



Mechanism for International Criminal Tribunals

MICT/20

2 November 2017

Original: English

**CODE OF ETHICS FOR INTERPRETERS AND TRANSLATORS EMPLOYED BY
THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS**

(MICT/20)

DECISION

THE REGISTRAR,

NOTING the Statute of the Mechanism for International Criminal Tribunals (“Statute” and “Mechanism” respectively) as adopted by the Security Council under Resolution 1966 (2010), and in particular Articles 15, 18, 19 and 31 thereof;

NOTING the Rules of Procedure and Evidence of the Mechanism as adopted pursuant to Article 13 of the Statute and as subsequently amended (“Rules”), and in particular Rules 3, 31 and 89 thereof;

CONSIDERING that being subject to a Code of Ethics is an integral attribute of being an interpreter and translator employed in a judicial environment;

HAVING CONSULTED with the President of the Mechanism;

HEREBY DECIDES to issue this Code of Ethics for Interpreters and Translators Employed by the Mechanism for International Criminal Tribunals, attached as an Annex.

Done in English and French, the English text being authoritative.



Olufemi Elias
Registrar

Dated this 2nd day of November 2017
At The Hague,
The Netherlands.

Annex

CODE OF ETHICS FOR INTERPRETERS AND TRANSLATORS EMPLOYED BY THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

PREAMBLE

This Code is promulgated in the belief that:

1. As employees of the Mechanism, interpreters and translators shall maintain high standards of professional conduct;
2. The functions performed by interpreters and translators require them to act faithfully, independently, impartially and with full respect for the duty of confidentiality; and
3. Since the duties and responsibilities that they have towards the Mechanism continue after the expiration or termination of their employment, interpreters and translators may be held accountable for any breach thereto, including, but not limited to, referral to their respective national or international professional association. It is therefore necessary that such persons be aware of these duties and responsibilities.

PRELIMINARY

Article 1 Definitions

In this Code, unless a different interpretation is required by the provisions of the Code or the context in which they appear, the following definitions shall apply:

Interpreters: Persons employed by the Mechanism under any type of contract, including short-term contracts and Special Services Agreements, who interpret in simultaneous or consecutive mode the proceedings or activity of the Mechanism, regardless of the location where the work is performed, or who reinforce the Mechanism's interpreters in this task.

LSS: The Language Support Services of the Mechanism.

Translators: Persons employed by the Mechanism under any type of contract, including short-term contracts and Special Services Agreements and regardless of the location where the work is performed, who translate in writing documents provided to LSS.

Article 2 General Application

1. This Code applies to interpreters and translators as defined in Article 1.
2. This Code must be read and applied so as to most effectively attain the objectives and uphold the values expressed in the Preamble.

3. General provisions of this Code should not be read or applied in a restrictive way by reason of any particular or illustrative provision.
4. The singular includes the plural and vice versa.
5. In addition to this Code, interpreters and translators who are staff members of the Mechanism shall be bound by the provisions of the United Nations Staff Rules and Regulations, and the administrative instructions thereto.

PROFESSIONAL CONDUCT

Article 3 Standards of Conduct

1. Interpreters and translators shall at all times behave in a courteous, polite and dignified manner.
2. Interpreters shall at all times maintain a professional attitude in dealings with Judges, court officers, witnesses, lawyers and other persons relevant to the work of the Mechanism. Interpreters should strive for professional detachment at all times.

Article 4 Professional Integrity and Dignity

1. Interpreters and translators shall not allow any personal or other interest to interfere with the discharge of their duties.
2. Interpreters and translators shall not, in the performance of their duties, solicit or accept any gratuities or other consideration, benefit or advantage of any kind.
3. Interpreters and translators shall not exercise power or influence over their listeners or readers.
4. Interpreters and translators shall maintain their integrity and independence at all times.

Article 5 Reliability

1. Interpreters and translators shall adhere to appointment times and deadlines, or otherwise advise their supervisor accordingly so that the necessary action may be taken.
2. Interpreters, when working in the courtrooms, shall inform the Judges of any doubt arising from a possible lexical lacuna in the source or target language.

DUTY TOWARDS THE MECHANISM

Article 6 Confidentiality

1. *General Obligations*

(a) Interpreters and translators shall exercise the utmost discretion in all matters relating to their functions and shall not communicate at any time to the media or to any institution, person, governmental or non-governmental organization or other authority external to the Mechanism any information that has not been made public and which has become known to them in the course of their duties.

(b) Interpreters and translators shall not communicate any information that has been entrusted to them in confidence, that has become known to them by reason of their functions, or that they otherwise know to be confidential to any person within the Mechanism other than to those persons who need to have such information for the performance of their duties, or with the authorization of their supervisor.

(c) Translated documents remain the property of the Mechanism at all times and shall not be shown or released by interpreters or translators to third persons without the express permission of the Chief of LSS or by order of the Mechanism.

(d) Interpreters and translators shall not discuss the facts of any case pending before the Mechanism, except as regards matters of a professional nature within LSS.

(e) Interpreters and translators shall not derive any personal profit or advantage from any confidential information that they may have acquired during the performance of their duties.

2. *Lawyer-Client Privilege*

Information gained by interpreters and translators from consultations or communications protected under the rule of legal professional privilege must not be disclosed to any other person without the express consent of the person concerned and his or her counsel.

3. *Continuation of Obligations*

The duty of professional secrecy continues after the expiration or termination of the interpreter's or translator's employment with the Mechanism.

Article 7 Impartiality

1. Interpreters and translators are bound to the strictest impartiality in the discharge of their duties.
2. Interpreters and translators shall not give legal advice to any person, whether solicited or not, nor refer suspects, accused or convicted persons to specific defence counsel.
3. Interpreters and translators shall frankly disclose to their supervisor any actual or apparent conflict of interest that may arise during the performance of their duties.

PROFICIENCY

Article 8 Competence

1. *Level of Expertise*

(a) Interpreters and translators shall only accept assignments that they are competent to perform.

(b) During the course of an assignment, if it becomes apparent to interpreters and translators that expertise beyond their technical or language competence is required, they shall offer to withdraw from the assignment.

(c) It is the responsibility of interpreters and translators to ensure that the conditions under which they operate facilitate communication. In the event that an external element – including technical hindrances such as poor quality sound and illegible photocopies – interferes with the accuracy or the completeness of their interpretation or translation, they shall inform their listeners or readers promptly.

2. *Preparation*

Interpreters and translators shall ascertain beforehand what may be expected of them during impending assignments, and undertake the necessary preparations.

Article 9 Accuracy

1. *Truth and Completeness*

(a) Interpreters and translators shall convey with the greatest possible fidelity and accuracy, and with complete neutrality, the wording used by the persons they interpret or translate.

(b) Interpreters shall convey the whole message, including vulgar or derogatory remarks, insults and any non-verbal clue, such as the tone of voice and emotions of the speaker, which might facilitate the understanding of their listeners.

(c) Interpreters and translators shall not embellish, omit or edit anything from their assigned work.

(d) If patent mistakes or untruths are spoken or written, interpreters and translators shall convey these accurately as presented.

2. *Uncertainties in Transmission and Comprehension*

(a) Interpreters and translators shall acknowledge and rectify promptly any mistake in their interpretation or translation.

(b) If anything is unclear, interpreters and translators shall ask for repetition, rephrasing or explanation.

3. *Clear Transmission*

Interpreters shall ensure, where practicable, that their speech is clearly heard and understood by their audience.