

E. Elias-Bursać / Thrust and Parry: Radovan Karadžić and the Translators and Interpreters at the International Criminal Tribunal for the Former Yugoslavia

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Abstract: Every word of testimony in the war-crimes trials held at the International Criminal Tribunal for the former Yugoslavia was transcribed and recorded, translated and interpreted into other languages. The translators and interpreters enjoyed an unusual degree of visibility in this setting. Their choices of terminology, phrasing, tenor, are discussed, even hotly disputed at every session of these long trials, and the language staff are called upon to defend their choices in official memoranda. Radovan Karadžić, former president of the Republika Srpska entity of Bosnia and Herzegovina, chose to conduct his own defense after he was arrested and accused of war crimes. He was well-enough versed in English that he could follow the interpreting closely as it came from the booth. His disputes with the language professionals were frequent and barbed. The relationship between the interpreter and Karadžić then became one much like fencing—thrust and parry.

Keywords: interpreting, translation, war crimes trial, Radovan Karadžić, power dynamic

Résumé : Chaque mot prononcé lors des témoignages recueillis au cours des procès pour crimes de guerre tenus au Tribunal pénal international pour l'ex-Yougoslavie a été transcrit et enregistré, traduit et interprété dans d'autres langues. Dans ce contexte, les traducteurs et interprètes jouissaient d'une visibilité inhabituelle. Leurs choix concernant la terminologie, la formulation ou le contenu sont discutés, même contestés avec virulence, lors de chaque séance de ces long procès et ils ont à défendre leurs choix au moyen de notes de service officielles. Radovan Karadžić, ancien président de la République serbe de Bosnie, a choisi d'assurer sa propre défense suite à son arrestation et aux accusations des crimes de guerre retenues contre lui. Il connaissait suffisamment l'anglais pour suivre avec attention les interventions des interprètes. Ses disputes avec les professionnels langagiers étaient vives et fréquentes. La relation entre l'interprète et Karadžić a fini par ressembler à un combat d'escrime, ponctués d'attaques et de parades.

Mots clés : interprétation, traduction, procès pour crimes de guerre, Radovan Karadžić, dynamique de pouvoir

Resumo: Cada palavra dita nos depoimentos durante os julgamentos dos crimes de guerra ocorridos na antiga Iugoslávia foi transcrita e gravada, traduzida e interpretada para outras línguas. Este contexto conferiu às tradutoras uma visibilidade incomum. Suas escolhas terminológicas, de organização frasal e o tom eram debatidos e até mesmo acaloradamente contestados em cada sessão desses estendidos julgamentos em que a equipe de línguas, por sua vez era convocada a justificar suas escolhas oficialmente. Radovan Karadžić, antigo presidente da Republika Srpska, parte integrante da Bósnia e Herzegovina, decidiu fazer sua própria defesa depois de ter sido preso e acusado de crimes de guerra. Tinha conhecimento suficiente do inglês para acompanhar de perto a tradução feita nas cabines. Seus desentendimentos com os profissionais de língua eram frequentes e tensos, transformando a relação entre Karadžić e os intérpretes em um verdadeiro duelo.

Palavras-chave: interpretação, tradução, julgamento de crimes de Guerra, Radovan Karadžić, dinâmica de poder.

Resumen: Los testimonios presentados en los juicios por crímenes de guerra que se llevaron a cabo en el Tribunal Penal Internacional para la antigua Yugoslavia fueron, en su totalidad, transcritos, grabados, traducidos e interpretados a otros idiomas. Durante los juicios las personas que sirvieron como traductores e intérpretes tuvieron un alto grado de visibilidad y las frases, los términos, y el tono que

elegían fueron objeto de discusión, incluso de acalorados debates, en todas y cada una de las sesiones. A estas/estos mismos profesionales se les instó incluso a defender sus decisiones en memorandos oficiales. Después de que se le arrestó y acusó de haber cometido crímenes de guerra, Radovan Karadžić, ex presidente de la República Srpska de Bosnia y Herzegovina, optó por conducir su propia defensa. Tenía suficiente conocimiento de la lengua inglesa para hacer un atento seguimiento de la interpretación tan pronto esta se enunciaba en la cabina. Sus disputas con las/los profesionales de la lengua eran frecuentes y despiadadas. La relación entre las/los intérpretes y Karadžić se convirtió en una especie de esgrima: entre el ataque y la defensa.

Palabras clave: interpretación, traducción, juicio de crímenes de guerra, Radovan Karadžić, dinámicas de poder

Introduction

Radovan Karadžić—wartime president of Republika Srpska, the Serbian entity within Bosnia and Herzegovina—was indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1995 and charged with two counts of genocide, five counts of crimes against humanity, and four counts of violations of the laws or customs of war (*Case Information Sheet 1*). He was only arrested, however, in 2008 in Belgrade, after having spent years in hiding. His trial ran for five years and he chose to conduct his own defence. He speaks English well, so the Tribunal required him to conduct his trial and all communication with the court in English. At first, he protested vehemently and demanded to be allowed to run his trial in Serbian, claiming his English was inadequate to the task. But once the Tribunal had ruled that his knowledge of English did indeed suffice,¹ Karadžić undertook this task with relish.

At international criminal courts, the language professionals are translating and interpreting the words of war-crimes defendants who had held positions of power before their arrest as leading political figures or military leaders during the war. Accustomed to being in charge, they were the ones who most utilized translation and interpreting strategies at the ICTY to advance their case.

There is a growing body of scholarship addressing translation-and interpreting-related issues at international criminal courts and tribunals. While these articles and books approach the issues from many different angles, the dominant themes are those of interpreter and translator trauma, ethical quandaries, and agency (Elias-Bursać, “Translating”; Gaiba; Takeda; Schweda Nicholson; Stern, “Junction”; Stern, “Interpreting”; Swigart, “Linguistic”); lexical and cultural challenges faced by interpreters and translators (Elias-Bursać, “Shaping”; Elias-Bursać, “Translating”; Stern, “Interpreting”; Swigart, “Linguistic”); the institutional framework (Draženić-Carrieri; Elias-Bursać, “Translating”; Gaiba; Hepburn; Stern, “Junction”; Swigart, “African”; Swigart, “Linguistic”; Takeda; Tomić & Montoliu). Giridhar, Karton, and Namakula

¹ The dispute over this is referenced in the *Prosecutor v. Radovan Karadžić* trial judgment in paragraph 6126, page 2551.

address the legal issues related to the translation rights of defendants in securing a fair trial, while Seren-Rosso addresses the translation-related workload faced by Karadžić as he prepared the defence for his trial.

Every word of testimony in these trials is transcribed and recorded, translated and interpreted into other languages, and all this accords the translators and interpreters an unusual degree of visibility. Their choices of terminology, phrasing, and tenor are discussed, even hotly disputed at every session of these long trials, and the language staff are called upon to defend their choices in official memoranda. When defendants are well-enough versed in English to follow the interpreting as it comes from the booth, these disputes may be frequent and barbed. The relationship between the interpreter and the defendant then becomes one much like the thrust and parry of fencing.

For six and a half years I worked for the ICTY language services as a reviser of English translations of documentary evidence for the English Translation Unit. Once I had become interested in analyzing the courtroom dynamic as it pertained to translation and interpreting issues, there were several studies that gave me a lens through which to consider the daily work of the Tribunal as it went on around me.

Through interviews and recordings of trials, Susan Berk-Seligson documents the many ways interpreters, despite their usual effort to remain inconspicuous, intrude upon the proceedings through voicing corrections, controlling the flow of testimony, prodding the witness, and usurping the power of an interrogating attorney (65, 96). Her study was ground-breaking in its questioning of the common stereotype of the interpreter as invisible conduit.

Kaisa Koskinen uses an ethnographic approach to study the behaviour of Finnish translators working for the European Union, concluding that the translators are “translating the institution itself” (3), and therefore, “in institutional translation, the voice that is to be heard is that of the translating institution” (22). The translators and interpreters at the ICTY are also working with an institution, but the very adversarial nature of a war crimes court, in which the attorneys speaking for the prosecution and defence rely on confrontational use of translation and interpreting issues as they present their case before the judges who decide these multilingual, international trials, complicates Koskinen’s premise. Both parties are part of the institution, yet they are, institutionally, at loggerheads. The adversarial setting propels the translator and/or interpreter into greater agency and a more visible role in the proceedings, in response to the frequent pressures exerted by the parties—particularly, as these examples will show, by the defence—to translate or interpret in a way that furthers the objectives of that party.

My understanding of the translation-related power dynamics at the ICTY trials was especially aided by the work of Conley and O’Barr, with their analysis of micro-discourse as a way of exploring the flow of power in a trial (19), and by Rosemary Arrojo’s description of translation in general, as “an activity that provides a paradigmatic scenario for the underlying struggle for the control over meaning” (73). The emphasis offered on the language-related power dynamic in the courtroom and control over meaning are key when considering the ways the defence exploited translation and interpreting issues during the trial of Radovan Karadžić before the ICTY.

The International Criminal Tribunal for the Former Yugoslavia

Of the 161 people indicted by the ICTY, 80 have been sentenced and 18 acquitted in the course of the 100 trials and appeals held over the last twenty years since the Tribunal was established in 1993, in the middle of the wars that were waged in Croatia, Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia. By the time the Tribunal had reached its peak activity, between 2005 and 2012, there was a total of some 1,500 staff members working in the Prosecution, Chambers, and Registry—the ICTY administrative branch.

Registry's Conference and Language Services Section (CLSS) provided translation and interpreting services to both the Prosecution and the Defence. CLSS was set up when the Tribunal began, but the language services were greatly expanded once trials started in 1995. At its largest, CLSS employed a staff of 150, or one tenth of the whole institution, half of them interpreters working in the booths in the courtroom, and half translating documentary evidence into English. Every one of the more than 10,000 days of proceedings was interpreted into English and French from languages that included Bosnian, Croatian, Serbian, Albanian, Macedonian, and others. The vast majority of documents tendered as evidence in the trials were translated from one of these same languages. The daily work of the ICTY was, therefore, caught up in dynamic courtroom interactions in which witnesses were testifying—through an interpreter—about translated evidence, attorneys were arguing—through an interpreter—about translated evidence and the interpreting, and judges were adjudicating on the interpreted testimony and translated evidence.

Nowhere were the issues of translation and interpreting as visible as they were in the trials of self-represented accused. Five² of the ICTY defendants chose to defend themselves in court rather than avail themselves of defence counsel, these including both Slobodan Milošević, president of Serbia, and Radovan Karadžić, president of the Bosnian Serb entity during the war. Most ICTY accused have sat silently behind their defence counsel throughout their trial. A few have taken the stand but most never say a word throughout their trials. In dramatic contrast to this, when a defendant chooses to serve as his own counsel, the defendant is the one who cross-examines or examines every witness. This choice provides him with the opportunity to dominate the courtroom during every single day of the trial.

Radovan Karadžić, Self-Represented Accused

Radovan Karadžić earned his degree in psychiatry at the University of Sarajevo's medical school and worked for many years as a psychiatrist in Sarajevo. Soon after the war began in Bosnia in April 1992, he assumed a leadership position within the Serbian part of Bosnia known as Republika Srpska; between 1992 and 1995 he was supreme commander of the Republika Srpska armed forces; hence the atrocities committed by the Serbian forces in the war in Bosnia, including the Srebrenica massacre and the 1,425-day siege of Sarajevo, were his responsibility. He was, therefore, charged with

² Slobodan Milošević, Momčilo Krajišnik (for his appeal), Vojislav Šešelj, Zdravko Tolimir, and Radovan Karadžić.

genocide and war crimes by the ICTY, located in the city of The Hague in the Netherlands, and arrested in 2008. In the intervening years he assumed the alias Dragan Dabić, and for almost ten years masqueraded as a faith healer. After he was arrested on a city bus in Belgrade, his Hague trial ran from 2009 to 2014 over 499 days of proceedings that were recorded on some 48,000 pages of English and French transcripts.³

Unlike the other self-represented defendants, who had studied law, Karadžić's training was in medicine. When he decided to represent himself with the support of legal adviser Peter Robinson, he had a great deal to learn about how to conduct himself in a court of law. In deciding how to organize his trial, Karadžić soon realized that the fact that the ICTY trials relied so heavily on translation and interpreting offered him a number of key ways to intervene, obstruct, and dominate the proceedings. In time, these strategies informed much of what went on in the courtroom during his trial.

Close examination of Karadžić's trial allows us a glimpse of the ways he employed translation-related issues to pursue his defence and control his trial, and, particularly, how he often strove to put words in the mouths of the ICTY translators and interpreters. The very language mastery which he had protested against in the pre-trial stage became one of his most important tools. With his use of Serbian, Karadžić could speak directly to Bosnian and Serbian witnesses and demonstrate to the judges that he understood better than they what those witnesses who spoke no English or French were saying, while his mastery of English allowed him to assert himself with the prosecuting attorneys and speak directly to the Chamber. This was a key piece of his strategy: to show that he was not only equal to those in power in the courtroom, but superior to them with his linguistic versatility.

Research Project and Method

I examined the ways Radovan Karadžić used translation and interpreting during his trial to press his case and the ways in which translators and interpreters responded to the many pressures he brought to bear. To this end I analyzed all forty-one months of the proceedings as they were recorded in the English-language transcript of testimony, typed in real time by a court reporter who sat in the courtroom every day and produced a transcript which then scrolled by, with only a few minutes of delay, on the computer monitors facing each of the participants in the courtroom. The court reporters typed down all they heard while listening to the English-language channel: this was either what was originally said by participants who were speaking in English or what the

³ A full Karadžić transcript is, regrettably, unavailable in Serbian—the language of the defendant. While all the sessions were recorded in video and audio recordings, there was no real-time transcript made in the languages of the defendants. A small number of days of trial have been retroactively transcribed from recordings in Bosnian, Croatian, and Serbian, but as this article goes to press there are only 11 days available in Serbian-language transcripts for the Karadžić trial on the ICTY website. As none of the quotes from the transcript provided in this article were taken from these 11 days, I was, regrettably, unable to provide the original Serbian remarks. Seren-Rosso goes into the question of there not being transcripts available in the language of the defendant in some detail, arguing that this placed an undue burden on Karadžić, who needed to read transcripts of earlier trials and had only the English-language transcripts available to him. Instead he was encouraged by the court to listen to video recordings of the trial sessions that interested him, but this proved to be unwieldy and time-consuming (9).

English-language interpreters said when interpreting the words of those speaking languages other than English.⁴

I searched the Karadžić trial transcripts, all of which are available to the public on the ICTY website, for the cluster “*trans*” to find and record every reference to “translation”, “translated”, “translator”, or “translating” from the first day of the trial to the last. This investigation produced a collection of some 3,000 translation-related comments, 1,600 of which are purely procedural in nature, such as requests for the witness to adjust the microphone, for the witness to speak more slowly when testifying so that the booth could keep up, or discussions between the parties when they submitted translations for admission. The remaining 1,400, however, are substantive language-related comments such as disputes over a term, claims of mistranslation, and error correction.

There were five or six language-related comments (either procedural or substantive) raised on average in every three-and-a-half-hour session of trial, demonstrating just how pervasive a presence translation and interpreting have had in ICTY proceedings. And surely there are more: this compendium inevitably has missed those comments which did not include words derived from the core “*trans*”. The frequency of these comments and interruptions suggests that they became a staple of Karadžić’s attention-getting strategies. While some may have been designed as a distraction to disrupt the proceedings just when damning testimony was being presented, most often they simply show how eager Karadžić was to insert himself into the proceedings, to assert his power.

Translation Strategies

Over time Radovan Karadžić developed an array of translation-related strategies that he employed throughout his trial. The most frequent ploy was, in fact, to ignore the demands of the court to provide the documentary evidence he planned to tender in court in English translation. Instead, more often than not, he brought untranslated documents to court and called for them to be provisionally interpreted by the booth on the spot so that the witness could discuss the substance of the document. Karadžić’s complaints about how evidentiary documents had been translated were also hallmarks of his trial. He frequently interrupted the Prosecutor and witnesses mid-testimony to insert an English term or phrase that he felt to be superior to the one provided in documentary evidence by the languages services. And, finally, during the testimony of Prosecution or Defence witnesses he would launch into a dispute over the booth’s interpreting of testimony in such a way that, through his criticism of what the witness was saying, he was actually sparring with the booth itself, attempting to put words in the mouth of the interpreter.

⁴ There is also a full French-language transcript of the proceedings. The court reporter transcribing the hearings from the French-language channel was doing so in real time while sitting outside of the courtroom.

Bringing Untranslated Documents to Court

The first part of Karadžić's translation strategy was, therefore, to resist translating at all. When either of the two parties—the prosecution or the defence—facing off in a trial at an international criminal court identify a document with relevance to their case and decide to tender it, they must first locate a witness who is able to testify to the credibility of the document, either as the person who drafted it, or signed it, or worked with it, or is an expert witness who has worked with similar documents. The parties cannot simply submit the document to the trial chamber without corroboration of the document's viability by a witness.

The Karadžić trial relied heavily on documents. More than 6,500 exhibits were tendered by the Office of the Prosecutor and more than 4,500 exhibits by the Defence; these 11,000 exhibits totalled some 190,000 pages and almost all of this was originally in languages other than English, so had to be translated into English.⁵ Karadžić was already signalling at the pre-trial phase that his would be a document-heavy trial and he predicted what this would mean for the translation services: "I'm afraid that at one point in time translation is going to become a bottleneck in these proceedings" (28 January 2010: 712).

Rather than arranging to have his documentary evidence translated in advance, as he was mandated to do by the trial chamber, Karadžić resolved the bottleneck issue by simply introducing untranslated documents. At the beginning of the trial, Judge Kwon, the presiding judge, cautioned Karadžić that they had agreed on the procedural rule of providing the witnesses, judges, and the opposing party with a translation of each document he wished to introduce. The presiding judge was "surprised and confused" (10 January 2012, 22650) by the dearth of translated documents, and suggested the bench might "make a finding of violation of court order" (1 March 2012, 25590). Karadžić, however, shrugged off these complaints and went right on introducing untranslated documents, offering the excuse that the demands of translation might jeopardize his health. This was one of the key ways that he asserted his dominance of the proceedings.

When he had a document in hand that he wished to use for the cross-examination or examination of a witness, Karadžić would read the untranslated document aloud in the original language, thus requiring interpreters in the booth to interpret it on the spot, without having seen it before. The court accepted the booth interpretation of a document as provisional, but not the official translation. Documents presented to a witness in this way were merely marked for identification, and only later, when the Chamber was provided with the official translation produced by the language services section, would the judges consider admitting the document as evidence.

The Karadžić trial came after many earlier trials that had relied on the same body of evidence; this meant that quite a few of the translations were, in fact, readily available in the ICTY databases. Karadžić and his staff, however, appear to have made little effort

⁵ While both French and English were the working languages of the Tribunal and all interpreting was done into and from both, documentary evidence was translated only into English in agreement with the Francophone chambers.

to locate them. This frequently sent the prosecutors scrambling off mid-hearing on translation hunts.

Excerpt 1 serves as an illustration of this. Judge Kwon presided in the Karadžić case. Mr. Tieger was the senior trial attorney for the Office of the Prosecutor (often referred to as the OTP), and Ms. Edgerton was part of the Prosecution team as well. Mr. Robinson was Karadžić's legal adviser, and therefore served as a liaison, when necessary, between Karadžić and the Prosecution.

Excerpt 1.

MS. EDGERTON: I'm sorry, Your Honour, I should have rose [sic]⁶ a couple of seconds later but we've just been able to locate a translation of that document. It's not been uploaded in e-court because we just found it but perhaps we could do a couple of things, Your Honour. It would take some time to have it uploaded but we could put it on the ELMO to display it for Your Honours.

JUDGE KWON: I'm concerned a bit why this is happening so often. Why is the Defence team not able to locate the proper translation.

KARADŽIĆ: [Interpretation] Well, Excellency, just look at how many people the OTP has, for every person they have a separate team, whereas I have only a few people here.

JUDGE KWON: That's beside the point.

MR. TIEGER: Your Honour, if I may.

JUDGE KWON: Yes.

MR. TIEGER: I have been in some discussions with Mr. Robinson with this. We have suggested some modalities for -- that we understand are the appropriate and most effective ways of identify [sic] existing translations. I understood that the Defence team was going to pursue those a bit more aggressively. I don't know what happened with that. It may be that they did so and found some bureaucratic obstacles that we weren't aware of, but we've indicated our willingness to assist in any reasonable way in ensuring that they access existing translations at the earliest opportunity for everyone's benefit. We can continue in those discussions. I don't know the status of that. As I say, there are ways of doing so. There may be ways of enhancing those mechanisms and we're happy to discuss with the Defence our knowledge about those mechanisms and any measures that may be taken to make them more efficient.

(7 June 2010: 3385-6)

⁶ Although the court reporter regularly checked through transcripts to make sure that names of people and places were spelled correctly, there was no attempt made to polish wording, so often the transcripts have awkward-sounding language. For the purposes of this paper, [sic] has been added to denote errors in the transcriptions. Otherwise, I have not edited them except to replace "THE ACCUSED" with "KARADŽIĆ", and, in later quotes, the name of the witness with, simply, WITNESS. The abbreviation "ELMO" refers to the technical equipment used in the courtroom to display documents.

In fact, the Office of the Prosecutor helped Karadžić locate translations so often that he, apparently, came to expect them to furnish his cross-examination with the necessary translations rather than make the effort to do so himself, as the imperious tone in Excerpt 2 suggests:

Excerpt 2.

KARADŽIĆ: [Interpretation] If there is a translation, it would be useful to have it, for the sake of the other participants, so we don't need to waste time reading aloud, for the sake of the interpreters.
(12 October 2010: 7767)

This absence of a translation meant that if a document was originally in Serbian, for instance, any Prosecution witnesses who did not speak Serbian would have no choice but to rely on the interpretation provided by the booth and then respond to detailed questions about the document based on what they could remember from what they had just heard the interpreter say, instead of being able to have the translation of the document before them for reference. Karadžić's strategy put judges, attorneys, and many witnesses at a disadvantage as most of the evidentiary documents were not originally in English. And this also meant that when Karadžić read the document out loud he was performing it, which allowed him to place emphasis wherever he chose and assert himself as the central figure of the trial.

Witnesses frequently expressed their dismay at being asked to give an opinion on a document they couldn't read themselves, as these excerpts demonstrate:

Excerpt 3.

WITNESS: Well, in -- in truth, I can't -- I wouldn't be able to confirm it unless I compared it with the other one, and this does not have an English translation. So I don't want to verify that it is on the basis of those other articles unless I was able read it. I'm sorry.
(27 May 2010: 2894-5)

Excerpt 4.

WITNESS: Dr. Karadzic, I'd like [you to] show me the document if you could that says this. I'm kind of stuck here just following your words and the translation of your words. I'd sure prefer to be looking at a document.
(2 June 2010: 3254)

Excerpt 5.

WITNESS: Well, I could answer your question if I had a translation into English of the text.
(29 June 2010: 4308)

Excerpt 6.

WITNESS: (...) I can't comment further. Unless it's translated, I won't comment.

(15 September 2010: 6879)

Excerpt 7.

WITNESS: The way you present it here, I don't accept it, because you're translating from English a document which I don't have before me.

(4 November 2010: 9105)

Terminology Disputes

In addition to his strategy of bringing untranslated documents to court and reading them out to witnesses, Karadžić frequently insisted on a specific choice of words for both translations and interpreting.

The defence counsel in Tribunal trials are, in fact, always tasked with monitoring translation and interpreting quality. As his own defence counsel, Karadžić assumed this responsibility with gusto. He watched the court reporter's English-language transcription scroll by on the computer monitor and pounced on any language-related complaint with which he thought he might demonstrate his language mastery.

My research identified more than 170 instances when Karadžić intervened over what he contended were mistranslations. Fifty-seven of these complaints directly interrupted the prosecutor mid-examination. Eighty-nine, about half, were complaints about the wording of a translated document, and the rest were attempts to correct the wording used by the interpreters in the booth. His disruptions were largely opportunistic. They do not necessarily coincide with the presentation of particularly damning evidence for Karadžić's case, but instead occurred whenever Karadžić spotted a word or phrase he felt he could complain about. However, by drawing attention away from the events being described to the wording used to describe them, he was turning testimony about wartime horrors into a dispute over word choice.

In Excerpt 8, Karadžić attempts, while switching between Serbian and English (the witness is speaking in English), to draw a terminological distinction regarding safe areas during the war in Bosnia. All the words given in boldface in the excerpts that follow were bolded by the author of the article.

Excerpt 8.

KARADŽIĆ: [Interpretation] You are certainly familiar with the terms "a **demilitarised area**" and "**an undefended area**," right?

WITNESS: Yes, sir. And I think the sense where I think you're going with this question, I do understand the terms as they're used with relation to Srebrenica.

KARADŽIĆ: [Interpretation] This is a mistranslation. The right word would be "**non-defended**" for "**undefended**." "**Non-defended**" would be right. [In English] Would be probably **non-defended** or -- **non-defended** are one kind and another kind is **demilitarised**.

(19 April 2012: 27702-3)

In excerpt 9, Karadžić critiques the booth's interpreting:

Excerpt 9.

WITNESS: In my written statement it says that your tolerance sometimes went beyond what could be expected resulting in a **lack of consistency**.

(...)

KARADŽIĆ: [Interpretation] On line 23 you said "**a lack of systematic nature**" and it was recorded as "**inconsistency**."

(2 April 2013: 36376)

There are a few terminological disputes that came up often throughout the four years of the Karadžić trial, such as his questioning of the use of the words "prisoner", "prisoner of war", "captive", as well as verbs such as "held", "kept", and "preserved" in reference to prisoners. He also preferred "encirclement" to the word "siege" for the siege of Sarajevo. These preferences, salient to his case, were signalled in his opening statement and he pursued the translations he preferred consistently through translations of documents and the interpreting he heard from the booth. But his other terminological preferences and interventions were spontaneous responses to the court record he saw scrolling by on the monitor and mainly served as a way for him to insert himself vigorously into the proceedings, and parry with witnesses and attorneys for the Prosecution.

Putting Words in The Mouths of the Interpreters

True to his push to dominate, Karadžić occasionally enlisted witnesses to support his interventions about terminology. However, even some witnesses whom Karadžić summoned for his defence resisted the pressure of the accused to accept his preferences, as demonstrated in Excerpt 10 by an exchange with the witness Vujadin Popović, himself a defendant in an earlier trial before the ICTY, who had been sentenced to life in prison for war crimes and genocide in 2010 and was brought back to The Hague to testify in Karadžić's trial from the prison in Germany where he was serving his sentence.

Excerpt 10.

WITNESS: [Interpretation] A. (...) UNPROFOR check-points are under our control and whether they are **threatened** by our units. (...)

KARADŽIĆ: Thank you. I believe (...) that the translation is wrong, that is to say, "**threatened by our units**," I would say or "**are in jeopardy from our units**," but I'm not sure. I'm not sure about this translation, whether they are really **threatened** by our units or -- it's better for you to read it. [From:] Under our control. You can read it and we can ask the interpreters to literally interpret it. (...)

WITNESS: A. It says clearly here: "Inform us urgently whether the UNPROFOR check-point in Biljeg is still under our control there, which other UNPROFOR check-points are under our control or if they are **threatened** by our units, or if they are **threatened** by our units [*sic*]." "And

likewise, urgently tell us what lines were reached along the axis of our unit's attack." That's what it says.

(...)

KARADŽIĆ: Thank you. I stick to my objection that "**threatened**" is wrong and that it should be that they are **in jeopardy** (...)

(5 November 2013: 43020)

Note the bracketed comment after his name indicating that Popović is speaking in Serbian; the English we see here comes to us as interpreted by the booth. This means that when we see his use of the word '**threatened**', this is the word choice of the interpreter, not the witness. Then Karadžić criticizes the choice of term. It would, therefore, appear that Karadžić is criticizing not the word choice suggested by the witness, Vujadin Popović, but by the interpreter. What follows in Excerpt 12 is Karadžić locking horns with the interpreter of Mr. Popović's testimony, trying to put the phrase '**in jeopardy**' into the interpreter's mouth. When Popović speaks again, again the interpreter uses only '**threatened**', while in Karadžić's retorts the interpreter offers both '**threatened**' and '**in jeopardy**' in order to represent as clearly as possible Karadžić's quarrel over the meaning of the word.

In Excerpt 11, the interpreter goes back and forth, in a similar fashion, between '**embellish**' and '**brag**':

Excerpt 11.

KARADŽIĆ: All right. I just want to ask you one other thing to do with the interview with Mr. Stanic. I don't know exactly when it was that he gave this interview. Now, was it customary for local people to **brag** to sort of claim the credit for something that people did to claim the credit for themselves?

WITNESS: (...) So this statement of his or this interview of his, he just tried to **embellish** things a bit because the Serbs were the ones who freed Foca. And he as the chairman of the party probably felt that there was some credit for him too to claim in this situation. So he was probably just **embellishing** a little and **bragging** a bit.

KARADŽIĆ: I wonder whether "**embellish**" would be translated **bragging** - - more properly "**bragging**" than "**embellish**." [Interpretation] Because the witness said that he was **bragging**.

(21 Jan 13: 32351)

Karadžić weighs in with his preference for '**brag**' and insists the distinction has merit, probably because '**embellish**' suggests the addition of information which is not true, while '**brag**' simply implies speaking in a boastful manner.

In Excerpt 12, the distinction between the use of '**encirclement**' and '**siege**' when speaking of the siege of Sarajevo is one on which Karadžić insisted because he felt that '**encirclement**' would sound less onerous to the judges than the word '**siege**', and, therefore, '**siege**' was a word he wished to avoid. The dispute arose early in the trial while he was cross-examining Prosecution witness Aernaut van Lynden, a Sky

News reporter who had been in Bosnia during the conflict.

Excerpt 12.

KARADŽIĆ: (...) I just wanted the Trial Chamber to see that we are all **surrounded**. They are **surrounding** us, and we are surrounding them; **semi-encirclement**.

JUDGE KWON: You'll have the opportunity to make your submission. Put your question.

KARADŽIĆ: [Interpretation] Here's the question: Are we **semi-encircled** by them, like they are **semi-encircled** by us?

WITNESS: The city of Sarajevo wasn't **semi-encircled**. It was completely **encircled** and **besieged**. The distances of what you call your **encirclement** at certain points is tight, absolutely, but on the whole it is not. And the two are incomparable, Mr. Karadzic.

KARADŽIĆ: Well, an UNPROFOR military officer said that it was an **encirclement**, not a **siege**, not a **blockade** (...).

(19 May 2010: 2426)

Note that Judge Kwon alerted Karadžić to the procedure for making complaints on language-related issues when he said, "You'll have the opportunity to make your submission." He was warning Karadžić that instead of taking up courtroom time to dispute a translation, he should submit a formal request to the language services about either a translation of evidence or interpreted testimony and request an explanation for the choice of wording in an official memorandum.

But despite the judge's caution to limit such complaints to official memoranda, Karadžić raises the same terminological question, a week later, during his cross-examination of Prosecution witness Colm Doyle:

Excerpt 13.

WITNESS: (...) when UNPROFOR was there the city was under the **siege**, basically by the Bosnian Serbs. (...)

KARADŽIĆ: And, Colonel, do you make the deference [*sic*] between a **siege** and an **encirclement**?

DOYLE: Well, either an **encirclement** or a **siege** are designed to keep people inside an area. (...) It means you deny them the freedom to go about their daily lives. So **encirclement** or **siege** is -- they're not the same, but they're -- they're of the same family, let's say. (...)

KARADŽIĆ: But, Colonel, we're going to show, among other things, a document from the London Conference showing that the restrictions imposed by the Serb side around Sarajevo referred exclusively to military matters and military facilities. (...)

DOYLE: (...) I don't agree with that, no. Not from my experience.

(19 May 2010: 2866-7)

A search through the court records on the ICTY website (*ICTY Court Records*) indicates

that Karadžić made only four formal submissions to the language services demanding a change in the wording of a translation. If Karadžić complained mid-session 89 times about the wording of a translation yet only submitted four formal complaints, one cannot help but conclude that his interventions were less about substance than about asserting his dominance of the proceedings and obstructing the flow of his trial.

Below, for instance, is the verification response that came back to him from languages services on the question of **encirclement** vs. **siege**:

cc.

Subject: Verification of accuracy of interpretation in case no. IT-95-5/18-T, hearings of 19 and 27 May 2010
Objet:

As requested, the Interpretation Unit has checked the English interpretation against the recording of the floor (original English and BCS) in the above mentioned proceedings.

Following a review of the queried portions of the audio recording of the original, we confirm that the words *okruženje* and *opsada* were consistently interpreted as **encirclement** and **siege**, respectively.

Both English and BCS interpretation on 19 May 2010 (T. page 2464, lines 19 - 24) and 27 May 2010 (T. page 2866, lines 18 - 19, 22 - 25 and T. page 2867, lines 1 - 8) is correct.

Note that CLSS did not concede to Karadžić's pressure to avoid use of the word "**siege**", as they indicate by their assessment that the interpreting on the two days described above was correct.

Excerpt 14 offers yet another example of Karadžić's criticism of the translation and interpreting that was directed at the interpreter working at that moment in the booth. And, of course, the dispute as it unfolds is being interpreted by the very same interpreter whose expertise he is contesting.

Karadžić has been discussing a document in which he claims that the word "**užas**"—meaning both "**horror**" and "**horrible, awful, terrible**"—appears, and he contends that the word should not have been translated as "**horrible**", though there seems to be no substantive value whatsoever to this distinction. The bolded text shows where the interpreter refuses to back down under Karadžić's pressure:

Excerpt 14.

JUDGE KWON: (...) Could you read that passage, Mr. Karadzic? Do you have that passage?

THE ACCUSED: [Interpretation] Yes, Excellency. It's the first line -- or, rather, the second line in the Serbian version. "Horror. There was horror," **or "it was horrible."** I would like to ask the interpreters to do a verbatim translation of this.

JUDGE KWON: No. Why don't you just read slowly so that the interpreters can interpret. (...) Why don't you read from: "Good," by Rasic. Do you have it, Mr. Karadzic?

THE ACCUSED: [Interpretation] Yes, yes. I think so. Could I -- no, no. Here it is. Rasic says, "Good," or "all right," and then Popovic says something unclear, the first word. And then after the ... he says, "Horror ... there was horror."

THE INTERPRETER: **Or "it was horrible," interpreter's note.**

THE ACCUSED: [Interpretation] "Listen, Vujadin." Everybody can read this. Everyone can see that what this is is: "Horror."

(18 April 2012: 27601-2)

The boldfacing is added here to assist the reader in noting the moments when the interpreter continues to insist on the use of "**horrible**", despite Karadžić's repeated attempts to force the booth to translate "**užas**" as "**horror**". Karadžić is increasingly angered by the interpreter's insistence on the choice of word "**horrible**", as we can see by his call for a "verbatim translation" of the phrase, and by saying "Everybody can read this. Everybody can see what this is is: 'Horror.'"

The Trial Judgment

On 24 March 2016, the Karadžić trial chamber issued its 2,615-page judgment, sentencing Radovan Karadžić to 40 years in jail. The judges had upheld all counts of the indictment except one of the two counts of genocide.

As to references to translation and interpreting issues in the judgment, a search similar to the search conducted through the transcripts (using the cluster "*transl*") found 25 references of which 4 are found in the body of the judgment, and the rest are in accompanying footnotes. Most of the translation-related issues mentioned refer to corrections of typographical errors such as dates, the spelling of proper names, or particulars of evidentiary documents. Only two of these, a dispute over the use of the term "expel" vs. "push back" and his stated preference for avoiding the word "siege" are points Karadžić insisted on during his trial. Otherwise, none of Karadžić's 89 linguistic interventions were considered to be of substantive significance in the judgment.

Conclusion

The pressures of trials in which a defendant chooses to represent himself and lock horns with the interpreters and translators over the credibility of both documentary evidence and the quality of the interpreting provided by the booth pushes the language staff out of the shadows and into the spotlight, as this and other trials have shown. Berk-Seligson's work on highlighting how interpreters make their presence felt in trials applies many times over for the war-crimes trials in international courts, where the translators and interpreters are visible participants in every aspect.

In relation to Koskinen's observations about institutional translating, the CLSS translators had to position themselves, in the case of an institution such as a war crimes

court, which involves adversarial voices, as providing a voice not for the Prosecution or the Defence but for international justice, and to assert their professional integrity by upholding the meanings of words and terms as they understood them best, despite pressures from the parties. Institutional protections introduced by the ICTY, such as the routine of submitting complaints about translation or interpreting quality to CLSS through official memoranda helped to some extent to shield the language staff from attacks by the parties, but in the Karadžić case the defendant frequently launched such attacks without submitting the appropriate paperwork, and he seldom followed the procedures established by the bench in his case for providing translations of evidentiary documents in a timely manner.

Arrojo's comment on the struggle for control over meaning and Conley and O'Barr's examination of the power dynamic of a courtroom through the perspective of language use seem the two most helpful lenses through which to view the Karadžić case and his obstructive and intrusive reliance on translation strategies.

Whether or not these strategies did, in fact, advance his case in the eyes of the judges, his position as a self-representing accused allowed him to turn his defence into a bully pulpit and gave him the opportunity to exercise power and champion his role in the war. The only way the CLSS language staff could resist his pressures to rope them into his agenda was to uphold their professional integrity by standing up to the many ways Karadžić found to foist his language preferences on them.

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