

Enforcing victims' language rights: Paraprofessional interpretation and terminological work at the International Criminal Court

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„From a professional and ethical perspective, it's not about me.
I'm here to provide a service. And the ultimate goal is
justice for the victims, that justice be done.”
Anonymous Interpreter²

Abstract: While the language rights of the accused in criminal proceedings conducted before national and international courts are well established, there are other participants of the proceedings whose linguistic participation must be ensured for the fulfilment of human rights requirements. This paper focuses on the language rights of victims before the ICC on the one hand, and the language services to enforce such rights on the other. These language services include in particular the recruitment and training of paraprofessional interpreters, as well as the necessary terminology work in the so-called situation languages.

Keywords: International Criminal Court, paraprofessional interpreters, interpreter training, situation languages, terminology

Summary: 1. Introduction: Victims' participation in criminal proceedings; 2. International crimes and victims' rights at the International Criminal Court; 3. Victims' rights: participation, protection and redress; 4. Guaranteeing victims' language rights: interpretation and terminology work at the International Criminal Court; 4.1. Organisational and linguistic regime; 4.2. Training of paraprofessional interpreters; 4.3. Terminological work on under resourced situation languages; 5. Summary.

1. Introduction: Victims' participation in criminal proceedings

The exclusivity of the state's criminal power and the concept of danger to society have led to the development in Europe of criminal proceedings where the social dimension of the crime is the main focus and the perpetrator is confronted with the state justice system, not the victim of the crime. This has also had an impact on procedural solutions in international criminal justice: According to Trumbull, “[u]ntil now, victims of mass atrocities have mostly been voiceless, and the world has largely ignored the impact that criminal proceedings have had on them. Past international criminal proceedings have undoubtedly left many victims feeling vulnerable and unsatisfied.”³

However, since the 2000s, there has been a shift in international and national legal sources towards a focus on the victims of crime, the starting point of which is that human dignity, recognised as the mother of fundamental rights, precludes the objectification of the person, such as the marginalisation of

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² L. SIGWART, *Unseen and Unsung: Language Services at the International Criminal Court and Their Impact on Institutional Legitimacy*, in: F. BAETENS (ed.) *Legitimacy of Unseen Actors in International Adjudication*, Cambridge University Press, Cambridge, 2019, p. 288.

³ C. P. TRUMBULL IV, *The Victims of Victim Participation in International Criminal Proceedings*, Michigan Journal of International Law, Vol. 29, 2008, 4, p. 825.

the victim in proceedings for the crime against them, or the inclusion of the victim as a mere accessory. In this approach, the human dignity of the victim requires that they be ‘heard’ as an equal participant in the proceedings, just like the accused, and thus that their injury be recognised in the proceedings.⁴ According to international criminal law expert Mariana Pena, “of all of the things victims want from prosecutions for atrocities, the opportunity to be heard and to share their experiences is the most often and most strongly expressed”.⁵ The International Criminal Tribunal for the former Yugoslav Republic of Macedonia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), established in 2002, pioneered this approach and the ICC’s Statute (Rome Statute) provides in detail for the protection of the dignity of victims and their participation in the proceedings.⁶

International criminal courts were established to prosecute the most serious crimes: genocide, aggression, war crimes and crimes against humanity (*crimina juris gentium*). Based on the ICTY *Erdemovic* judgment, Sántha summarised war crimes and crimes against humanity as follows: while war crimes are essentially conduct constituting violations of the laws and customs of warfare, crimes against humanity amount to the most serious violation of humanity, of fundamental human values and of human dignity. According to ICTY practice, crimes against humanity are serious acts of violence that harm human beings by attacking what is most important to them: their life, liberty, physical well-being, health and dignity. As such, “they are crimes that attack the entire international community and humanity”.⁷

Cases before international criminal tribunals are of major importance to society, as they serve to bring perpetrators to justice, restore a sense of social justice and promote reconciliation. For this reason, these trials have received a great deal of media attention: even the trials and sentencing of the Nuremberg Tribunal were broadcast by contemporary media,⁸ relying heavily on the work of the world’s first simultaneous interpreters. Kovács underlines that the requirement that the victim has the right to know the truth, and the right to have the outside world know the truth about who is responsible for these heinous crimes is now “considered to be a human rights-based requirement”.⁹

For these reasons, victim participation in criminal proceedings in general, and in ICC proceedings in particular is essential, among others from a human rights perspective. At the same time, victim participation in international proceedings such as those before the ICC require additional efforts for the full enforcement of this right. Indeed, victims’ full participation presupposes also their linguistic participation, i.e. that they understand the proceedings and can make statements in its framework. This requires interpretation, translation and terminology work in the languages spoken by victims. In this paper I concentrate on the enforcement of victims’ language rights, that is, the conditions for victims’ linguistic participation in ICC proceedings. To highlight the context of the use of victims’ language rights, I discuss the ICC’s mandate, including those cases where the perpetrators had been convicted. I then turn to the rights of victims under the Rome Statute, and the system of language services provided by the ICC, describing the language regime applied at the Court, and the organisation of interpretation and terminology work applied to ensure the linguistic participation of victims. In writing this study, I relied on the relevant professional and academic literature and on the data from an exploratory interview conducted with unnamed sources on 13 February 2024 at the premises of the ICC.

2. *International crimes and victims' rights at the International Criminal Court*

⁴ R. L. HOLDER, A. DEARING, *Human Dignity, Rights and Victim Participation in Criminal Justice*, International Criminology (published online: 22 March 2024).

⁵ D. PODDAR, *The Importance of Language in Participation in International Criminal Law*, *Quid Iustitiae* (published: 22 November 2012).

⁶ Trumbull, note 3.

⁷ F. SÁNTHA, *Az emberiség elleni bűncselekmények*, *Miskolci Jogi Szemle*, 3, 2008, 1, p. 52, author’s translation.

⁸ W. FRANK, *Nuremberg’s Voice of Doom. The Autobiography of the Chief Interpreter at History’s Greatest Trials*, Pen & Sword, Barnsley, 2018; J. BAIGORRI-JALÓN, *The Nuremberg Trial as a turning point in the history of interpreting: notes on historical transitions*, *The Interpreters’ Newsletter*, 2022, 27 bis, pp. 1-24.

⁹ P. KOVÁCS, *Introduction to the jurisprudence of the International Criminal Court*, Pázmány Press, Budapest, 2020, p. 181, author’s translation.

Established in 2002, the International Criminal Court, based in the Hague, now has 123 States Parties and has jurisdiction to prosecute crimes including genocide, crimes against humanity, war crimes and crimes against aggression as international crimes (Articles 6-8 *bis* of the Rome Statute). The ICC also makes a major effort to raise awareness of its work and broadcast its proceedings, particularly in countries affected by international crimes, thus helping to restore a sense of social justice helping affected communities to come to terms with the past. Trumbull adds that “[t]he opportunity for victims to seek reparations, albeit in many cases collective or symbolic reparations, will also inject a desired element of restorative justice into international criminal law”.¹⁰

The ICC recognises two types of victims: individual victims, and organisations or institutions, when their property dedicated to certain purposes (religion, education, art, science or charitable and humanitarian purposes, or historic monuments or hospitals) is harmed as a result of an international crime.¹¹ To give an idea of the involvement of victims of crimes in ICC proceedings, I highlight below five cases in which the Court has convicted the accused and awarded reparations. These judgments have helped to unravel the factual elements of certain international crimes, and reparations orders have fleshed out the categories of victims and the forms of reparations.

Thomas Lubanga Dyilo was the first person to be arrested following an arrest warrant issued by the ICC. Lubanga was convicted by the ICC in 2012 after recruiting and conscripting ‘child soldiers’ (minors under 15 years old) as leader of the Union des Patriotes Congolais (UPC) in the Democratic Republic of Congo. Although the complainants alleged that UPC soldiers committed mass killings, torture, rape and mutilation, the ICC found evidence only of the recruitment and enlistment of boy and girl child soldiers in Lubanga’s case (*Prosecutor v. Thomas Lubanga Dyilo*, Judgment, ICC-01/04-01/06-2842, Trial Chamber I, 05 April 2012). The ICC has also ruled on reparations, stating that “[r]eparations fulfil two main purposes that are enshrined in the Statute: they oblige those responsible for serious crimes to repair the harm they caused to the victims and they enable the Court to ensure that offenders account for their acts” (*Prosecutor v. Thomas Lubanga Dyilo*, Order for Reparations, ICC-01/04-01/06-3129-AnxA, Appeals Chamber, 03 March 2015; p. 1).

Germaine Katanga was convicted by the ICC for murder, assault, destruction and pillaging of civilians while in command of the Force de résistance patriotique de l’Ituri in the Democratic Republic of Congo in 2003 (*Prosecutor v. Germain Katanga*, Judgment, ICC-01/04-01/07-3436-tENG, Trial Chamber II, 07 March 2014). The ICC awarded individual reparations to a total of 297 victims and ordered collective reparations for the long-term benefit of the entire affected community (*Prosecutor v. Germain Katanga*, Reparations Order, ICC-01/04-01/07-3728-tENG, Trial Chamber II, 24 March 2017). The significance of the case is that it was here that the prosecution first brought charges of rape and sexual slavery, but Katanga was eventually acquitted of these charges. It is worth noting that Katanga gave the victims satisfaction in the form of a so-called statement of regret, in which he accepted the findings of the ICC against him and expressed his sincere regret to all those who suffered because of his conduct.¹²

Bosco Ntaganda was sentenced by the ICC in 2019 for war crimes and crimes against humanity committed while he was Chief of Staff of the Congrès national pour la défense du peuple in the Democratic Republic of Congo. The ICC found him guilty of crimes of rape, murder, recruitment of child soldiers and sexual slavery; for the latter he was convicted for the first time in the Court’s history (*Prosecutor v. Bosco Ntaganda*, Sentencing judgment, ICC-01/04-02/06-2442, Trial Chamber VI, 07 November 2019). The Court defined and expressed in monetary terms the reparations awarded to victims in the following categories: physical rehabilitation (treatment, care), psychological rehabilitation,

¹⁰ Trumbull, note 3, p. 25

¹¹ Booklet. Victims before the International Criminal Court. A Guide for the Participation of Victims in the Proceedings of the Court (without date).

¹² A. NGARI, *Hope deferred: abrupt end to the Katanga case fails victims The ICC Prosecution's decision to discontinue its appeal has left victims of international crimes in the Katanga case feeling disappointed and betrayed*, ISS Today (published: 29 August 2014).

individual socio-economic reintegration (training, mentoring, other), reconstruction of physical infrastructure (education, health facilities, restoration of drinking water supply, building a market), programme implementation (administration, monitoring, evaluation) (*Prosecutor v. Ntaganda*, Reparations Order, ICC-01/04-02/06-2659, Trial Chamber VI, 08 March 2021).

Dominic Ongwen, the commander of the Ugandan Lord's Resistance Army guerrilla group, himself a victim of serious international crimes and a child soldier (Gamaliel 2018), was charged by the ICC with the following international crimes: murder, recruitment and use of child soldiers, and sexual and gender-based crimes, including forced marriage, rape and sexual slavery (*Prosecutor v. Dominic Ongwen*, Trial Judgment, ICC-02/04-01/15-1762-Red, Trial Chamber IX, 04 February 2021). A victim of the Lord's Resistance Army described the actions of the guerrilla group saying that where they show up, they kill fathers, loot and burn everything down, murdering and kidnapping children (DTJ 2012). The ICC has awarded individual reparations to those forced into refugee camps by the Lord's Resistance Army, victims of sexual and gender-based crimes, children born of sexual offences and former child soldiers (*The Prosecutor v. Dominic Ongwen*, Reparations Order, ICC-02/04-01/15, Trial Chamber IX, 28 February 2024). In the case, the ICC was also able to develop elements of the crime of forced pregnancy, the international criminal nature and factuality of which was denied by the defence in the case.¹³

The ICC does not only deal with physical attacks on persons: in 2016, for the first time since its establishment, the Court dealt with a case that revolved exclusively around the destruction of buildings forming part of the world heritage.¹⁴ In 2012, a commander of the Tuareg Islamist militia (Ansar Dine), Ahmad al-Faqi al-Mahdi, demolished ten religious and historical monuments in Timbuktu, which had UNESCO World Heritage status, in violation of the Rome Statute No 8. Article 8(2)(e)(iv) (“[i]ntentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives”). The ICC considered the destruction of monuments that are part of the cultural heritage to be the destruction of the local community's link with their precious cultural heritage and a disruption of their culture (*Prosecutor v. Ahmad Al Faqi Al Mahdi*, Judgment and Sentence, ICC-01/12-01/15-17, Trial Chamber VIII, 27 September 2016.; paras 19 and 85), and awarded reparations to the direct victims of the destruction, while at the same time stating that the crime affected not only its direct victims in Timbuktu, but also the people of Mali as a whole as well as the international community. In its reparations decision, the ICC therefore pursued a “hybrid” solution,¹⁵ with individual reparations made to those who suffered direct and personal harm from the destruction, and other victims receiving collective reparations through the restoration of monuments (*Reparations Order, Prosecutor v. Ahmad Al Faqi Al Mahdi*, ICC-01/12-01/15-236, Trial Chamber VIII, 17 August 2017).

The five cases briefly described above illustrate that the number of victims of international crimes is typically very high, and that crimes committed against their persons and possibly their communities cause grave physical and psychological suffering, material and non-material damage. The participation of victims in ICC trials and hearings is not only a means of providing evidence, but also of reparation and restoring the dignity of victims.

3. *Victims' rights: participation, protection and reparations*

According to a publication by the ICC's Registry, “[o]ne of the innovations of the Rome Statute and the ICC's Rules of Procedure and Evidence is the series of rights that are granted to victims. ‘For the first time in the history of international criminal justice, victims have the possibility under the Statute to present their views and observations before the Court’ and to obtain, ‘where appropriate, some form of

¹³ A. L. KATHER, A. NASSAR, *The Ongwen case: a prism glass for the concurrent commission of gender-based crimes*, *Völkerrechtsblog* (published online: 15 March 2021).

¹⁴ L. BILSKY, R. KLAGSBRUN, *The Return of Cultural Genocide?*, *The European Journal of International Law*, 29, 2018, 2.

¹⁵ *Ibid*, p. 395.

reparation for their suffering'. 'It is this balance between retributive and restorative justice that will enable the ICC not only to bring criminals to justice, but also to help the victims themselves obtain justice'".¹⁶ In fact victims can already participate in the preliminary fact-finding, investigation and confirmation of charges stages – not only in the trial before the ICC.¹⁷ The victims' rights enshrined in the Rome Statute aim at both protecting victims (who are often witnesses), ensuring satisfaction through their participation in the trial, and obtaining reparations for the harm they have suffered from the Trust Fund for Victims.¹⁸

In order to protect the victims' right to defence and to guarantee their protection, the ICC courtroom is designed in such a way that visitors can sit in a raised gallery, which is enclosed by a glass wall, so that they can only see the Trial Chamber, the staff of the Prosecution, the defence, the victims' representatives and the bailiffs. Visitors can follow the proceedings through headsets and listening to the hearing with the help of interpreters. They can also see the person being heard on screens set up for them, or see a blurred out image of the person being heard. Finally, in case of a fully closed hearing, the curtain in front of the gallery is drawn so that visitors cannot see or hear anything. The victim/witness is also protected by the distortion of their voice so that they are not recognisable to the outside world. These protective measures are complemented by a time lag, namely, although the hearings can be followed remotely via the internet, they are only transmitted by the ICC with a half-hour delay, so that if "the witness has let something slip that could endanger their safety, a technical intervention can make this element unintelligible in the transmission".¹⁹ This half-hour delay is also necessary because it may be the case that by some omissions the victim's image is not blurred or their voice is not distorted. Thanks to the time lag, they will only be recognisable to the audience in the gallery. Victims' participation in a trial may involve the exercise of all three rights: rights of participation, protection and reparations – for example, in cases where the victim is heard in a closed hearing in reparations proceedings. Kovács summarises the means to protect victims as follows: "(i) the sealing of names and personal data; (ii) visual blurring in video recordings; (iii) visual blurring and audio distortion; (iv) fully or partially closed hearing, i.e. a certain part of the witness's testimony will not be made public. These measures may be combined".²⁰

Victims' rights are supported by the Victims Participation and Reparations Section (VPRS) and the Victims and Witnesses Section (VWS). Victims are represented by attorneys from the Office of Public Counsel for Victims (OPCV), which is funded by the ICC budget. The attorneys of the Office of Public Counsel for Victims may make statements (opening and closing statements), question witnesses, request the hearing of witnesses, make submissions and ask questions in a hearing that affects the interests of victims, in order to "present the personal circumstances of victims, their situation in their community, as well as their feelings and typical problems".²¹ Victims also have the possibility to participate directly in the proceedings, so they can make a claim for reparations or testify in person at the trial.

In what follows, I will focus on the linguistic participation of victims in trials and hearings, as victims mainly communicate through interpretation at the hearings organised at the ICC.

4. *Guaranteeing victims' language rights: interpretation and terminology work at the International Criminal Court*

In addition to the physical participation of victims in ICC trials and hearings in ICC reparations proceedings, they must also be guaranteed linguistic participation to ensure their full participation. Victims' linguistic participation is ensured by the interpretation service and system organised at the ICC.

¹⁶ International Criminal Court. *Behind the Scenes: The Registry of the International Criminal Court*. The Hague, 2010, ISBN No. 92-9227-182-2, p. 15.

¹⁷ KOVÁCS, note 9.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, p. 180, author's translation.

²⁰ *Ibid.*, p. 179, author's translation.

²¹ *Ibid.*, p. 189, author's translation.

Under the ICC Rules of Procedure and Evidence, “the Court shall arrange for the translation and interpretation services necessary to ensure the implementation of its obligations under the Statute and the Rules” (Rule 42).

4.1. Organisation and language regime

The language services organised at the ICC fall under the Division of Court Services, set up in 2002. Drawing on the experience of national courts and former *ad hoc* tribunals and mixed chambers of national judges and international judges, the Division has built up, inter alia, the Court Interpretation and Translation Section (STIC), which has now become the Language Services Section (LSS). The Language Services Section is part of the Division of Court Services and, together with the other victim support sections, provides uniform and effective support to victims. In the context of the cooperation between these departments, it has become clear that interpreter training in the languages of those affected by international crimes (so-called ‘situation languages’) must be developed in case where these languages are under resourced languages, i.e. where there are no professionally qualified conference interpreters available in these languages. In addition, it has become clear that, in order to ensure consistent language use, a terminology unit must be set up for ICC purposes.²²

Accordingly, the ICC’s Language Services Section not only translates, proofreads and edits court documents, but also develops terminology tools to ensure terminological consistency for the Court’s bodies, while providing interpretation services to fulfil the ICC’s tasks. The latter includes the consecutive and simultaneous interpretation of meetings, trials, hearings, press conferences and other events at the seat of the Court in the Hague and at other venues. It also includes the recruitment, training and accreditation of ‘field interpreters’ (where international crimes are committed and where victims are located) as well as interpreters working at the Court.²³

The ICC’s language regime is made up of its official languages, working languages, and the situation languages. The language of the perpetrators, witnesses or victims of international crimes are so-called situation languages. Situation languages may be languages where there is a sufficient number of qualified translators and conference interpreters, such as Spanish, Chinese, Russian, Georgian and Arabic, all of which, with the exception of Georgian, are also official languages of the UN and thus of the ICC. However, situation languages, may be, as mentioned above, under resourced languages or languages of lesser diffusion, in which professionally qualified interpreters or translators are not available.

	State	Situational language
Situations	Uganda	Acholi
		Lango
		Ateso
	Democratic Republic of Congo	Swahili
		Lingala
		Alur
		Ngiti
		Kilendu
		Kinyarwanda
		Kihema
	Sudan	Arabic (Standard and Sudanese)
		Zaghawa
		Fur
	Central African Republic	Sango
		Lingala
Fulfulde		

²² International Criminal Court, note 16, pp. 25, 27.

²³ *Ibid.*

		<i>Arabic (Shuwa and Chadian)</i>
Kenya		Kalenjin
		Luo
		Kikuyu
		Luhya
		Swahili
Libya		<i>Arabic (Standard)</i>
Côte d'Ivoire		Malinké (dyula)
		Mòoré
		Guéré
Mali		Bambara
		<i>Arabic (Standard)</i>
		Tamasheq
		Songhay
Georgia		<i>Georgian</i>
		Osset
		<i>Russian</i>
Burundi		Kirundi
		Swahili
Bangladesh/ Myanmar		Burmese
		Bengali
		Rohingya
Afghanistan		Dari
		Pashto
Palestine		<i>Arabic (Standard)</i>
		<i>Hebrew</i>
Philippines		Tagalog
		Cebuano
Venezuela		<i>Spanish</i>
Ukraine		<i>Ukrainian</i>
		<i>Russian</i>

Table 1: ICC situation languages until 01.05.2024 (established situation languages in italics).²⁴

Under resourced situation languages are “are mostly local, sometimes tribal languages often lacking the vocabulary necessary to describe complex legal issues, to deal with notions and phenomena of modern substantive or procedural law”.²⁵ These languages play a key role in every phase of the proceedings: from the investigation to the trial and the reparations hearings.²⁶

The working languages of the ICC are chosen from among the official languages of the United Nations: English and French have been designated as the working languages of the Court (Article 50(2) of the Rome Statute). In addition, the Rules of Procedure and Evidence also allow for the inclusion of other official languages of the UN as working languages, if necessary (Rule 41), making Arabic an important pivot language (and situation language) of the ICC. Arabic is a crucial pivot language because in the case of many African situation languages there are only linguistic mediators available in Arabic. Since the ICC working languages English, French and Arabic are considered to be languages for which

²⁴ D. ZANEN, E. GILLOGLEY-MARI, *Preparedness in a Fast Changing Environment*, Language Services Section (LSS), Registry, 2022.

²⁵ P. KOVÁCS, *Languages and Linguistic Issues before the International Criminal Court*, Hungarian Yearbook of International Law and European Law, 8, 2019, 1, pp. 155-168.

²⁶ B. CATHALA, 2006. *Administrative Issues and Practical Challenges in the Field*, in: Austrian Federal Ministry for Foreign Affairs and Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law (eds.) *The Future of the International Criminal Court*. www.sbg.ac.at/salzburglawschool/Retreat.pdf.

there is a sufficient number of qualified translators and interpreters, the ICC's terminology, interpreter recruitment and training efforts are focused primarily on under resourced situation languages.

In the context of victim participation in trials and hearings, the work of so-called professional or paraprofessional interpreters who mediate in situation languages is indispensable.²⁷ In the following, I will focus on the status, training and work of paraprofessional interpreters of under resourced situation languages.

4.2. Training of paraprofessional interpreters

Given the lack of professionally qualified conference interpreters in the ICC's under resourced situation languages, it has become necessary to train an adequate number of interpreters for the trials and reparations proceedings facilitated by simultaneous interpretation. In 2005 and 2006, two professional interpreters from the ICC attended a distance learning course at the University of Geneva to develop a general training framework for situation language interpreters. The result was a two to four-month interpreter training course with a detailed syllabus and a mid-term exam, at the end of which a final exam would select the best candidates with the participation of interpreters from major international organisations and professors from interpreting training centres.²⁸

The reality is that there is usually not enough time to train interpreters, so it is usually the case that former *ad hoc* (humanitarian/field) interpreters are recruited and trained by ICC professional interpreters to become interpreters in a matter of a few months or even weeks. They are the so-called paraprofessional interpreters, i.e. language mediators who have not received formal training as interpreters at an academic institution, but have learned the techniques of interpreting through practice. Paraprofessional interpreters are typically qualified to interpret conversations, simple negotiations and non-professional texts, but the interpreters trained at the ICC can also be considered paraprofessional interpreters, providing court interpreting in both consecutive and simultaneous modes.

In addition to the time constraints, another challenge in training paraprofessional interpreters is that the professional interpreter who is training them does not speak the under resourced situation language, so different techniques had to be developed to deliver the training effectively. Sigwart describes this as follows. "The trainer asks a trainee to interpret an English text into the target language. A second person interprets it back from the target language into English. A comparison is then made of the original and 'back interpretation' of the English text and the wrong turns are identified. All interpretation channels are recorded so they can be reviewed by trainees, and over time their skills are gradually built up".²⁹ Accordingly, the training is based on a collaboration between trainer and trainees, where the trainees check each other's work. Training usually begins with consecutive interpreting: although the paraprofessional interpreter will interpret largely in a booth, in a meeting, by practising consecutive interpreting, candidates learn to analyse the spoken speech and to grasp the message encoded in it, which they must then translate into the target language.³⁰ In contrast to professionally qualified ICC interpreters, who interpret exclusively into their 'A' language (their native tongue), paraprofessional interpreters not only work into the situation language, but also work into their 'B' language (their strongest foreign language), this is the so-called *retour*. This can be either a working language of the ICC or a *pivot* language (currently Arabic which is both an official and a working language). This is the only way to achieve bidirectional interpreting, as only paraprofessional interpreters are proficient in both languages.³¹

Paraprofessional interpreters must also perform other tasks. Although their main profile is to interpret in the Court's hearings, since the ICC does not have a sufficient number of language specialists in the

²⁷ SIGWART, note 2.

²⁸ International Criminal Court, note 16, p. 27.

²⁹ L. SIGWART, *Unseen and Unsung: Language Services at the International Criminal Court and Their Impact on Institutional Legitimacy*, Researchgate, 2019, p. 17.

³⁰ SIGWART, note 2.

³¹ *Ibid.*

under resourced situation languages, paraprofessional interpreters also carry out terminology, translation and subtitling work. Terminology work is a particularly important part of the work of paraprofessional interpreters. Paraprofessional interpreters work with terminologists to find target language equivalents that can be used to consistently translate concepts of the situation language into the working languages of the ICC and, conversely, the ICC's substantive and procedural law concepts into the situation language. According to Prieto Ramos, “[a]t the ICC, the most challenging terminological difficulties arise precisely in the translation of less or non-standardised languages used by testifying witnesses to whom concepts such as ‘victim’ are unknown”.³² Drawing on his own experience as a judge, Kovács stresses that “there are always special local notions, which are impossible to translate with a single term, sometimes becoming a part of the English or French language of the procedure”.³³ Kovács also cites as an example the techniques of circumlocution or paraphrasing in the toolbox of paraprofessional interpreters. Of course, it is not only the interpretation of legal terms that can cause difficulties, but also the rank of the militia involved in international crimes and other military terms that typically cause linguistic conundrums.³⁴

The work of translators and interpreters and the consistent use of terminology is therefore aided by the terminological work carried out at the ICC, which I will discuss below.

4.3. Terminological work on under resourced situation languages

The Language Services Section under the Translation Support and Terminology Unit organises, among others, the ICC's terminology work in both working and situation languages. The Unit organizes and coordinates language panels, if possible, to work on terms related to ICC proceedings.³⁵ Whenever a new, under-resourced situation language emerges before the ICC, a language panel is convened, bringing together some of the ICC's legal experts, as well as experts of the legal system related to situation language, legal historians, and linguists, terminologists and ‘field interpreters’ or paraprofessional interpreters. The composition of these language panels is usually a challenge, not only because of the limited time available, but also because of the difficulties in finding linguists and experts in the situation language legal culture and history. Nowadays, the language panel's meetings are greatly facilitated by the possibility of online video-conferencing.

To effectively carry out their multiple tasks, paraprofessional interpreters must receive terminology training. This training includes a review the principles, methodologies standards and strategies of terminological work, the meaning of domains, terminological resources and the concepts used in ICC procedures. The aim of this training is to ensure that terminological work in the new situation language is carried out according to a common set of principles and strategies. The starting point is always the concept; therefore, the meaning of the concepts expressed through the terms of the ICC working languages must be explored in detail to find a suitable candidate in the situation language. Priority must be given to using words that already exist in the situation language, elevating them to ICC terms, as these are understood and used by situation language speakers. This may be illustrated by the developments in the terminological work done in the Acholi language: at first, attempts were made to ‘replace’ terms with literal translations and borrowings from the colonial language, but it turned out that the situation language speakers did not understand these new terms. It was therefore very important for the terminologist to draw on the lexical resources of the situation language, since these words are immediately intelligible to speakers. It is considered good practice to look for situation language terms in historical or religious texts, sayings, or the vocabulary of older speakers. The semantic field of these situation language terms must show full or partial equivalence with the ICC's substantive or procedural law concepts to become a situation language term. Paraphrasing and circumlocution can also be a good solution. A booklet containing ICC-related terms and expressions with definitions in English and French

³² F. PRIETO RAMOS, *International and Supranational Law in Translation: from Multilingual Lawmaking to Adjudication*, *The Translator*, 20, 2014, 3, p. 320.

³³ KOVÁCS, note 25, p. 145.

³⁴ *Ibid.*

³⁵ International Criminal Court, note 16.

helps guide paraprofessional interpreters and other situation language experts in the development of the relevant situation language terminology.

Terminology work can be described as a cycle, in which a terminologist first explains the relevant concept to the members of the language panel or the paraprofessional interpreter. The situation language expert understands the concept and finds the term used in the same or a similar sense in the situation language and its exact spelling, but they may also decide to paraphrase or coin a new expression. The situation language expert and the terminologist discuss the potential term, with the situation language expert translating it literally for the terminologist. This often reveals whether there is indeed an equivalence between the potential situation language term and the ICC term (validation). Then the interpreters/translators start using the term in practice – verifying whether the speakers actually understand the term and attribute to it the meaning that the relevant ICC term implies (feedback). If not, the terminological cycle starts again: a new potential term must be found to express the ICC term in the situation language.

The work on terminology does not stop at codifying the terminology of under resourced situation languages: in the case of Acholi for example, the language panel met again after a decade to review the terminology. However, it is not always possible for the ICC to convene a language panel, so a bulletin of terminology has been prepared, which includes the relevant ICC terms in the following categories: crimes, criminal responsibility, victims and witnesses, evidence, stages of a trial, relevant terminology in the Courtroom, Latin terms and military terms. In addition to some lexical fields, the bulletin includes definitions, observations and pertinent phraseology in English and French. This will enable language experts to immediately start searching for relevant terms in the under resourced situation language. Further terminology bulletins have also been produced, including for example acronyms used in the context of a specific situation or phraseology in the Courtroom setting (covering 7 situation languages). The Translation Support and Terminology Unit also supports the production of glossaries for under resourced situation languages, e.g. most recently a glossary in Songhay was produced, which is revised regularly by paraprofessional interpreters. Translators and interpreters alike rely on the terminology thus developed, which is kept in glossaries, bulletins and the ICC's multilingual termbase.

5. Summary

In holding perpetrators of international crimes accountable, the ICC is pioneering victim participation and taking an important step towards restorative justice through victim protection, participation and reparations. To enable victims' participation in ICC trials and hearings, language services linked to the Court's complex linguistic regime had to be developed. In particular the provision of interpretation in under resourced situation languages has been a challenge, as there are typically no qualified conference interpreters available in these languages. To fulfil its tasks, the ICC therefore organises the training of so-called paraprofessional interpreters at its premises in the case of under resourced situation languages, who provide other language services in addition to court interpreting. One of the most important of these tasks is terminology work, since, in the absence of other situation language specialists, it is mainly in cooperation with paraprofessional interpreters that ICC-specific terms are found and used consistently in all situation languages. This requires both the terminological training of paraprofessional interpreters and their continuous cooperation with the Translation Support and Terminology Unit.

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