;
CSSS:	The Court Support Services Section of the Mechanism;
eCourt system:	The Electronic Court Management System;
LSS:	The Language Support Services of the Mechanism; and
<i>Tribunet</i> :	The Mechanism intranet.

3. PROCEDURE FOR REQUESTING INTERPRETATION SERVICES

3.1 Courtroom Proceedings with Simultaneous Interpretation into English, French and the language of the accused or of the convicted person

Simultaneous interpretation into English, French and (where applicable) BCS or Kinyarwanda shall be made available for all courtroom proceedings listed in the courtroom calendar and shall be provided upon the request of the Chamber.

3.2 Courtroom Proceedings with Simultaneous Interpretation into any Other Language(s)

If a witness who does not speak any of these four languages is scheduled to appear, interpretation from and into his or her language shall be provided on request. A request for interpretation from and into another language must be submitted to LSS by the party

calling the witness through the Court Officer assigned to the case as early as possible once a date for the hearing has been fixed. Requests submitted less than ten working days before the hearing may be denied at the discretion of the Chief of LSS. Significantly more time may be required depending on the language and the Mechanism's ability to contact a freelance interpreter and secure his or her travel to the seat of the Mechanism. Accordingly, in these instances, the provision of interpretation services cannot be guaranteed.

The request form for interpretation can be downloaded from the Mechanism *Tribunet* and emailed to LSS. The request must clearly state the following:

- The case number for which interpretation is required;
- The language from and/or into which interpretation is required; and
- The date(s) on which interpretation is required.

If working remotely, Defence Counsel should request interpretation services by contacting CSSS.

3.3 Other Meetings Requiring Interpretation

3.3.1. For all other meetings (*i.e.*, those not on the courtroom calendar) requiring interpretation, an interpretation request must be submitted to LSS as soon as practicably possible and: (i) no later than two days prior to the meeting if interpretation is requested for English, French, BCS or Kinyarwanda; or (ii) no later than two weeks prior to the meeting if interpretation is requested for another language. The request form for interpretation must clearly state the following:

- Name of requesting party/office;
- Type of meeting for which interpretation is required (*e.g.*, Judges' deliberations, meeting of President/Prosecutor/Registrar);
- Languages needed (from and into);
- Date, time and duration of meeting;
- Venue of meeting; and
- Any other information deemed useful for interpretation purposes (*e.g.*, subject of meeting, names of participants).

3.3.2. LSS must be notified as soon as possible in case of cancellation of a meeting or interpretation request, in order to minimize any costs resulting from the changes to the contractual terms of external interpreters.¹

4. WORKING WITH SIMULTANEOUS INTERPRETATION

The purpose of simultaneous interpretation is to enable instant communication between speakers of different languages by conveying, as faithfully as possible, the meaning and

¹ External interpreters' contracts are confirmed at least one week prior to the commencement of their assignment, following which the Mechanism incurs financial liability in case of changes or cancellation of the contracted services.

the message, but not necessarily the literal phrasing, of the original. Simultaneous interpretation is, by its nature, an approximation, rendered possible by making “strategic” omissions, anticipating, paraphrasing, etc. Consequently, it is impossible to achieve the same degree of precision and completeness in interpretation as in written translation.²

4.1 Preparation Requirements

The quality of interpretation is directly linked to relevant preparation by interpreters. Interpreters need to be well prepared and have advance access to materials that will enable them to get acquainted with the subject matter of the meeting/hearing and prepare accordingly. Interpreters and LSS administration shall have access to the (Unified) Judicial Database, the eCourt system and any other relevant databases maintained by the Mechanism for this purpose. A list of exhibits to be admitted through each witness appearing in court should be sent to LSS 48 hours prior to the scheduled testimony.

4.2 Use of Written, Audio or Video Material During Meetings Requiring Simultaneous Interpretation

4.2.1. Simultaneous interpretation is meant primarily for oral communication. Reading out a written text, regardless of the speed, makes simultaneous interpretation more difficult. Texts (such as speeches, speaker’s notes or questions) that will be read out loud must be provided to LSS as early as possible. Even non-definitive or hand-written versions of the text are useful to ensure accurate and reliable interpretation. Texts provided to interpreters will be used solely by them and not disclosed to persons other than those involved in the interpretation. It should be noted that interpreters always check the text against the delivery and, where the speaker deviates from the text, they follow the speaker rather than the text.

4.2.2. The summary of a judgement or any other text prepared for delivery in open court needs to be provided to LSS at least 24 hours in advance, so that it can be translated prior to the delivery.

4.2.3. If a translation exists for a document that will be read out during a meeting/hearing, this translation must also be made available to the interpreters, either in hard copy or by publishing both the original and the translation in the eCourt system. If the interpreter becomes aware of a translation error in the document that is being interpreted, he or she may bring it to the attention of the participants.

4.2.4. If an audio or video recording is played during the meeting/hearing, interpreters must be provided with the transcript of the original language of the recording and the translation of the transcript into the language for which interpretation is required. Exceptionally, if no such translation is available, interpreters may be asked to provide interpretation based on the transcript and the audio of the original language.

² A simultaneous interpreter processes in an hour about 15 times the number of words processed by a translator.

If they deem that they cannot provide reliable interpretation under such circumstances, it is their duty to inform the participants accordingly.

4.3 Confidentiality

Interpreters are obligated by the Code of Ethics for Interpreters and Translators Employed by the International Residual Mechanism for Criminal Tribunals to keep anything they hear or read as a consequence of their professional duties in the strictest confidentiality. They will treat all documents as they are classified (confidential, public, etc.) and return them to the owner or shred them at his or her request.

4.4 Verification of Accuracy of Interpretation During Courtroom Hearings

4.4.1. Hearings are recorded and transcribed by court reporters in English and French. Any verification of the accuracy of the interpretation provided for courtroom hearings is done on the basis of the original audio recordings. For the purposes of simultaneous interpretation, not every deviation from the original is considered an inaccuracy requiring correction. Only those deviations from the original that materially alter the meaning of the original are considered mistakes requiring correction of the transcripts.

4.4.2. There are several ways of correcting interpretation mistakes:

- Correction by the interpreters themselves on the record (subject to time constraints);
- If the parties in the courtroom believe there has been a mistake or omission in interpretation that may have a substantial impact on the proceedings, they are urged to raise it immediately. It is best to clarify any such interpretation controversies without delay while the witness and all parties are still present; and
- *Post facto*: if the requesting party believes that an interpretation mistake is sufficiently serious to alter the meaning of the original utterance and substantially impact the proceedings, he or she can send a request for verification of accuracy of interpretation to LSS through the Court Officer assigned to the case. If necessary, LSS will issue a corrigendum in the form of a memorandum and send it to the Court Officer assigned to the case. The Court Officer shall file this memorandum on the case record and a Registry staff member shall correct the official transcripts accordingly.

4.5 Guideline for Interpreters

In the interest of accuracy, interpreters may intervene at any time during the courtroom proceeding or meeting to request the speaker to speak louder or slower, or to repeat him-/herself.

4.6 Guidelines for Speakers

4.6.1. In order to make the most of the interpretation services and ensure the faithful rendering of their words in the target language, the speakers should observe the basic rules outlined in this section.

4.6.2. Before the hearing/meeting:

- Provide the interpreters/LSS with any preparation material available, such as witness statements and/or summaries, meeting agenda, list of participants, list of potentially problematic terminology, etc.; and
- Inform the interpreters/LSS of any unusual or specific situation that can have an impact on interpretation, such as a witness's physical or mental condition affecting his or her ability of expression, significant changes to the announced programme, use of PowerPoint presentations, etc.

4.6.3. During the hearing/meeting:

- Speak clearly, at a reasonable speed and directly into the microphone;
- Promptly turn off the microphone when you are not using it;
- Do not shuffle papers next to an open microphone and avoid all background noise (excessive typing, clicking pens, etc.);
- Do not overlap with other speakers; leave a pause between each question and answer if speaking the same language as the interlocutor;
- Pause before speaking in another language;
- Whenever quoting from a document, state the page number and, where necessary, the paragraph or line of text you will be reading. If you are working with both the original and the translation, make sure you give the references for both versions. Do not begin reading until the documents appear on the screen; and
- Slow down considerably when reading.