

Interpreting and Translation at International and National Courts

Round Table at the 18th World Congress of FIT (Fédération Internationale des Traducteurs)
Shanghai, China, 4 August 2008

As part of its three-year program, the AIIC Court and Legal Interpreting Committee organized a round-table session at the 18th FIT World Congress, held in Shanghai this August, on interpreting and translation at international and national courts. The session was moderated by Liese Katschinka, Chairperson of the FIT Committee for Court Interpreting and Legal Translation. It received major attention from Congress participants, which led to numerous interventions after every speaker. Benoit Kremer, AIIC President, classified the professional and efficient contributions as being “among the most interesting and well-presented ones of the whole Congress”. The abstracts of the four presentations are given below. Please contact Liese Katschinka (liese-katschinka@eunet.at) if you wish to obtain further information about the round-table session.

Interpreting at International Courts and Tribunals

George Drummond

This presentation traces the beginnings of simultaneous interpreting at the **Nuremberg Trials**, established by the charter for an International Military Tribunal included in The London Agreement signed by the Allied powers in August 1945, and addresses some of the challenges facing the court interpreters then.

Different kinds of international courts and tribunals are taken as examples of the diversity of the work of court interpreters today.

The **European Patent Office** resolves disputes relating to patent matters on application of any natural or legal person on the basis of the European Patent Convention, whereby any person may give notice to the European Patent Office of opposition to the European Patent granted. An appeal may be filed against the decision of the Opposition Division to the Board of Appeal. The parties to the dispute may request oral proceedings, in which case interpretation is provided on request from and into the three official languages, English, French and German.

The **International Tribunal for the Law of the Sea** has jurisdiction to resolve a variety of international disputes and give advisory opinions on matters relating to the Law of the Sea, based on the United Nations Convention on the Law of the Sea. Disputes may involve inter alia the delimitation of maritime zones, fisheries, navigation and ocean pollution. The official languages of the Tribunal are English and French. Article 85 of the Rules of the Tribunal, paragraph 1, stipulates: "Unless the Tribunal decides otherwise, all speeches and statements made and evidence given at the hearing in one of the official languages of the Tribunal shall be interpreted into the other official language. If they are made or given in any other language, they shall be interpreted into the two official languages of the Tribunal."

The **International Criminal Tribunal for the former Yugoslavia** is mandated by UN resolution to prosecute and try persons allegedly responsible for serious violations of international humanitarian law committed on the territory of the former Yugoslavia since 1991. There are four clusters of offences on which prosecution is based: grave breaches of the

1949 Geneva Conventions; violations of the laws or customs of war; genocide and crimes against humanity. The working languages of the Tribunal are English and French. According to the Rules of Procedure an accused shall have the right to use his or her own language and other persons appearing before the Tribunal may use their own language.

Has the lot of court interpreters improved since 1945? Are we facing different challenges today? These are two of the questions to be discussed.

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Overview of interpreting at national courts in Europe and the USA

Liese Katschinka,

The requirements for the admission of court interpreters and legal translators are a matter of national concern. Every country has enacted its own legislation, if any, concerning the certification of interpreters and translators. In Europe, in particular, there is a great variety of statutory stipulations, but also in the USA where the admission criteria for interpreters and translators at the federal courts and at the courts of the individual states show great differences. On the level of the European Union, efforts have been underway for over a decade to establish common procedural safeguards for criminal proceedings, which also include criteria for court interpreters and legal translators.

Basically, when admitting interpreters and translators to accept assignments in court and for police or administrative authorities, one must look for persons who have obtained interpreting and translating skills (ideally on the university level), who have mastered the intricacies of the legal terminology in their mother tongue and in the language(s) into/from which they work, as well as of the legal systems involved, and who have sufficient in-depth knowledge of the cultural and sociological background of the civilizations involved. A thorough understanding of the code of ethics that must guide court interpreters and legal translators in their work is another important aspect.

The author will present an overview of the current legislation in some of the major countries of Europe, as well as the USA, and discuss European Union efforts to standardize the court-interpreting and legal-translation professions.

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Perspectives on Court Interpreters in Hong Kong

Dr Kexing Li

This presentation focuses on the mechanisms for training Hong Kong court interpreters for the past several decades, which cover academic preparation in tertiary institutions, screening tests for recruitment, pre-post training, on-job training, circle-training and knowledge sharing. Along with the discussion of the institution-sponsored career development and self-initiated advancement opportunities, the dilemmas which the Hong Kong court interpreters are currently facing are also analyzed. Besides, the strengths and weaknesses of the court interpreters are assessed from an academic perspective so that outsiders may have more objective views on this sub-elite group of professionals in the civil service sector. Finally, prospects of the court interpreting services in the territory are visualized against the broader setting of globalization and localization.

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Axer la formation des interprètes judiciaires sur l'éthique professionnelle

Dr. Christian Driesen

Les juridictions nationales et nombre des personnes faisant fonction d'interprètes n'ont guère conscience de l'étendue du pouvoir de l'interprète judiciaire. Un pouvoir énorme concernant l'avenir, la vie même d'un individu, voire d'une famille ou d'un groupe. Pour des raisons psychologiques et socioculturelles évidentes, les justiciables et leur famille ou amis ne peuvent que rarement s'en défendre. La situation est toute différente dans le cadre des juridictions internationales, où les interprètes subissent à juste titre un contrôle de qualité permanent.

Les deux formats de formation existants actuellement en Allemagne sont d'une part une formation universitaire en sept semestres, s'achevant sur un B.A. et des formations continues étalées sur une année. L'auteur se propose de souligner la place de la déontologie au coeur de ces deux types de formation.

Les étudiants et participants sont d'abord invités à se familiariser avec les sources juridiques internationales et nationales justifiant et déterminant le recours à un interprète judiciaire.

Toutes les situations de communication avec interprète sont soigneusement examinées et analysées dans le cadre de mini-débats. Les techniques d'interprétation les mieux appropriées sont déterminées.

L'auteur montrera que l'enseignement des techniques d'interprétation se justifie point par point par les impératifs déontologiques.

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