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At the service of international justice: interpreting services at the Main Nuremberg Trial and at the International Criminal Tribunal for Rwanda

Cavanna, Davide

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**UNIVERSITÉ
DE GENÈVE**

**FACULTÉ DE TRADUCTION
ET D'INTERPRÉTATION**

DAVIDE CAVANNA

**At the service of international justice:
interpreting services at the Main Nuremberg Trial
and at the International Criminal Tribunal for Rwanda**

Mémoire présenté à la Faculté de Traduction et d'Interprétation

Pour l'obtention du MA en Interprétation de Conférence

Directrice de mémoire : Lucía Ruiz Rosendo

Jurée : Manuela Motta

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INTERPRETING SERVICES IN NUREMBERG AND AT THE ICTR

STUDENT INFORMATION

Davide Cavanna

Faculté de Traduction et d'Interprétation

Université de Genève

52 rue du Fort Neipperg

L-2230 Luxembourg

davidecavanna@hotmail.it

00352 691 802 819

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INTERPRETING SERVICES IN NUREMBERG AND AT THE ICTR

Abstract

The International Military Tribunal (IMT) at Nuremberg made history in 1945-46 by introducing simultaneous interpreting to the world arena. In time, other tribunals of this sort have been organized – from Tokyo to the Hague. The International Criminal Tribunal for Rwanda (ICTR) was tasked with punishing the perpetrators of the Rwandan genocide of 1994. Then as now, the interpreters were a linchpin for the proper functioning of an international tribunal. Although the recruitment, training, and practical working conditions of interpreters have evolved since Nuremberg, some problematic issues remain eerily similar, especially when lesser known languages come into play. Due to the demands placed on them, interpreters cannot be seen as mere service providers, whether in terms of their professional or ethnic positioning, the specific skills required, the technical equipment, logistical concerns, the emotional immediacy inherent in the role, or the safeguarding of personal integrity. This paper attempts a comparison between the IMT and the ICTR in light of these aspects and also aims to extrapolate analogies and differences, in the hope of witnessing an improvement in working conditions for interpreters in present and future multilingual trials.

Keywords: Nuremberg trials, ICTR, court interpreters, working conditions, ethical concerns, recruitment and training

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1. Introduction

It is established fact that in international judicial proceedings interpreters play a vital role in facilitating interaction between judges, counsels, witnesses, and defendants that do not speak the same language. The first prominent example of such can be seen in the Nuremberg trials, where top Nazi figures were tried for a range of crimes committed throughout the history of the regime. The Nuremberg trials did not altogether escape criticism; yet, they did nonetheless set a precedent for several other international tribunals that were set up in later years. Although the International Criminal Tribunal for Rwanda (ICTR) is only one relatively recent example of the Nuremberg legacy, its proceedings have generated a wealth of literature since the beginning of its first trial in 1997. Moreover, its jurisprudence has left a mark on the development of international criminal accountability.

In both courts, interpreters were an indispensable conduit between the victims, defendants, counsels, and judges, being in theory “mere” service providers while also simultaneously being compelled to undergo the full visceral weight of the proceedings themselves.

In this essay, I explore the question of whether certain problematic issues have recurred for interpreters throughout these historical cases as well as the possible explanations for such. The regimen for language-related elements in ad-hoc courts seems to result from pseudo-decrees issued from “on high,” whereas the practical requirements are often dealt with *a posteriori*, thus resulting in sub-optimal conditions. In the legal interests of pursuing a fair trial, one would expect that it would be a high priority to establish an optimal environment for interpreters to perform their duties.

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More concretely, practical problems first witnessed in Nuremberg seem to have also left their mark on proceedings in Arusha.

This essay aims to answer the following main research question: what analogies and differences can be found between the IMT and the ICTR as far as the work of interpreters is concerned?

1.1. Essay structure

Before attempting a comparison, the International Military Tribunal (IMT) and the ICTR will be presented in context, hinting at the historical and legal implications of the proceedings, and then reviewing the literature on the inner workings and special issues encountered by both tribunals. Throughout the discussion, particular attention will be given to standards of recruitment and training, the way in which the linguistic service was established, and the ethical and emotional issues that arose.

Chapter 2 outlines the historical and legal context for the circumstances leading up to Nuremberg. Chapter 3 provides an overview of the literature concerning interpreting at the Nuremberg trials. For this chapter, insight drawn from the precious work of Francesca Gaiba (1998) and Baigorri-Jalón (1999, 2000, 2003, 2016) constitute a significant source of information. They are corroborated by the memoirs and testimonies of Nuremberg interpreters such as Sonnenfeldt (2003) and Ramler (2007), recorded in interviews on paper and video. The clips available online, including both the recordings of the trials and some interviews with the interpreters, grant insight into the practical side of the profession.

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As in Chapters 2 and 3, Chapters 4 and 5 outline the context and the situation in terms of recruitment and training, working conditions and ethical/emotional issues for interpreters at the ICTR. These chapters draw on the outstanding work of Haas (2011), shedding light on several issues that ICTR interpreters had to face throughout the course of their activity.

In Chapter 6, this material transitions into a comparison of several aspects of interpreting work in both courts, ranging from the technology employed to the organization of the team and the relationship with the defendants and the other court actors involved, with a focus on the improvements and the difficulties experienced by the interpreters in the respective tribunals. In this light, Chapter 7 provides a few recommendations for the future of interpreters employed by international criminal courts in keeping with the approach chosen by Stern (2012, 2020).

2. Nuremberg in context

At the end of WWII, a conference of the four Allied Powers – the USSR, the USA, the UK, and France – was held in London from June 26, 1945 to August 8, 1945. It was during this conference that the parties reached an agreement on the Charter of the International Military Tribunal. It was decided that the trial of leading Nazi criminals would be held in the Bavarian city of Nuremberg. This choice had some symbolic significance, for it was in Nuremberg that the National Socialist party held its conventions in the 1930s, thus making Nuremberg a sort of cradle of German fascism. The victors decided it would be only fitting to make the city its grave (Matasov, 2017). Furthermore,

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the court and the prisons in Nuremberg could easily be prepared for the IMT trials, and the city lay in the US-occupied sector (Gaiba, 1998).

In pursuance of the Agreement signed on the 8th August, 1945, by the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the United States of America, the Provisional Government of the French Republic and the Government of the Union Soviet Socialist Republics, an International Military Tribunal (hereinafter called "the Tribunal") for the just and prompt trial and punishment of the major war criminals of the European Axis (Art. 1, Charter of the IMT, 1945, p. 4)

Article 1 of the Charter of the IMT signed on August 8, 1945 in English, French, and Russian is the best possible introduction to the event covered in this chapter: the Main Nuremberg Trial (1945 – 1946).

In September 1945, in a hall of the Court of Nuremberg, assessors were intent on reading, matching, and cataloguing documents. They were collecting and evaluating evidence for the upcoming trials against Nazi war crimes. Many documents had been lost through bombing and looting, and often incinerated by fleeing Nazi officials. The material left to analyze was not always relevant, but every now and again a voice would call out. That meant that an important dossier had been found, and work on it had to begin. Every document had to be transcribed and translated into English. For the cases discussed at the IMT, the English version was then translated into French and Russian to ensure that all participants could access the information (Lenti, 2019). The information center of the prosecution would collect the documents that the defence had to produce before the hearing, if there were plans to use them as evidence (de Fontette, 1997). This was required to keep the defence from taking the prosecution by surprise.

Article 16 of the Charter provided that “a copy of the Indictment and of all the documents lodged with the Indictment, translated into a language which he understands, shall be furnished to the

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Defendant at a reasonable time before the Trial” and that “a preliminary examination of a Defendant and his Trial shall be conducted in, or translated into, a language which the Defendant understands. (Art. 16, Charter of the IMT, 1945, p. 9)

The language regime of the IMT was set out in Article 25 of the Charter:

All official documents shall be produced, and all court proceedings conducted, in English, French and Russian, and in the language of the Defendant. So much of the record and of the proceedings may also be translated into the language of any country in which the Tribunal is sitting, as the Tribunal considers desirable in the interests of justice and public opinion (Art. 25, Charter of the IMT, 1945, p. 11)

2.1. Legal aspects

Nuremberg has become a milestone in international law, setting a precedent, *inter alia*, for the trials in Tokyo, the Hague, and more recently the establishment of the International Criminal Court.

From a legal point of view, the trial rested on three counts of indictment (Art. 6 IMT Charter). The first count was the accusation of conspiring to or having a common plan to commit crimes against peace, i.e. wars of aggression (the fact that Germany attacked neighboring countries amounted to aggression). The 1941 attack against USSR was in violation of the non-aggression pact signed between the two countries in 1939. The same violation occurred for the Japanese attack at Pearl Harbour, after which Germany followed its ally by declaring war on the US. The accusation of “common plan or conspiracy” covered a 25-year period, from the founding of the Nazi party in 1919 to the end of the Second World War in 1945. Some of the international instruments that were violated include the Versailles Treaty, the Locarno treaties, and the Kellogg-Briand Pact (the Pact

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of Paris), which called for abstaining entirely from war as an instrument of foreign policy altogether. The IMT was not meant to be an “arbitrary exercise of power on the part of the victorious nations,” but rather an “expression of international law” and a contribution thereto (Fite, 1947, p. 11).

When the defence brought forward the principle of *nullum crimen sine lege*, the court asserted that it would be unjust not to punish those who knew they were doing wrong, even if the legal system in that time and place would not have punished them (Fite, 1947). Aggressive war was determined to be a crime. Although the defence objected that this amounted to *ex post facto* law, the prosecution managed to pass the principle that codified law has a foundation in natural law as a murderer remains a criminal even if the crime was committed prior to the existence of relevant legal definitions. The same principle ought to apply for wars of aggression (Ramler, 2006).

Concerning the objection that the Nazi crimes were an act of state and thus not a matter of individual responsibility, the court found that “international law imposes duties and liabilities upon individuals as well as upon states” (Fite, 1947, p. 12). The defence also claimed that the defendants were acting under the order of Hitler, which would “not free a defendant from responsibility, but may be considered in mitigation of punishment” (Art. 8 Charter IMT). It was determined that having a status subordinate to Hitler did not preclude the notion of personal responsibility, just as one is not made innocent in instances of organized crime simply by belonging merely to the lower echelons of the organization responsible. It was therefore established that the order of a higher-ranking official does not justify a crime and that even in absence of responsibility under domestic law, under international law responsibility remains unaffected.

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The second count of the indictment focused on war crimes, i.e. violations of the laws or customs of war (such as the Geneva Convention of 1929), whereas the third count dealt with crimes against humanity, including murder, enslavement, deportation, and other inhumane acts committed against civilians.

The argument put forward by the defence according to which the victors had themselves committed crimes, notably regarding the Soviet Union, was not considered admissible by the judges. The IMT was designed to judge the acts of the Nazi regime, not those of the Soviet Union or other states (Ramler, 2006).

The defence tried to argue that countries occupied by the Nazi regime were managed as part of Germany and thus not subject to the laws of war. This objection was overruled, on the grounds that the subjugation of the occupied countries was the result of the crime of aggressive war and armies fighting for liberation were active in the occupied areas (Fite, 1947). According to the new theory of “group criminality,” membership alone in a criminal group was not considered sufficient grounds for establishing guilt; personal implication in the crimes (Art. 6 IMT Charter) was required. The SS and the Gestapo, for example, were found guilty, whereas the SA was dismissed as merely having supported the regime and the Reich Cabinet was found to have wielded no real power, as it was subjected to Hitler’s absolute control (Fite, 1947). No space was left for collective guilt: responsibility rested solely with individual leaders. Substantial evidence and witnesses were key to the trial in order to keep the German population from seeing the defendants as martyrs (Ramler, 2006).

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The Main Nuremberg Trial began on November 20, 1945 and ended on October 1, 1946, when the 22 defendants heard their sentence: the death penalty for 12, lifetime imprisonment for 3, between 10 and 20 years in prison for 4, and acquittal for 3. The trials had lasted 216 days, more than 10 months. The subsequent proceedings between 1946 and 1949 were conducted by US judges only and thus did not require the complex interpreting arrangements used for the four languages of the 1945-1946 trials (Gaiba, 1998).

Very few, if any, of the prosecutors were fluent in a language other than their own. Apart from the inevitable linguistic issues arising from the interpretation from and into four working languages, there was a clash of legal conceptions. The French and the Russian, for instance, were not keen on using conspiracy law, but the British and the Americans turned it into the first count of the indictment (Tuerkheimer, 2017).

3. Interpreting at Nuremberg

For simultaneous interpreting, Nuremberg is a key moment in history, for it marks the acceptance of such in the UN system and welcomes the practice into the routine of communication in international fora. The question of time is essential: it is not clear how long the Nuremberg trials would have taken without simultaneous interpreting. Multilingualism was necessary in order to guarantee a fair trial and to avoid accusations of the proceedings being another instance of “victor’s justice.” All parties needed to access the documents in their own language (Behr & Corpataux, 2006).

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A few numbers may help the reader understand the scope of the feat achieved at the IMT. The prosecution produced some 2,630 documents and the defence some 2,700. To translate all the documents into four languages required 20 tons, or 5 million sheets, of paper. Recording the sessions themselves took up 24 kilometers of tape and 7,000 discs. During the trial, simultaneous interpreting was used throughout, which was a first for a proceeding of such magnitude. All the participants were given earphones, thus allowing them to follow the proceedings in their language of choice. In front of them, the speakers had a microphone connected to the receiving devices of the twelve interpreters working at every court session. Every listener could choose between French, English, Russian, and German (de Fontette, 1997).

The recordings of the actual words spoken (floor channel) are kept in national archives, whereas the interpreting was eventually discarded. That said, transcriptions remain as they were sent to judges and defence after being read aloud and checked (Behr & Corpataux, 2006)

Language services at the IMT were also necessary for facilitating communication between judges (across the four languages), not to mention the journalists and the wider audience who relied on the interpreters to understand the proceedings. Indeed, the world followed the IMT with rapt attention (Bowen, 1985).

3.1. Recruitment and training

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Colonel Léon Dostert, a former interpreter to President Eisenhower, was confident that he could create a functioning team. The qualities he was seeking in interpreters were resistance to stress, bilingual skills, a wide cultural background, and a capacity to assimilate a variety of subjects (Ramler, 1988).

The first recruits came from the US State and War Department, apart from the Geneva school of interpretation (ETI), which had been recently founded in 1941, from which Stefan Horn, Frédéric (Fred) Treidell, Patricia Jordan (van der Elst), Armand Jacobovitch, Peter Less and Norbert Berger came. Some other were selected by their governments, such as Elisabeth Heyward, Marie Rose Waller, Génia Rosoff, Marie France Rosé (Skuncke), Helga Lund, and Stefan Priacel (Keiser, 2004, p. 580). However, the interpreters from the League of Nations were used to being handed pre-translated texts, so they were often not suitable for the more spontaneous dealings at the IMT. The search for interpreters working into French and Russian took longer than German and English, which nearly led the US to think that the trial could be held in German and English only. In the end, all languages were able to be covered, but preparation time among the interpreters varied greatly, depending on when they arrived to Nuremberg (Behr and Corpataux, 2006).

After passing an initial test in their country of residence, the interpreters came to Nuremberg for a second test: a mock trial in which they had to interpret into the language with which they felt more at ease. The mock trial was carried out in the attic of the Palace of Justice, where Dostert had set up a provisional interpreting system (Gaiba, 1998). Alfred Steer and Peter Uiberall were also in charge of recruiting, since Dostert lacked the necessary German skills.

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Language skills alone did not suffice. The candidates were expected to be highly educated and to have spent several years in the countries where their languages were spoken. A background in law, public speaking experience, and a pleasant voice were other factors which came into play. Mr. Uiberall preferred people like Frank Wolfe, a German native speaker who worked into English as he had had great exposure to his foreign language, whereas Mr. Steer was of the view that working into one's native language, as is the rule today, would ensure a refined delivery and avoid the issue of accents (Gaiba, 1998). The U.S. and British judges at Nuremberg found that it was tiring to listen to heavily accented English for hours on end. To mitigate this issue, Alfred Steer arranged for the interpreters whose native language was not English to undergo accent-elimination training. The modern practice of translating into one's native language nearly eliminates the need for such training. (Karton, 2008).

At a later point, nationals of Switzerland, Belgium, and the Netherlands were recruited due to the multilingualism of their native countries, as the turnover among language staff exceeded 100% during the year of the trial. A curious particularity is that interpreters qualified to work with only two languages were preferred to polyglots who could work across multiple language pairs, as it seemed that “the mastery of the language decreases proportionally to the number of languages known” (Gaiba, 1998). More than 300 linguists were active at Nuremberg. Only 5% of them interpreted simultaneously in court. Of the over 500 applicants for the positions as simultaneous interpreters, only 36 were chosen, which attests to the high expectations incumbent on the recruits. These individuals came from various backgrounds: many had experience in consecutive interpretation, whereas some had never received any formal training at all (Behr & Corpataux, 2006).

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The interpreting system was set up only 5 days before the trial. Mock trials were organized for all participants to get acquainted with its functioning. The interpreters would read and improvise speeches impersonating prosecutors and judges, slowly increasing the speed of the recitation. Depending on when the individual recruits arrived, the training lasted months for some and mere days for others. Moreover, on the training continued during the course of the trials themselves (Gaiba, 1998). Some of the candidates pre-selected in Washington were not deemed up to the task upon arrival in Nuremberg, so they were assigned to other tasks, where possible, or sent back in some cases.

On November 5, 1945 the first dress rehearsal took place, so the members of the Court could practice and get used to working with simultaneous interpreters active in the background; indeed, this procedure was entirely new to them (Gaiba, 1998).

3.2. Working conditions

In the IMT the working languages were English, German, French, and Russian. The language service, supervised by Mr. Steer, was divided into four departments:

1. Court interpreting (3 teams of 12 interpreters, three per language)
2. Translation (8 teams of 20-25 translators per language combination)
3. Stenography (12 stenographers per language to transcribe court speech)
4. Proofreading (around 100 proofreaders, who partly also worked in other departments)

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Gaiba (1998, p. 37) describes the technical system, as outlined in Dostert's text, "The Instantaneous Multi-Lingual Interpreting System in the International Military Tribunal", also known as the Filene-Finlay system, from the names of its creators. It was provided for free by IBM apart from transportation costs, which can hardly be considered a selfless act, since after Nuremberg it was subsequently adopted by the UN in New York (Gaiba, 1998). George Khlebnikov, Génia Rosoff, and George Vassiltchikov, three top interpreters at the IMT, were dispatched from Nuremberg to travel to New York and present the advantages of the simultaneous system. The system was densely wired, which led to intermittent difficulties because it would disconnect when people tripped over the cables. The system had a floor plus four language channels. The audio channels were set up as follows: floor or verbatim (1), English (2), Russian (3), French (4), and German (5).

In the room, six microphones were in use: four for the judges, one at the witness box, and one for the speaker's podium. At any given moment, there were 12 interpreters in the courtroom. The booths were arranged in two rows with the German and French booths behind the Russian and English ones, in a higher position to be able to follow the proceedings. In each booth, an interpreter for every source language would sit (e.g. Russian to German, English to German, and French to German sitting in the same booth). The booths were open on top and not isolated from external noise, thus causing the interpreters' voices to intermingle at times. Therefore, they would speak as close to the microphone as possible and in a low voice. There was poor circulation of the air, so they had to work at high temperature on some days. Elisabeth Kieffer Heyward, from the French booth, recalls there was only one microphone for the three interpreters working into the same

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language. It was a heavy microphone shaped like a hand grenade which they had to pass very quickly to each other (AIIC interpreters, 2016, min. 15).

The second team of interpreters would listen to the proceedings in a nearby room, ready to take over in case of fatigue or at the change of shift. In contrast to the contemporary standard of 30-minute shifts, the 90-shifts were rather tiring. The interpreters were scheduled for three hours of interpreting sessions with one out of three days off. The IMT noted that quality decreased when the shifts were longer (Behr & Corpataux, 2006).

A special figure was the “monitor,” sitting next to the English booth. His role was to supervise interpreters and the technical equipment. He would check on the microphones being switched on and off, make sure documents were given to interpreters in time, communicate with sound technicians, and generally act as an intermediary between the interpreters and court officials (Behr & Corpataux, 2006). Uiberall and Steer frequently assumed the role of the monitor. The former would focus on breathing patterns as a rule to decide when interpreters needed to rest, whereas the latter concentrated on *décalage*, the delay of the interpreted speech. When it went beyond 8 to 10 seconds, he thought it was high time to call in another colleague.

A sound monitor was installed at the back of the courtroom, behind a glass cage, and the technician was responsible for switching the microphones on and off, whereas a separate control room dealt with the amplifiers for the various sound channels and the frequent electrical problems. Old wire insulation occasionally caused the issue of “cross-talk,” whereby a listener selecting one language would hear two at the same time, which made understanding impossible (Gaiba, 1998).

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Before tape was used, wire recordings devices were employed. In 20-minute shifts, four court reporters would transcribe the proceedings in the four languages. Interpreters would later check the transcription, and this ensured that the transcript was ready in four languages at the end of each trial day (Ramler, 2006).

Speed was certainly given plenty of thought: natural speech was slowed down, as the recordings show. On average speakers had to restrain their speech to around 60 words per minute (Bowen, 1985), vastly different from the professional reality today. There are even reports of complaints due to exaggerated slowness. Ernst Sauckel, a defendant who had been responsible for managing the forced foreign workforce in Germany during the war, spoke in an extremely slow fashion. Judge Lawrence had to reprimand him: “Defendant, I believe that if you didn’t make a pause after each word, your sentences would be shorter and the work of the interpreters easier” (de Fontette, 1997, p. 100). Taking a break mid-sentence in German would not help rendition in the other three languages, as the interpreter would be waiting for the verb at the end.

On a shift day, IMT interpreters would work for an hour and a half, twice a day (Priacel, 2016). During a court session, work was shared according to the languages spoken in the room. As every interpreter normally worked in one combination only (e.g. from German into French), sometimes during the 90 minutes one of the interpreters in the booth did most of the work, while the others listened on (Keiser, 2004).

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Many had reservations about the process as a whole, not necessarily regarding the skills of the interpreters, but rather the technique itself, which some found beyond the realm of human capability. Even judges had doubts. Justice Jackson was genuinely concerned about the linguistic issue, as he feared the confusion of tongues might turn the trial into a spectacle (Gaiba, 1998, p. 10).

The pace and style of interpreting required at the Main Nuremberg Trial, i.e. fast-paced and literal, was particularly difficult when German speakers took the floor, as the German language places its verbs at the end of subordinate clauses. Light signals were employed to signal to the speaker when the interpreters were having trouble following. A yellow light bulb at the table of judges and the prosecution made it clear that the speech needed to slow down. A red light, instead, notified the need for an interruption due to a serious issue (de Fontette, 1997).

Today, it is usual to implement the relay system, whereby one booth acts as a bridge (pivot), from which colleagues interpret into their own languages. This requires fewer professionals at work and is therefore a more convenient system. Uiberall, though, discarded that option because of the tiny delay involved (which would hamper interrogation in court) and the potential inaccuracies that could ensue. Even so, the prosecution occasionally complained that the cross-examination was slowed down by interpreting. Interpreters worked not only in the booth, but also during private sessions held by judges and counsels. Also, in such cases, there was a small-scale simultaneous system in place. When a witness spoke a different language than the four official languages of the IMT (e.g. Flemish or Polish), the speech was rendered consecutively into one of the four official languages and then simultaneously into the other three (Behr & Corpataux, 2006).

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Coping with syntactical differences between languages remains an issue in simultaneous interpreting to this day. The problem was solved at Nuremberg by cutting subordinate clauses into shorter segments and rendering it this way in English, a method which remains in practice. Interpreting the German of Nazi officers, however, was yet more difficult, as it required knowledge of military, bureaucratic, and government terminology. For this purpose, interpreters prepared glossaries in those fields. In the subsequent trials, from 1946 to 1949, the gruesome details of medical experiments were laid bare, thus also necessitating knowledge of medical terminology. Fortunately enough, even though the interpreter occasionally did not know the meaning of a medical term, the Greek or Latin root made it possible to transpose it into the target language.

3.3. Ethical and emotional issues

Some interpreters had suffered brutality under the Nazi regime, which occasionally rendered word-for-word rendition too visceral an experience for them. For example, “auf die Juden pissen” (lit. “piss on the Jews”) was softened to “just ignore the Jews” in English (Gaiba, 1998). The psychological pressure was so excessive at some points that interpreters took off their earphones to stop hearing the awful stories told by the defendants. In his memoir, the interpreter Richard Sonnenfeldt (2003) reported feeling no personal hate for the defendants, just scorn; being an interpreter felt like a job with a purpose, not something done out of revenge or hate.

The fact that documents were not always available only served to augment the pressure on the interpreters, already under emotional strain from the nature of discussions being held in court. For

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want of familiarity with German culture and institutions, British and US court officials, among which Jackson, tended to mispronounce German names. Some situations were embarrassing. Incorrect assumptions on the functioning of the German government, for example, led to meaningless accusations. Ribbentrop, the former Foreign Minister of the Reich, had nothing to do with the issuing of passports, as this was under the purview of local police in Germany. In such cases, the interpreter would step out of his commonly expected role and support the counsel's interrogation beyond the linguistic aspects, pointing out the administrative differences in the relevant legal system (Sonnenfeldt, 2003).

Sometimes, even interpreters had a hard time understanding exactly what the speaker meant. This happened frequently during the interrogation of Göring, and he did not refrain from using this as an excuse to take time (Behr & Corpataux, 2006). A few examples are the nouns *Freimachung* (of the Rhine), which means clearance, as opposed to the interpreters' initial rendition of liberation and *Ergänzung*: complementing, not completing (Gaiba, 2008). These instances demonstrate how interpreters are compelled to assume an active role in the communication process, and the success of the tribunal's work largely rests on their performance (Bowen, 1985).

During the pre-trial interrogations, Richard Sonnenfeldt came to meet Göring, the top surviving Nazi leader, who had unknowingly issued an order sending Sonnenfeldt's father into a concentration camp. When Göring learned of such, he immediately set the father free. Göring asked Sonnenfeldt to find a lawyer for him, before making the comment introspectively that a good interpreter would be even more important.

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During pre-interrogation, Göring started to correct Sonnenfeldt during his interpretation, so Sonnenfeldt, after asking permission, instructed him not to interrupt his rendition, otherwise he would have kept on pronouncing his name “Gering,” meaning tiny, irrelevant in German, instead of Göring. Göring’s English was good enough to understand questions, but it was not enough to defend himself. These personal interactions allowed Sonnenfeldt to gain Göring’s trust. On certain occasions, when US officials corrected Sonnenfeldt’s rendition, Göring even intervened to defend it (Sonnenfeldt, 2003). In total, Sonnenfeldt spent more than 100 hours with Göring. In WW1, Göring had been a fighter pilot and that is how he came to free Sonnenfeldt’s father from concentration camp. When seeing his name on a list of prisoners, he recognized his wingman and thought it would be unjust for a fighter decorated in WW1 to be in a camp. Despite his high-level involvement of unprecedented atrocities, this anecdote shows Göring certainly to have had a sense of justice (Lefkowitz, 2012).

At times, the defendants deliberately resorted to ambiguities in an effort to camouflage their crimes. That was the case of the German verb *erfassen*, which can mean “to seize” (physically, in an aggressive way) or “to register”, and this point was complicated by the direct object: had they seized or registered the Jews? The defence raised an objection on the accuracy of the interpreting when the former meaning was interpreted in English (Gaiba, 1998).

Peter Uiberall, the chief interpreter for most of the first Nuremberg trial, found when he became chief that the interpreters had consistently been translating the German “ja” as “yes.” While “ja” does mean “yes,” it is often used as a place-filler by German speakers in the way that English speakers might begin with “um” or “well” when responding to a question. Thus, when a German

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witness or defendant was asked a question about some possibly incriminating activity, association, or knowledge, his utterance was interpreted as an unconditional admission. Then, "once that 'Yes' is in the transcript, the man is stuck" (Karton, 2008, p. 3).

Personal charisma played a role. Among the defendants, Speer managed to fascinate his interrogators, with his tales of how he was able to increase war production even under sub-optimal conditions. He was the only defendant to condemn Nazism in court, which probably contributed to his being sentenced to imprisonment rather than death. Like most defendants, he was shocked by the videos depicting the gruesome facts of concentration camps, not unlike the representatives of the press and counsel. Only Göring dismissed such videos as mere propaganda, of the kind that Nazi culture minister Goebbels would devise (Lefkowitz, 2012).

After the sessions, journalists would often ask interpreters about the proceedings, but often they could not provide any information, even if they had wanted to. The extreme level of focus required in the booth had them working in a semi-trance and they could not always recall what the discussion had been about (United States Courts, 2010).

Nuremberg at that time was a place where different nations and people came together, so a little romance was also possible. A Soviet lieutenant seemed to take an interest in S., but when he asked her on a date, he was approached by Soviet officials and the meeting would have had to take place under surveillance. That was the end of the incipient affair, sealed with a distant smile. Even a date could look like a state affair! (Sonnenfeldt, 2003)

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Interpreters were not exclusively providing a service at Nuremberg; on at least one occasion, they also served as witnesses. The most famous case was Dr. Paul Otto Schmidt, who had been interpreting at the German Foreign Ministry since 1923, where he was the chief interpreter for around two decades (RobertHJacksonCenter, 2009b). The greatest mistake that an interpreter can make, Schmidt suggested, is to assume that he or she is “the leading actor on the stage.” The ability to remain silent, paradoxically enough, he considered the primary quality of a good interpreter. In spite of his impressive academic background and skills as a polyglot, he shared with members of Hitler’s entourage a sort of “moral myopia,” one that according to Moorhouse he could have shed more easily than others. According to his non-Nazi identification, he was not found guilty during the denazification process and even assisted with the interpreting during the pre-trial interrogations at Nuremberg, before testifying in the witness box himself (Schmidt, 2016).

The main worry for Ramler was dealing with an unfamiliar vocabulary and striving for accuracy. In his own words, he was “there to interpret, not to judge.” Feelings could not come into play despite the fact that interpreters often had to witness shocking events. As a 22-year-old, he had to focus on the job. It was certainly haunting to repeat 10 times the death sentence: “death by hanging.”

He recalls how fellow interpreter Virginia von Schon, in the English booth, a librarian and interpreter, would stop short of uttering words she felt were too obscene in her interpretation. Ramler would step in and say them on her behalf, occasionally making the register even more vulgar (Sands, 2014).

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As the interpreters were sitting close to the defendants, who looked at them and interacted with them at times, interpreter Patricia van der Elst remembers:

In Court, whatever our private thoughts, it was necessary to remain neutral when working. From being a blur of concentrated human malice the defendants, little by little, emerged as individuals. One could even admire Goering for his intelligence and dignity and share his open contempt for the slimy Streicher. Kaltenbrunner scared me, he was so palpably evil. The closing speech Hess made left me in no doubt that he was completely mad. We all liked Fritzsche who was only there as a substitute for his dead master Goebbels, and we were glad he was acquitted (van der Elst, 2002).

Her colleague Marie France Skuncke fondly recalls a colleague and her resilience to trauma:

Genia Rosoff was among the greatest interpreters I've ever met. She had been at Ravensbruck and she managed to stand it. She worked extremely well in spite of all the stress it meant for her. Other people reacted in another way. I know a colleague who had to give up. He went back to the translation department because he couldn't stand it anymore. It was a terrible experience for those who had seen these atrocities (AIIC Interpreters, 2016, min. 16-17).

It would appear that the reaction to witnessing again the violence some of the interpreters had gone through was not something everyone was willing or able to take, hence the high turnover rate. As with other social settings, personal likes and dislikes also played a significant role in the courtroom. Several aspects of interpreting at the IMT have been considered in this section, through historical sources and the pen of the interpreters themselves. Now it is the turn of the ICTR.

4. The ICTR in context

The ICTR and the other contemporary international criminal tribunals brought the ideals of Nuremberg justice to bear in a context of human rights. Between 800,000 and 1 million Tutsis, but also politically moderate Hutus, were murdered within 100 days between April and July 1994, ostensibly planned by the Hutu authorities (Byrne, 2006). By means of Security Council resolution 955, adopted on November 8, 1994, the ICTR was created with a mandate to “to prosecute persons

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responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States between 1 January 1994 and 31 December 1994“ (Art. 1 ICTR Statute). A brief overview of the history of Rwanda leading up to the genocide of 1994 may help in capturing the background of some of the issues encountered by interpreters at the ICTR.

The Hutu majority, historically cultivators, and the Tutsi minority, aristocracy with roots as herdsmen, had long been similar in language, religion, and social structure for a long time. When colonizers arrived, first the Germans in 1894, then the Belgians who stayed for half a century (Coquio, 2006), they strived to amplify the ethnic divide, e.g. by issuing IDs based on ethnic belonging (Hutu, Tutsi, or Twa) and using Tutsis as proxy feudal lords (Bostian, 2005). When the Hutus rose to power in 1959, massacres of Tutsis ensued over the years. Tutsi refugee fighters who had been forced to leave the country coalesced into the Rwandan Patriotic Front (RPF), the Tutsi refugee army. After each of several attempts to dethrone Juvénal Habyarimana, the dictatorial leader of the Hutu regime, in power since the coup of 1973, Tutsis were subjected to violence and repression. France, trying to stave off the expansion of both the Commonwealth and communism in Africa, supported Rwanda and initiated a civil cooperation pact in 1975 that in time turned into a military alliance (Coquio, 2006). The RPF finally attacked Rwanda in 1990, starting a civil war in which France supported President Habyarimana with weapons and troops. The war seemed to be over with the 1993 Arusha Peace Accords, establishing a UN peacekeeping force (UNAMIR). Hutu extremists were not satisfied and started militia camps to indoctrinate affiliates to ethnic hatred and mass murder, importing as much as 6 million dollars' worth of weapons from France and other countries (Bostian, 2005).

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In early 1994, UNAMIR warned the UN headquarters that something ominous was about to happen, but it was ignored. On April 6, 1994, the President of Rwanda, Habyarimana, was travelling home in a plane that was shot down. This started the massacre of five hundred thousand to 1 million civilians, mostly Tutsis. The genocide wiped out 75% of ethnic Tutsis in Rwanda. The violence started with barricades being set up across Rwanda for ID checks, and people were raped and murdered according to their ethnic group. The massacre continued until July 1994, when the Hutu government had to flee, and a coalition led by the Tutsi-led RPF took power on July 18. The Rwandan representative at the Security Council representing the new government requested the creation of the ICTR, modelled on the International Criminal Tribunal for the former Yugoslavia (ICTY) which had been created the year before. In the end, though, only Rwanda voted against the ICTR because of several factors: 1) the chosen seat in Arusha, in Tanzania, instead of in Rwanda and 2) tragic underfunding and the limitation of the mandate to the year 1994, which was perceived as insufficient to punish all the crimes that had been committed (Bostian, 2005). Arusha was the chosen seat for its symbolic role in the peace accords, but the ICTR also had an office in Kigali, in Rwanda, and the Appeal Chamber was in the Hague, shared with the ICTY (Ossogo Bogoto, 2015).

The ICTR was based on a unique legal system, which cannot be classified as belonging to systems of civil law, common law, or even international law. It is a mixture of all three systems, which meant that even interpreters who were well-versed in one or two of the systems frequently committed mistakes and suffered misunderstandings. One example is cross-examination: this concept is extremely common in the Anglo-American legal tradition and it foresees interrogation

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by the prosecutor or the defence counsel with no intervention of the judge. In Roman Germanic law, on the other hand, this procedure is not common (Haas, 2011).

At the ICTR, English and French were the working languages of the tribunal (Art. 31 ICTR Statute). Yet, most witness opted for Kinyarwanda, even when they spoke French or English fluently. This was largely due to the colonial history of Rwanda and the return of Tutsi refugees from English-speaking Uganda.

The language barriers at the ICTR were severe, even between defendants, and their counsels. None of the defence counsels spoke Kinyarwanda and some not even French, thus making dialogue with the defendants extremely difficult. The situation was so serious that English courses were introduced to facilitate communication between detained defendants and the members of the court. Because of the language barriers, the proceedings were often delayed. Judges at the ICTR, who came from high courts of countries such as Denmark, Malta, Italy, China, US, and many others, had to master both English and French, but often their knowledge in one of them was rudimentary, leading them to tacitly defer to one of the two (Haas, 2011). Legal terminology had to be adapted (even between Western languages, such as French civil law and English common law traditions) and cultural consultancy services provided (Koomen, 2014).

In contrast to the wording of the London agreement, the founding document of the IMT, which aimed at prosecution alone, the ICTR pursued reconciliation as one of its objectives. This is exemplified by the logo of the tribunal, where the scales of justice are superimposed on a dove and surrounded by olive branches. The role of the ICTR in reconciliation, though, remains doubtful,

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for at the ICTR all the defendants were Hutus, whereas the Tutsis were not prosecuted, in spite of committing crimes with the RPF. Just like at Nuremberg, the ghost of selective justice loomed large (Byrne, 2006).

In 1998, Jean Kambanda, Prime Minister of Rwanda, was the first person convicted of genocide (upon pleading guilty) for violating the Genocide Convention of 1948. For such acts, no impunity could be tolerated anymore. In the Media trial, for the first time since Streicher at the IMT, the impact of media on the crimes was dissected in front on an international criminal tribunal (Møse, 2005), as the role of radio propaganda had been significant in building the ethnic hatred that led to the genocide. In *Prosecutor vs. Akayesu*, the trial conducted against Jean-Paul Akayesu, school inspector and mayor of the Taba commune, where atrocities were committed against the Tutsis, rape and sexual violence were included in the definition of genocide, advocating the fact that no peace is possible without justice (Byrne, 2006) The ICTR recognized that in application of the Genocide Convention of 1948, rape and sexual violence can amount to genocide when they are committed with the intention of destroying or partly destroying a particular group (Trial International, 2008)

Despite its achievements, the tribunal was perceived negatively by some Rwandans. They questioned the choice of Arusha a seat, as they felt deterrence would have been stronger, had the tribunal in Rwanda been working itself. The ICTR had a Witness and Victim Support Section in charge of assisting witnesses and victims taking part in the proceedings. Some argued that it should have worked to ensure safety in Rwanda, by perhaps planning teleconferences for those unable to travel. More involvement of Rwandan people and NGOs would have been welcome. Other critical

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points were the location of prison sentences, carried out in Mali and several other countries, the lack of focus on corrective justice (i.e. reaching out to compensate victims), and the Nuremberg-old accusation of “victor’s justice,” as only Hutus were convicted, though crimes were committed on both sides (Kamatali, 2005). Around 30% of Rwandans declared not being informed about the ICTR, although the attitude was generally more positive than negative (Byrne, 2006).

Admittedly, the ICTR was not suited to do justice to the enormous numbers of crimes perpetrated in Rwanda in 1994, so it focused on the leaders whose forces spearheaded the killings. To balance the lack of courts and jurists in the aftermath to the genocide, in 2001 the *gacaca* courts were introduced, following the example of the traditional village courts, conjugating traditional jurisprudence with modern justice. The word “gacaca” literally means “justice on the grass.” The goal of this traditional court where criminals and victims negotiate without the mediation of lawyers was quite different from Western criminal justice. The main point was not the punishment of the criminal, but rather the return of social peace and harmony, as well as the reconstruction of society (Haas, 2011). More than 10,000 cases have been heard by *gacaca* courts since their setup in 2001 (Fletcher, 2011).

4.1. Elements of Kinyarwanda and Rwandan culture

Kinyarwanda, the national language of Rwanda along with French, English, and Swahili, is spoken by around 10 million people in the country, as well as in some nearby areas in the Democratic Republic of Congo and Uganda. It is a Bantu language, a family of languages to which around 600 languages belong, all spoken in sub-Saharan Africa. The term *bantu* is the plural of the word

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muntu, which means “person” in several Bantu languages. The closest languages to Kinyarwanda are Kirundi, spoken in neighboring Burundi, and Giha, spoken in western Tanzania. Kinyarwanda is a tonal language and also a class language, which is typical for a Bantu language, with 16 nominal classes, meaning that prefixes play a particularly important role in classifying words in categories such as human, inanimate, big, small, abstract, singular, plural, etc (Haas, 2011). Syntax and idioms in Kinyarwanda are particularly hard to render in French and English, which complicated the testimony of victims and witnesses (Cryer, 2006).

Euphemization, common in Rwandan culture, was a common theme throughout the mandates of the ICTR. It stems from a number of reasons, among which the privacy of personal life in Rwanda, the tendency to avoid vulgar language and sexual topics, a sense of shame following the witnessed atrocities, the pain of reliving trauma and the fear of retaliation, as some witnesses explicitly feared for their life before or after speaking at the ICTR (Fletcher, 2011).

Interestingly, Kinyarwanda has no specific term for “rape.” Several expressions were heard and used interchangeably for rape, from *gusambanya* (commit adultery) to *gufata kungufu* (take by force). In other cases, the French word *viol* emerged from the Kinyarwanda speech, perhaps because it created a sense of distance between the speaker and those tragic events (Fletcher, 2011). Similarly, the genitals are not usually mentioned in speech, so paraphrasing is much more common (Koomen, 2014). At the ICTR, sexual taboos came to the fore during trials concerning rape crimes. Rwandan women use euphemisms for genitals, such as *mon corps de femme* (“my womanly body” in French) and even more so in Kinyarwanda. The interpreters had to support the proceedings by making the proper lexical choices (Stern, 2020).

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Interpreters at the ICTR were engaged well beyond language. They sometimes had to convince witnesses to speak up, as the witnesses were understandingly intimidated by the presence of the defendants who had been perpetrating crimes under the Hutu regime. The ICTR did try to respect Rwandan sensitivity. Often witnesses gave no direct answers, no specific dates and locations. Moreover, eye contact and facial expression are used and interpreted differently in Rwanda compared to the West, which at times seemed suggestive of evasive and unreliable testimonies, but the judges managed to adjust. Sensibilization of counsels to such realities by the interpreters was a key part of the process; otherwise, serious cultural misunderstandings may have taken place (Cryer, 2006). In this respect, the questionable moral claim that Rwandans tend to lie because of their indirect way of expression was brought forward by the defence, whereas it is actually a matter of cultural norms and habits (Doughty, 2017).

Indeed, almost none of the legal experts working at the ICTR mastered Kinyarwanda. Chosen by the United Nations, they came from several countries all over the world, where they had held prominent positions in the legal field. Rwandan citizens could not be judges, given the concerns with neutrality. As for the other legal experts, only one professional from Burundi was active at the ICTR who spoke Kirundi and could thus understand the largely similar Kinyarwanda. Court members were therefore completely dependent on the interpreters. Such a relationship of dependency was not conducive to trust, which required interpreters to be aware of this power and wield it carefully (Haas, 2011). Simultaneous interpretation from Kinyarwanda only started in 2001, whereas it had hitherto been necessary to rely on consecutive interpreting, which drastically slowed down the proceedings (Almqvist, 2006). At any rate, trial transcripts were produced only

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in English and French, not in Kinyarwanda. These simple facts show a dynamic of power at work: language is never neutral, and the ICTR could hardly be defined as such either (Doughty, 2017).

All war-crime tribunals face similar challenges, such as specialized courtroom discourse, vernacular languages spoken by witnesses and defendants, colloquial expressions, idioms and sayings, lack of equivalency in target languages... the concept of *realia* is useful as it conveys the idea of “untranslatable culture-bound features” (Stern, 2020, p. 175), often posing problems to interpreters in the court booth. On several occasions, ICTR interpreters were called upon as experts to clarify difficult linguistic questions concerning language. Some words and concepts are awfully hard to translate in English or French and vice versa (Møse, 2005). Metaphors and proverbs proved challenging to translate. In Rwanda, oral expression is artistic, hinting at the unsaid, so that it can appear like a “coded” language. Background cultural knowledge is essential to understand proverbs. If rendered word for word in the target language, the meaning is usually completely lost. According to social linguists, proverbs in Rwanda are a beloved way to attract the attention of people and mobilize them, to convince them of something or warn them. During the civil war, the enemy was not called by his name, Tutsi, to avoid foreign intervention (Haas, 2001). In addition, consideration had to be given to the way terminological references evolve in the language. Kinyarwanda terms such as *inyenzi* (cockroach) and *ibytso* (accomplice) in time had become disparaging by-words for Tutsis. Witnesses were reluctant to acknowledge this fact, complicating the job for interpreters and slowing down the session (Namakula, 2013).

5. Interpreting at the ICTR

5.1. Recruitment and training

Not much is known about the selection process of interpreters in the first mandate, apart from the fact that special training arrangements were set up at the ICTR itself (Haas, 2011) and that defence interpreters were hired independently of the Registry's own interpreters (Swigart, 2015).

Some lay native speakers of Kinyarwanda, fluent in French or less often English, were trained for the job and given the title of "language assistants." This practice was dictated by necessity, as the record of the ICC in providing training for local language interpreters also demonstrates (Koomen, 2014). The court members also required some training to grow accustomed to the reality of working with an interpreter.

Initially, interpretation was consecutive from Kinyarwanda to French and then simultaneous from French into English, but the president of the tribunal was not pleased with the amount of time lost. Eventually, a budget to set up an interpreting infrastructure was agreed, and a system was acquired and mounted in the courtrooms. At last, simultaneous interpreters could be trained, among them many bilingual laypeople, natives of Kinyarwanda that also fluently spoke French (Ossogo Bogoto, 2015). Only in 2001 did the first simultaneous interpreters from Kinyarwanda start working (Fletcher, 2011). For such, in the first recruiting phase, two candidates were retained for the simultaneous mode in Kigali, and then six more joined the Kinyarwanda booth, reaching 12 – 13 members at the peak (Ossogo Bogoto, 2015). According to some estimates, introducing simultaneous interpreting at ICTR reduced time in the courtroom by 20 to 25%, thus contributing to a reduction of costs (Haas, 2001).

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A 2010 job ad for ICTR interpreters called for a degree in law or language plus one in interpreting. Candidates who satisfied these criteria were eligible to take the ICTR test. Unlike for the ICTY, the job ad did not make any mention of the stamina and energy requisite for the task. Kinyarwanda interpreters had to demonstrate at least 5 years' experience in international organizations, whereas the minimum was 3 years for the pair EN-FR. English and French booth interpreters would work into their native language only, whereas Kinyarwanda colleagues had to provide a retour, either into French or into English (Haas, 2011).

To ensure good quality also in simultaneous interpreting, the ICTR later created a training unit for Kinyarwanda. Justine Ndong-Keller, a French booth interpreter trained at the University of Buea, in her native Cameroon, joined the ICTR in 1996. She started in Kigali, translating documents for the trials, and then moved to Arusha in 1997 as the proceedings were to begin. She oversaw the training of the Kinyarwanda booth (interview transcript, 2008). To overcome difficulties concerning Kinyarwanda, translators and interpreters for this language took part in an internal training program at the ICTR to acquire the necessary skills and knowledge. This training was effective; all interpreters at the ICTR, regardless of language combination, were trained in Rwandan history, politics, and culture (Haas, 2011). The courses for simultaneous interpreters lasted around 7 to 8 months.

The problem of interpreting through the relay language of French remained. Interpreting via relay still remains a sub-optimal solution, as it entails a greater potential for mistakes and omissions.

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The ICTR took this into account, deferring to the French version in case of discrepancy between the French and the English.

Delays were often caused by the overload of the language service, particularly in the translation department. The ICTR tried to solve this problem increasing the number of employees in the language service. New translators were obliged to complete a training program of at least six months to satisfy the ICTR standards (Haas, 2011).

At first, very few Rwandans were employed by the court, because the tribunal did not want to compromise its independence and neutrality. In time, the ICTR developed a successful outreach program, including training plans for legal professionals and interpreters (Nmaju, 2011). Indeed, at the beginning Kinyarwanda interpreters were the only Rwandan citizens to work at the ICTR, whereas a few more were later employed by the prosecution. This aided significantly in getting rid of the inevitable inaccuracies in the translation and interpretation work and contributed to the ICTR jurisprudence being respected and understood in Rwanda (Kamatali, 2005). The contribution of the outreach program included broadcasting highlights of proceedings and judgments, which were discussed in Kinyarwanda for the benefit of the Rwandan population (Swigart, 2015).

5.2. Working conditions

In 1995, the infrastructure at the Arusha International Conference Center, in Tanzania, was rudimentary. The first courtrooms were ready in 1997. The Registry started work in hotel rooms, whereas the pre-trial interrogations took place in conference halls. The lack of translation staff

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slowed down the process, as thousands of documents in Kinyarwanda had to be made available in English and French (Møse, 2005).

The Language Services Section (LSS) was part of the Registry and was divided into three units: translation, interpreting, and Document Control Unit (DCU). The DCU was busy with a range of complementary activities, such as registering documents, finding references and ensuring terminology research, sending translation requests to translators and revisers, typing up the corrections, and proofreading. Some interpreters also worked as translators (Ossogo Bogoto, 2015).

Seven or eight hearings were held per week and lasted up to three hours. The usual working time was from 9:00 a.m. to 5: 30 p.m., with three breaks: 30 minutes mid-morning, one hour for lunch, and 30 minutes mid-afternoon (Haas, 2011).

The difficulty of rendering Kinyarwanda into French or English was an issue since the pre-trial interviews (Møse, 2005; Fletcher, 2011). Several interpreting mistakes are reported in the recording of testimony in Rwanda. Given the fact that such testimonies dated back months or even longer, it was often impossible to reconstruct the original situation in full. After listening to the back translation of their testimony, witnesses, and interpreters signed a declaration stating that all the information was correct. Concerning quality assurance in the courtroom, the work of stenographers should not be overlooked. The interpretation was put to paper by professional stenographers and then transcribed onto a computer. In terms of quality assurance, the LiveNote software was a significant technical innovation in that it allowed participants to follow in real time on monitors the transcript drafted by stenographers and correct them when necessary (Haas, 2011).

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Unlike at Nuremberg, there were not many written documents available to the tribunal for ICTR. The proceedings went on mostly based on oral testimonies, getting less precise as time went by. By 2001 alone, around 400 witnesses from 20-odd countries had testified for the court. In spite of its 700 employees, the ICTR suffered from permanent understaffing (Grill, 2002).

The chief disadvantage of consecutive interpreting is large amount of time consumed, not to mention the fact that the Kinyarwanda interpreter was sitting next to the witness in the witness stand, an uncomfortable situation for both parties, as the witness would consider the interpreter as a potential enemy and thus not to be trusted (Haas, 2011).

In some instances, the defence reproached the interpreters of altering the tone, an inevitable result of excessive speed of the speaker. The succession of question and answer was often too fast to follow (Seleskovitch, 2008). The Kinyarwanda booth had to take time to fully grasp the meaning of what witnesses were saying; this made them an easy scapegoat, subject to the criticism of defence counsels, yet defended by prosecution and judges and sometimes even Kinyarwanda-speaking defendants (Haas, 2011). The counsels would pose their questions in English or French, and the answer would be in Kinyarwanda. Sometimes, it was clear from the answer that the essence of the question had been lost in translation. Even a seemingly minor detail like an indefinite or definite article could lead to a different answer and make a difference in the proceedings. As much as the court tried to obviate, some mistakes inevitably went unnoticed (Cryer, 2006).

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Generally, ICTR interpreters had sufficient material to prepare for the session properly. If only on occasion, there were instances in which the interpreters did not receive the material necessary because they belonged to the opposite ethnic group and were thus distrusted. According to several sources, interpreters at the court did not have a clear view of the witnesses or defendants. Even a judge complained that defendants had to sit way back in the courtroom, and it was hard to observe their body language. In the courtroom, several written documents were simply treated orally, meaning that their content was interpreted on the spot to save time and shifting part of the work from the translators to the interpreters (Haas, 2011). In cross-examinations, counsels attacked the interpreters' renditions in an attempt to undermine witness credibility. This was part of the interrogation technique: taking advantage of interpreter "error" to imply that the witness was lying and therewith induce the latter to adopt a defensive stance. A double check of audio recordings happened rarely, and it was even harder as no transcripts in Kinyarwanda were kept (Doughty, 2017).

Pronunciation from certain countries proved challenging for the interpreters. For example, a court member from Kenya produced "R" sounds hardly distinguishable from "L", which in some cases made interpreting a puzzle. Sometimes proper names were the issue, such as in the testimony where a policeman named Hazbishuti was mentioned (and wrongly interpreted as "has been shooting" was understood). This comical (in retrospect) anecdote happened to the boothmate of interpreter Bikok Arlette. Luckily, she had the case documents under her eyes and was able to point out the mistake to her colleague (Ossogo Bogoto, 2015).

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On one occasion, the counsel for Hassan Ngeze asked for 73 issues of his Kinyarwanda-language magazine “Kangura” to be translated into French and English as evidence. The request was largely overruled (some issues were admitted), though the defence counsel could not read them and were part of the basis for conviction. The translation time delayed the proceedings; even worse, some of the outsourced translations had to be redone from scratch because the proper terminology was not used. Moreover, Ngeze spoke Kinyarwanda and French and his counsel English: communication was not free from trouble (Kamakula, 2013).

In Rwanda, where many people could not read or write, songs are an effective medium of propaganda because they are easily retained in memory (Haas, 2011). Simon Bikindi, a famous Rwandan singer and composer, was accused of using his music to convey ethnic hate. He testified in French, defending himself without counsel, and sang in Kinyarwanda. Due to the unanticipated turn of events, the Kinyarwanda interpreters were called back to order. Even Kinyarwanda-speaking members of prosecution had to listen to the interpreters, who had trouble because of the complexity of the multi-layered lyrics. The judges had to ask Mr. Bikindi to resume his defence in French, as he had mostly done until then, only consulting interpreters for single words (Doughty, 2017).

5.3. Ethical and emotional issues

Unlike at the ICTY, where an ethical code for interpreters was in place, the ethical principles for interpreting and translating at the ICTR were summarized in only three lines: “Before performing any duties, an interpreter or a translator shall solemnly declare to do so faithfully, independently,

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impartially and with full respect for the duty of confidentiality (Art. 76 Rules of Procedure and Evidence).

Kinyarwanda interpreters had a head start because of their language skills and so they wielded a certain power, of which they had to be aware and which they could never abuse. Members of the Court from other African countries that spoke Bantu languages of the same family as Kinyarwanda, could at least recognize a few cognate words, but no more (Swigart, 2015). This meant that interpreters could potentially influence the perception of the witness through their formulation. For this reason, court interpreters were often mistrusted. Some defendants even based their appeal on interpreting difficulties, albeit mostly to no avail (Haas, 2011). Interrogators also contributed to the confusion by using negative constructions for questioning, such as “Is it not true that...?” This generally resulted in the witness’s response sounding less certain (Namakula, 2013).

In situations with interethnic tension, neutrality is difficult to guarantee, as with the Hutus and Tutsis in the case of Rwanda. The defence also called into question the interpreters’ loyalty to their employer. This demonstrates a low level of familiarity with the interpreter profession, since they are paid by the employer but only bound to the profession itself (Haas, 2011). In particular, there was a palpable and ever-present mistrust between the defendants, who were all Hutus, and the interpreters, who were mostly Tutsi. In some cases, Hutus refused to be interrogated (or interpreted) by Tutsis altogether: ethnicity played a role in the courtroom as well, perhaps unsurprisingly (Namakula, 2013). The defence often called out mistakes or lack of clarity in translation and interpreting or, as a means of invalidating testimony against the defendant, accused the interpreters of committing deliberate mistakes. The defence counsel sometimes suspected the

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prosecutor could suggest answers to the witness with the help of the interpreter, who understood the exchange between the parties in French. This suspicion cannot be confirmed or denied; yet, it reflects the atmosphere of mistrust in the courtroom (Haas, 2001).

In their work, interpreters consider prosodic elements such as intonation, accent, speed, rhythm and volume of speech, voice quality and breaks, which can all have relevance when evaluating a witness's credibility. Ideally, legal experts would strive to perform their assessments within the context of the speaker's culture. Otherwise, any conclusions reached on the individual's credibility would risk severe cultural bias and perhaps, resultantly, gross inaccuracy. At the ICTY, body language and prosody were covered in the ethical code of interpreters. This was not the case at the ICTR, where the three lines only made mention of ethical principles.

Court interpreters in political trials are exposed to peculiar risks. On the one hand, just like witnesses, they have access to precious information, and on the other there is a danger that they could be considered traitors or collaborators because of their work with the court. Members of the opposition may threaten them, and it is clear that at least Kinyarwanda interpreters were affected by this problem. There was general acknowledgement that witnesses were exposed to a greater risk and therefore in need of protection, but for interpreters this was not considered necessary. No specific security measures were taken to protect the interpreters, and their names were even published in the transcript of the proceedings (Haas, 2011).

Conveying pain and trauma is a challenge, for interpreters strive to be faithful to the speaker. Not surprisingly, this can at times be emotionally overwhelming. This was notably the case for the

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sexual violence witnesses in the *Akayesu* trial. Ad-hoc tribunals such as the ICTR did provide workshops and psychologists to deal with such emotional issues; yet, it is unclear how far professional detachment can go. Some interpreters felt guilty for not feeling anything about the tragedies they had to interpret (Koomen, 2014). Ms Ndongo-Keller, head of the language service, reflected in an interview (2008) that what was seen and heard in the courtroom changed lives and pushed interpreters and everyone in attendance to ponder the evil that human beings can inflict to one another and how they would each have acted in a similar situation. After a while, interpreters would no longer experience any emotion from the stories that they were telling and went through a “numb stage” (Interview Ndongo-Keller, p. 18). Group therapy provided by a psychologist available to interpreters helped ease the stress of conveying narrations of pain and violence.

Interpreters knew they had to rephrase the questions that were asked by counsels and judges; otherwise, the witnesses might be hurt. In Kinyarwanda, toning down and circumventing is an essential part of oral interaction. Compared to Western Europe, more empathy was needed in dealing with oral exchanges with witnesses stemming from the Rwandan culture (Koomen, 2014).

In a setting such as the ICTR, the work of interpreters is not auxiliary, but rather the living soul of international justice, striking a balance between the expectations of international criminal justice and Rwandan witnesses. Some were in such financial distress that interpreters would have liked to donate, but this was forbidden. Witnesses with limited literacy (or none at all) sometimes embarrassed the interpreters, who feared embarrassment if their rendition was thus poor. Such witnesses would also have a poor understanding of the functioning of the court, identifying defence counsels as representatives of the defendants and bursting out in anger against them, thus adding

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to the embarrassment (Koomen, 2014). Lives depended on interpreters: a mere change in personal pronoun (e.g. “on nous a conduites” rendered as “they took them”) could drastically alter the credibility of witnesses, making it look like an indirect testimony, a hear-say. Sometimes the interpreters could feel the witnesses were lying, maybe out of shame, maybe to protect somebody else. Nonetheless, they had to remain neutral, which proved a delicate balance to strike (Ossogo Bogoto, 2005).

Kinyarwanda interpreters felt a mix of shame for past events and respect for the courage of the witnesses. They resorted to euphemization to tell the story as the victim did, in a synergy between witness and interpreter (Fletcher, 2011). Some of these interpreters, who were mostly Tutsi, had endured suffering: some had chosen exile after independence, others fled from the genocide in 1994. Like the Rwandan members of the prosecution and in contrast to most witnesses, they were highly educated and their political stance clear. They also felt frustrated because Kinyarwanda was considered inferior to the global languages of English and French. Sometimes, they felt indignant listening to witnesses lying shamelessly; yet, to remain professional, they still had to strive for neutrality (Doughty, 2017).

6. Comparison

Despite the distance in time and space between the IMT and the ICTR, certain similarities remain clear. This section attempts to draw parallels and stress differences between the two tribunals as far as interpreting was concerned. This may help to show the improvements that have been made as well as the recurrent issues which are yet to be solved. The ICTR provides a good example of an international tribunal that had to be set up from the ground, indeed a prominent instance in line

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after the IMT and the ICTY and has not been researched as richly as the latter has. This might be an inspiration for further research into the workings of the ICC and other international or domestic tribunals extensively recurring to the work of interpreters.

6.1. Recruitment and training

As Gaiba details in her book (1998), interpreters for the IMT were recruited from several sources. Many were tested in the US first and then in Nuremberg, once arrived. Others were selected in their country of origin. Some came from the School of Translation and Interpreting of Geneva (ETI), whereas some had no prior interpreting experience. They were tested for language and interpreting skills, which were attributed equal importance.

Similarly, to compensate the lack of Kinyarwanda linguists at the ICTR, several language assistants coming from different walks of life were hired. As already mentioned, Ms Ndongo-Keller, a trained French booth interpreter, was then charged with training Kinyarwanda interpreters. She and her team had to educate the court on what was necessary for the interpreting to succeed. After the first phase, in which only consecutive from Kinyarwanda was offered, job advertisements for interpreters became more stringent, asking for a degree in law or languages and one in interpreting, plus 3 to 5 years of experience. In the US, prior to the start of the IMT, Dostert had candidates, such as Alfred Steer, translate a news clip into German, a language he did not master himself. Upon hiring Peter Uiberall, a native German speaker, he took over the recruiting process. Uiberall would ask candidates to name 10 trees, kitchen appliances or agricultural

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supplements in two languages, testing not only general knowledge. In Nuremberg, the requirements for successful interpreting had to be clarified before the trials started and starting on November 5, a series of dress rehearsals were held to acquaint the members of the Court with the functioning of the interpreting system (Gaiba, 1998).

As far as training is concerned, interpreters at the IMT had to undergo training sessions, particularly in the form of mock trials, and the length of this training depended on the time of their arrival to Nuremberg. Some professionals had more time to prepare, whereas others arrived only a few days before the trials began (Gaiba, 1998). Ms Ndongo Keller (2008) also reports that a training plan was organized in Arusha, as she was in charge of setting up the Kinyarwanda booth and making it ready for court interpreting work at the ICTR. Some language assistants were trained into full-fledged court interpreters after an adequate budget was approved (Haas, 2011).

6.2. Working conditions

There is naturally a significant difference between the language regimes in the two tribunals. English, French, Russian, and German were major languages with alike dignity in historical and cultural terms, even though German was the language of the defeated and not explicitly mentioned in Article 25 of the IMT Charter, which merely made reference to the “language of the defendant.” Languages at the ICTR had a different weight in practical and political terms. English and French were the languages employed by the members of the court, whereas Kinyarwanda was the vernacular language of the defendants and most witnesses. For this reason, its status was somewhat lower compared to the working languages of English and French. A parallel could be drawn

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between the way Kinyarwanda, at the beginning of the ICTR trials, and Flemish and Polish, among other languages, were treated at the IMT, in the sense that interpreters were called to interpret consecutively from those languages into one of the Court's working languages, from which simultaneous interpreting was ensured (Gaiba, 1998; Haas, 2011). Only from 2001 onwards was retour simultaneous into Kinyarwanda offered at the ICTR, years after the proceedings began (Doughty, 2017).

In administrative terms, the language service was divided into four departments at the IMT and three at the ICTR. In both tribunals, some interpreters also worked as translators, and at any rate at the IMT they checked the transcript of their renditions. The judges and the court personnel were natives in one of the four working languages at the IMT, and they needed interpreters to communicate between one another. When the judges met before the trials started, linguistic issues were already an item of discussion. Some interpreters sat by the judges, interpreting their consultations, and some were active at their private hearings, after the session was over for the day (Gaiba, 1998).

At the ICTR, the judges and most counsels were fluent in English or French but did not understand Kinyarwanda. Only one member of the prosecution from Burundi, hired later in the trials, did. All the others relied fully on interpretation from Kinyarwanda, putting the interpreters under extra strain. Defence counsels in Nuremberg shared the language with the defendants, as would appear natural. This, though, was not the case in Arusha: it is documented that communication between defendants and counsels was made harder by the linguistic barrier (Namakula, 2013).

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As concerns physical comforts, the distress experienced by interpreters in Nuremberg has been pointed out (poor isolation, occasional high temperature, etc). Naturally, after the budget had been approved and the infrastructure set up, conditions in Arusha were much better in that regard, as was the case at the ICC trials (Stern, 2012) in part due to the decades passed and the relevant improvements in interpreting technology. Unlike at the IMT, however, where interpreters in the aquarium had a clear view of defendants and witnesses, at the ICTR interpreters and judges reported it was hard to make out body language, as the speaker was often seated at the back, far removed from scrutiny. This often-lamented fact shows that the perception of body language has a role in the understanding of the speech by the interpreters, who should be granted a full view of the speaker in order to work properly.

As for the daily schedule, the sources are rather clear. At the IMT interpreters would work up to 3 hours per day, 90 minutes per session, on two out of three days (Behr & Corpataux, 2006). At the ICTR, 7 to 8 hearings were held per week, each lasting up to three hours. The usual working time was from 9:00 a.m. to 5: 30 p.m., with three breaks: 30 minutes mid-morning, one hour for lunch and 30 minutes mid-afternoon (Haas, 2011).

A check had been in place since the monitors of Nuremberg. At the International Military Tribunal for the Far East (IMTFE), the twin tribunal to Nuremberg, active from 1946 to 1948 in Tokyo, a double check was in place, mostly for political reasons. Japanese interpreters were corrected by Japanese-American monitors, who in turn were subject to a US language arbiter. Paradoxically, though, the skills at play did not quite match the chain of command, as the language arbiter was

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not able to improve the work of the interpreters given his lower level in Japanese (Takeda, 2008). Nowadays, the LiveNote transcript as used at the ICTR and ICTY provides an immediate feedback.

6.3. Ethics and emotional aspects

As it has been shown, interpreters in Nuremberg faced a serious difficulty with Nazi terminology related to administration, war, and criminal acts disguised behind euphemisms. The disconnect between Nazi German and the other working languages at the IMT could prove difficult to heal, especially when the members of the prosecution lacked the necessary background knowledge of the Nazi state, which caused mistakes in the questioning that the interpreters in turn tried to correct. The case at the ICTR was even more severe. While English and French were seen as cold tools of the members of the court, Kinyarwanda conveyed emotions, sparked rage, and was even sung by one defendant (Haas, 2011). The rich metaphors and perceived imprecision of Kinyarwanda compared to Western languages turned it into a weapon for defence counsels to invalidate witnesses accounts. It has been reported that at Nuremberg Göring called attention to supposed interpreting mistakes to gain time and reinforce his case, stressing divergence between German original and English rendition. In the same way, the defence in Arusha would dig into the differences between witness statements in Kinyarwanda and French/English to try and void them.

Wrong assumptions also played a role in Arusha. The tendency to use euphemisms that pervades Rwandan culture led the witnesses to be perceived as liars until the ICTR realized the cultural element had to be taken into consideration and mitigate judgment, lest such wrong assumptions may unduly benefit the defendants.

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In both tribunals, some interpreters had been suffering at the hands of the regime, in which the defendants had thrived, and nonetheless, they strove for the neutrality incumbent upon the role. The Nazi regime had brought interpreters such as Genia Rosoff to a concentration camp (Gaiba, 1998), whereas in Rwanda the slaughter had taken place among families and friends of compatriots belonging to the opposite ethnic group, and not all interpreters were spared their share of suffering. This naturally raised the question of neutrality and ethical compliance of interpreters.

The question of ethics at the ICTR, though, was liquidated in three mere lines of a solemn declaration at Rule 76 of the Rules of Procedure and Evidence. At its twin tribunal, the ICTY, instead, a full code of ethics was adopted, dwelling on integrity, impartiality, secrecy, and the need to inform judges in case of doubt or misinterpretation. It might be argued that a more developed code of ethics could serve the purpose of guiding and bolstering the work of interpreters in court to facilitate their work and avoid malpractice.

Both at the IMT and the ICTR, defendants did not overlook tactics, such as using the excuse of bad interpretation to have more time for reflection, as detailed in the case of Göring. A similar reality was also at play in Arusha, where the defendants belonging to the Rwandan elite chose to express themselves in Kinyarwanda, despite the fact that they could easily have replied in French. In this way, they won precious time to ponder over their subsequent replies (Swigart, 2015).

Emotions played a part in both tribunals, as one might have expected. The horror by design disclosed at the IMT sent shivers down the spines of interpreters, along with everyone else in and

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out of the courtroom. Yet, hate was not prevalent (Sonnenfeldt, 2003), interpreters felt only scorn. At the ICTR, along the Hutu/Tutsi divide, most interpreters, facing the witnesses, felt shame for having survived the massacre and at the same awe for the courage of their compatriots at the witness stand, summoning the strength to overlook the threat to their own lives and speak up in front of people who had promoted ethnic hate and murder.

7. Final remarks

The broad-ranging approach chosen in this paper may be discarded in future investigative efforts in favour of a more focused research question, potentially looking at culture, positionality or situated learning in international court settings, to mention but a few possibilities. It is nonetheless possible to draw some conclusions from the work set out above.

Despite the different time and space in which the IMT and the ICTR operated, some parallelisms emerge clearly. Such similar aspects are found in most international tribunals, for the very nature of the work they accomplish. Nowadays, vast improvements have been achieved by the ICC, as noted by Stern (2012). It might be useful to draw on her comparison between international and domestic courts to make out a few points that may benefit from further research and progress. Among the key issues that Stern points out, it may be useful to remember briefing and background preparation, appropriate breaks and seating for interpreters, microphones for all speakers, portable tech equipment as required, education of judges and counsels on working with interpreters as the main areas of interest. The code of ethics proved useful at the ICTY, as it covered many of these points, including support from colleagues as part of booth etiquette as well as mentoring and shadowing in the booth.

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At the ICTR, Kinyarwanda was a novelty, unheard of in multilateral international settings before. For this reason, it necessitated training for simultaneous interpreters, accompanied by an ongoing quality assurance program. But even English and French, with their multiple local variants, can become an issue: suffice to think of *bottines* (lady boots in English) which in Kingala is used to mean military boots, or *chef*, which can also mean uniformed officer (Stern, 2020).

Current improvements, now common at the ICC, include shared preparation facilities, spacious and ventilated booths, running transcript and high-speed web access. The speed of speech flow needs to be reasonable, and access to paper documents is essential. By the time of the ICTY, 4 days were spent in the booth and one was left to recover or prepare. It is indeed advisable to reserve 3 days per week to rest and guarantee at least 30-minute breaks, not just 20, during sessions (Seleskovitch, 2008).

Burnout is a very present risk, among the numerous tensions and political issues. To avoid this risk, clear rules ought to be discussed with judges and counsels before the proceedings, a pedagogical intervention necessary for successful interpreting. Unlike in a conference setting, the utility of a trial might be undone by poor interpreting (Seleskovitch, 2008). Low-quality interpreting has an impact on evidence and case outcome.

To succeed, international criminal tribunals (ICTs) need to ensure high-quality interpreting, which in turn requires the necessary infrastructure and the judges and counsels to adapt their tactics to the witness' or defendants' cultural background (Stern, 2020). The outlook seems to be improving, as court interpreters are starting to have a say in the proceedings. As it happened at the ICTR, they

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can point out errors and arbitrate on linguistic issues. The ICC benefited from its predecessors. Its Language Services Section (LSS) recruits and trains simultaneous court interpreters in several vernacular languages, depending on the trial at hand. A terminology unit was created to coin the legal terms missing in local languages, giving rise to a discussion on whether newly coined terms are better than loanwords.

During its activity, the ICTR's website provided most information in English, with some symbolic areas in Kinyarwanda. The situation seems to have improved on the website of the International Residual Mechanism for Criminal Tribunals, shared with the ICTY and available in French, English, Kinyarwanda, and Bosnian-Serbo-Croatian.

With its current focus on cases involving speakers of lesser-known African languages, the ICC seems intent on further enhancing the working conditions of field and court interpreters, so that victims and the population concerned can find some comfort and relief in hearing their language spoken in Court by defendants, prosecution, and judges alike (Swigart, 2015).

Hopefully, the ongoing proceedings at tribunals such as the Extraordinary Chambers in the Courts of Cambodia, a hybrid court with the mandate to punish those responsible for the Cambodian genocide between 1975 and 1979, and domestic courts investigating international crimes, such as the Syrian torturers currently on trial at the German Court of Koblenz (ECCHR, 2020) will help define the positioning of court interpreters and confirm their status. Further research will help shed light on the conditions of work in Phnom Penh as well as in other international and domestic fora.

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Interpreters are due such recognition, as they are not just a cog in the machine, but rather invaluable agents in the movement towards peace, social justice, and reconciliation.

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Charter of the IMT

Article 16

In order to ensure fair trial for the Defendants, the following procedure shall be followed:

(a) The Indictment shall include full particulars specifying in detail the charges against the Defendants. A copy of the Indictment and of all the documents lodged with the Indictment, translated into a language which he understands, shall be furnished to the Defendant at a reasonable time before the Trial.

(b) During any preliminary examination or trial of a Defendant he shall have the right to give any explanation relevant to the charges made against him.

(c) A preliminary examination of a Defendant and his Trial shall be conducted in, or translated into, a language which the Defendant understands.

(d) A Defendant shall have the right to conduct his own defence before the Tribunal or to have the assistance of Counsel.

(e) A Defendant shall have the right through himself or through his Counsel to present evidence at the Trial in support of his defence, and to cross-examine any witness called by the Prosecution.

Article 25

All official documents shall be produced, and all court proceedings conducted, in English, French and Russian, and in the language of the Defendant. So much of the record and of the proceedings may also be translated into the language of any country in which the Tribunal is sitting, as the Tribunal considers desirable in the interests of justice and public opinion.

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ICTR Statute

Art. 17.3

If questioned, the suspect shall be entitled to be assisted by Counsel of his or her own choice, including the right to have legal assistance assigned to the suspect without payment by him or her in any such case if he or she does not have sufficient means to pay for it, as well as necessary translation into and from a language he or she speaks and understands.

Art. 20.4

In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;
- (f) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the International Tribunal for Rwanda;

Article 31: Working Languages

The working languages of the International Tribunal for Rwanda shall be English and French.

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Rules of Procedure and Evidence (ICTR)

Rule 3: Languages

- (A) The working languages of the Tribunal shall be English and French.
- (B) The accused or suspect shall have the right to use his own language.
- (C) Counsel for the accused may apply to a Judge or a Chamber for leave to use a language other than the two working ones or the language of the accused. If such leave is granted, the expenses of interpretation and translation shall be borne by the Tribunal to the extent, if any, determined by the President, taking into account the rights of the Defence and the interests of justice.
- (D) Any other person appearing before the Tribunal, who does not have sufficient knowledge of either of the two working languages, may use his own language.
- (E) The Registrar shall make any necessary arrangements for interpretation and translation of the working languages.

Rule 42: Rights of Suspects during Investigation

- (A) A suspect who is to be questioned by the Prosecutor shall have the following rights, of which he shall be informed by the Prosecutor prior to questioning, in a language he speaks and understands:
 - (i) The right to be assisted by counsel of his choice or to have legal assistance assigned to him without payment if he does not have sufficient means to pay for it;
 - (ii) The right to have the free assistance of an interpreter if he cannot understand or speak the language to be used for questioning; and
 - (iii) The right to remain silent, and to be cautioned that any statement he makes shall be recorded and may be used in evidence.

Rule 76: Solemn Declaration by Interpreters and Translators

Before performing any duties, an interpreter or a translator shall solemnly declare to do so faithfully, independently, impartially and with full respect for the duty of confidentiality.

Rule 116: Extension of Time Limits

- (A) The Appeals Chamber or the Pre-appeal Judge may grant a motion to extend a time limit upon a showing of good cause.
- (B) Where the ability of the accused to make full answer and Defence depends on the availability of a decision in an official language other than that in which it was originally issued, that circumstance shall be taken into account as a good cause under the present Rule.