

Linguistic justice

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PROPOSITIONS

1. The official languages of international criminal tribunals must be limited to a minimum to provide for the least expensive, the most effective, and the most practical translation, interpreting and transcription combination: English into the language of the situation country and vice versa. Should the international criminal tribunal adjudicate on crimes that occurred in a bi- or multilingual country, both or all relevant languages must be made official.
2. In addition to making official the language of the situation country, the rules and regulations of international criminal tribunals adjudicating on ethnic crimes must also include the different language variants spoken in the situation country when these variants are invested with ethnic and/or political significance because they reflect on the provision of language services to defendants, defense attorneys from the situation country, victims and witnesses, and posterity. Moreover, when the dialect/language of victims differs significantly from the standard language, these differences must be taken into account and accommodated.
3. Defendants' rights to translation and interpreting must be absolute: they need to be provided with the essential documents of the court record in a language they understand.
4. The way the selection procedure of defense attorneys is conducted affects the free choice of defense attorneys. Defense attorneys who do not speak the languages of the court and defense attorneys who do not speak the languages of defendants must be afforded exactly the same translation and interpreting rights as defendants.
5. The relationship between legal and language professionals and that between language professionals engaged in legal transactions or legal professionals and their non-legal clients from the investigations phase via proofing to testifying must be firmly regulated and it must be binding on both parties in the form of actual written standards of translation, interpreting, and transcription at international criminal tribunals.
6. The recruitment of language professionals at international criminal tribunals adjudicating on ethnic crimes must be entirely governed by citizenship and ethnicity concerns.
7. The UN, in general, and international criminal tribunals in particular, must start recruiting professionally educated translators and interpreters. It must be made clear that staff recruited to language positions at international criminal tribunals should never perform any other jobs: the use of Language Assistants must disappear from international criminal tribunals.
8. Language services at international criminal tribunals are seriously lagging behind in the use of CAT. There is no reason not to fully migrate to using CAT when translating documents submitted in soft copy.
9. As a quality check on language professionals' output, international criminal tribunals must reinstate the IMT's institution of appointing an Interpretation Monitor.