

Review of the Translation of Written Records of Witness Interview in Case File 002

Prepared by the Interpretation and Translation Unit
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Introduction

On 17 December 2010, the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia issued its Decision on Defence Notification of Errors in Translation.¹ The decision instructed the Interpretation and Translation Unit (“the ITU”) to conduct a review of the French and English translation of 10% of the Written Records of Witness Interview, produced originally in Khmer, in Case File 002. The Pre-Trial Chamber also ordered the filing of requests for correction of translation errors identified with the Court Management Section and to report the results of the 10% review to the Pre-Trial Chamber.

This report provides a description of the collection of Written Records of Witness Interview in Case File 002; the methodology used to detect any discrepancies between the French and English language translations; and the findings of the 10% Review of all Written Records of Witness Interview. For further consideration, the ITU also provides in the annex of this report, an overview of types of discrepancies that are likely to emerge between translations.

I. Collection of Written Records of Witness Interview

According to figures obtained from the Records and Archives Unit, Case File 002 currently contains 767 Written Records of Witness Interviews. These written records total roughly 5,100 pages. The vast majority of the Written Records were drafted in Khmer. However, there are records which were produced originally in one of the other two official languages of the ECCC. One such Written Record produced originally in French, for example, was identified amongst the 10% sample.²

Interviews of Cambodian witnesses are conducted in Khmer. They can also be jointly conducted in either French or English if an international investigator is present. It frequently arises, though not systematically, that the investigators are assisted by an interpreter. Questions and statements, therefore, are interpreted consecutively from and into Khmer to either English or French.

The Written Records produced in Khmer are then translated into English and French. Interviews were conducted regularly during the judicial investigation of Case File 002. Depending on the resource capacity in place during this period, ITU was requested to provide a translation of the original Khmer language transcript within two weeks. Translation into the third language would follow as soon as possible. Dates of translation and filing are therefore varied and staggered; they were indicated accordingly in the 10% Review. Under the standard operating procedures in effect

¹ Decision on Defence Notification of Errors in Translations, 17 December 2010, T10147, ERN 00629421 – 00629425, 002/20-10-2010-ECCC/PTC(14).

² D108/16, Written Record of Interview of Witness Francois Bizot by Co-Investigating Judges on 22 January 2008.

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ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):	
..... 22 / 02 / 2011	
ម៉ោង (Time/Heure) :	
..... 10 : 50	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé	
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at the time, full-revision was not always possible, although a quality control mechanism across two languages was in place at all times.

II. Methodology of the 10% Review of the Written Records

Each of the approximately 767 Written Records of Witness Interviews is identified by Rogatory Letter, and referenced by a document number. The full collection of Written Records comprises thirty-two Rogatory Letters of varying sizes. To extract a statistically representative sample, reviewed Written Records were selected proportionately from the largest groupings under each Rogatory Letter.³ Individual Written Records were selected randomly from each grouping.

The 10% Review consists of 78 Written Records, totalling approximately 514 pages. All, except one Written Record, were produced originally in Khmer, and were translated and filed from 2008 to 2010. All Written Records of the 10% Review are cited in the Closing Order in Case File 002.

The Review was carried out by a team of ITU translators and interpreters whose working languages were either English, French or Khmer. The initial review of all 78 Records was completed within three weeks.

To determine if a Written Record accurately reflects the original, the translation assessment was divided into two stages: 1) identification of *any* discrepancy between the English and French documents, 2) verification of the presumed discrepancy against the Khmer version for final determination of translation equivalence.

During stage one, French-English translators and interpreters identified all discrepancies suggestive of mistranslations, omissions, and additions, especially if such errors related to details of time, place, dates, distances, age, and proper nouns. Issues of grammar, use of tenses, and syntax were raised if they affected or were likely to affect meaning.

During stage two, Khmer translators and interpreters verified the highlighted discrepancies against the original record. All translations deemed discordant with the original Khmer version are now subject to requests for correction with the Court Management Section.

III. Results of the 10% Review

The review of the 78 Written Records revealed that 47 documents contain inconsistencies.

i. Translations Fit for Purpose

Of the 78 Written Records of Witness Interview, the ITU team identified 31 documents for which no further action is required. A very clear majority of these translations were produced in 2009-2010. Inconsistencies identified between documents in this group relate to text alignment, formatting, typography, transliteration, use of template, and on occasion,

³ The 10% sample is composed of Written Records under the following Rogatory Letters: D108: 9%, D125: 23%, D166: 20%, D232: 10%, D233: 1%, D234: 3%, D25: 5%, D280: 3%, D369: 5%, D40: 3%, D91: 3%.

terminology⁴. Such discrepancies in form were not considered to compromise accuracy of substance. Whilst improved reformulation can be proposed, as is the case for any written text, these translations are deemed fit for purpose. They constitute 40% of the Review.

ii. *Translations Requiring Review*

The 10% Review revealed that 47 of the Written Records of Interview in the sample contain inconsistencies that warrant review.

Broad characterisations of why such documents require review:

- 1) Lack of grammatical equivalency leading to ambiguity over time of past events. The use of tenses, particularly in French, the use of the pronoun *on*, and the use of the passive voice in English require cross-checking against the Khmer, whose tenses are expressed differently, in order to gain an accurate knowledge of temporal occurrence⁵.
- 2) Omissions of details, particularly relating to time, dates, places and people.
- 3) Specific challenges inherent to translation from Khmer into an Indo-European language.⁶

IV. Conclusion

In view of the above findings, ITU is proceeding to file corrections for each of the Written Records identified during the review. In light of the range of inconsistencies identified, some Written Records require minor corrections, others a full re-translation. Any amended Written Record is subject to a corrigendum.

The ITU hereby requests an extension to file the corrected Written Records, as this imperative currently competes for scarce resources within the Interpretation and Translation Unit. The ITU will submit a progress report on a monthly basis.

The ITU has always, and continues to operate, as was recently recalled by the Pre-Trial Chamber, on the basis that “where specific translation issues are identified, they could be raised on a case-by-case basis in the course of the trial.”⁷

The ITU remains available to the Trial Chamber to further discuss the most appropriate manner to proceed having regard to, *inter alia*, ITU’s allocation of translation capacity and the timely commencement of the Trial in Case File 002.

⁴ Examples of such allowances are the use of *sandal* and *chaussure* for *sbek cheung* (shoe), D40/13. ERNs 00223541, 00491154 respectively, or *chief* and *maire* for *mei* (chief), D125/54 ERNs 00274158 and 00226154 respectively. These are accepted translations of common nouns that do not affect meaning.

⁵ For example: *hundreds of families arrived there during 1978*, and *en 1978, il y avait à peu près une centaine de familles*, D232/10, ERNs 00373917 and 00426159.

⁶ See Annex 1 of this report. See also *Simultaneous Interpretation at the Extraordinary Chambers in the Courts of Cambodia*, E69/1.1.

⁷ PTC Decision on Khieu Samphan’s Interlocutory Application for an Immediate and Final Stay of Proceedings for Abuse of Process, Para 16, January 12, 2011.

ANNEX 1

The following is an overview of some types of challenges to address when translating or interpreting from and into the three official languages of the ECCC. It was produced in a previous ITU report entitled Simultaneous Interpretation at the Extraordinary Chambers in the Courts of Cambodia, E69/1.1.

Syntax

Khmer syntax is a challenge when translating into French or English. The logic that drives the Khmer language, hence word order, differs significantly from English and French. Also, sentences very often do not have a subject, which is implicit from the context.

Plurals/agreement in number and gender

Plural is not expressed in Khmer unless it is deemed necessary by the speaker. Very often, it is inferred from the context, and there have been cases, where on the basis of a Written Record of a Witness Interview, various translators would have to consult in order to determine whether *one* spy or *several* spies had fired a shot or *several* shots into the sky, or if *one*, or *several* were assigned to keep watch over a unit.

As for gender, references to siblings are a case in point. What appears to matter is the age relationship, not gender. Hence, Cambodian witnesses may speak of their **elder** sibling or **younger** sibling, with gender not being identified, where a foreign witness would usually indicate gender (brother vs. sister), but would not give any indication of who is older, and would not consider that factor to be relevant.

Expression of social hierarchy

Where English and French use Mr, Mrs, Miss and Ms, Khmer has a whole range of ways of addressing someone, including a reference to the vocational occupation of the person concerned, as *kru* ("teacher", as in *kru* Son Sen, *achar* ("teacher", "wise man") or *chieng* ("technician"). For example, Cambodians quite naturally address a tailor as *chieng* Nareth, where it sounds very unnatural to say in English or French "tailor Nareth". Another example is *ta*, which means literally "grandfather", but was used by the Khmer Rouge to address *cadres*, even very young ones. As warden of M-13 and S-21, Duch was addressed as *Ta* Duch even though he was only in his thirties.

Tenses

Grammatical tenses are expressed differently in Khmer. Tenses are derived from syntax and context, rather than with a grammatical verb system as used in English and French. It is not always clear whether the witness who says in Khmer "not know" means he did not know back then, at the time of the facts, or he does not know now.

Vocabulary

Concerning specifically the ECCC, there are two challenges in this regard: Khmer Rouge terminology and legal vocabulary and syntax. The history of the Democratic Kampuchea period is not taught in school and young Cambodians are therefore not familiar with the Khmer Rouge form of speech.