

**Annex to ITU Interoffice Memorandum Re:
TC Request for ITU Comments on Khieu Samphan Defence Motion E195,
and Envisaged Future Procedures for Correction of Transcripts, E195/1.**

The Interpretation and Translation Unit (ITU) is pleased to submit herewith additional information regarding the Khieu Samphan Defence Team's request for a review of the French transcripts of the proceedings, and more particularly those aspects that relate to the courtroom interpretation services.

Background

At the outset, the attention of the Trial Chamber is drawn to Interoffice Memorandum E69/1 sent to the President of the Chamber by the Acting Director of the Office of Administration on 12 August 2009, in the context of the Case 001 trial. In his memorandum, the Acting Director responds to a submission by the Defence Lawyer for the Accused concerning interpretation and the transcripts. The memorandum is an endeavor to allay misunderstandings about the nature of courtroom interpretation. In the interests of conciseness, the ITU affirms that the thrust of the remarks set forth in the 2009 memorandum remain valid today. The document explains the way the interpreting team is organized and the reasons for the use of relay interpretation at the court. Since 2009, the most notable change in the situation has been the recruitment of additional interpreters including two able to interpret directly from French into Khmer. However, despite all efforts to recruit and train Khmer interpreters who can work directly into French, this has not been possible. A fuller description of challenges facing the ITU interpretation service and procedures used to meet them is set out in the Annex to the 2009 memorandum (Simultaneous Interpretation at the Extraordinary Chambers in the Courts of Cambodia).

The submission by the Khieu Samphan defence Team

The request submitted by the Khieu Samphan defence team identifies a number of excerpts in French from the transcripts of seven separate days of proceedings that it considers inaccurate. Upon examination of the relevant transcripts in conjunction with the audio-visual recordings of the proceedings, the ITU found that:

- The issues arose as a result of interpretation from Khmer into English. Errors and omissions were simply reproduced by the French team working on relay.
- There is one instance of major omissions which shows a clear failure by the interpreter to keep pace with the Khmer-speaking witness's commentary. Recognizing his difficulties, the interpreter hands over the microphone to a more senior partner. In the process, there is some

significant loss of content. Steps have been taken to ensure that this situation will not arise again.

- Other omissions are caused by the speed of the dialogue in question-and-answer sessions. Sometimes there is no breathing space between the questions and the replies. In these instances the President generally calls the parties to order after the event.
- A number of the extracts quoted contain minor omissions that probably result from fatigue.

All of the significant shortcomings identified in the transcripts are now in the process of being corrected.

Conclusion

The 2009 memorandum sets out some of the challenges facing the interpreting team in providing daily coverage for the courtroom proceedings, while describing steps being taken to better meet them and offer as good a service as possible. Its findings are largely valid today.

The submission of the Khieu Samphan Defence concludes with two proposals.

- It is proposed that there should be a system of lights that would be activated by the last interpreter to finish speaking to indicate that the next speaker should take the floor. The ITU suggests that any proposal to explore improvements to the technical arrangements in the courtroom should be addressed to the Chief of the Court management Section for further discussion with the Audio-Visual Unit and the Trial Chamber with respect to the best practices regarding lights and over-riding microphones. ITU is of the view that it is the prerogative of the President, not the interpreters, to decide who speaks when.
- It is also proposed that a review is made of the French versions of all the transcripts of the proceedings, on the basis of the Khmer version, since the beginning of the substantive hearings. Since this is a matter that was raised in the 2009 memorandum in response to a similar proposal, ITU's position remains the same.