



Registry Practice Direction

Policy on Translation and Interpretation

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CHAPTER I GENERAL PROVISIONS**Section 1 Purpose and scope**

1. The Registrar of the Kosovo Specialist Chambers ("KSC") has adopted this Policy on Translation and Interpretation pursuant to Article 34 of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 23(1) of the Rules of Procedure and Evidence ("RPE") to give guidance on the scope of interpretation and translation services provided by the Language Services Unit ("LSU").
2. This Policy intends to ensure that the language needs of all stakeholders in a multilingual institution are met in the most efficient, equitable and cost-effective way. The Policy sets out modalities and implementing arrangements for services provided by LSU to the KSC in accordance with Article 24(1) of the Law, in particular priorities to be observed if resources are not sufficient to provide all the language services requested. Users shall follow the provisions set forth in the Policy in order to ensure the optimal use and high quality of the KSC language services.
3. This Policy is without prejudice to the authority of the relevant Panel to decide on working languages for proceedings before them pursuant to Article 20 of the Law and other applicable legal framework.
4. Transcripts shall not fall within the scope of this Policy.

Section 2 Role of LSU

1. LSU provides language services in the three official languages of the institution (Albanian, Serbian and English, "KSC languages") and, upon request and taking into account available resources, in other languages. These services comprise spoken (i.e. interpretation) and written (i.e. translation and revision) language services, as well as *ad hoc* language assistance, provided by KSC staff and, if necessary, by qualified external contractors.

2. LSU shall endeavour to meet language needs of all requesters, in accordance with Section 2 of the Registry Instruction on Requesting Translation, Interpretation and Verification Services.
3. LSU operates pursuant to the provisions of the applicable legal framework, acting impartially, faithfully, independently, conscientiously and with full respect for the duty of confidentiality. The staff of LSU and its contractors shall act in accordance with the KSC Code of Ethics for Interpreters and Translators and make a solemn declaration before performing their duties.

Section 3 Definitions

1. **Translation:** rendering of a written text into another language.
2. **Revision:** the quality-control process of comparing a translation with the original text to identify and correct any substantive or formal errors, thus ensuring accuracy, completeness and suitability of translation for the agreed purpose.
3. **Interpretation:** rendering of the spoken word into another language in order to facilitate oral communication between speakers of different languages; in doing so, interpreters convey the meaning and the message and not the literal phrasing of the original.

CHAPTER II Translation and Revision

Section 4 Types of service

1. In order to ensure the most efficient use of LSU translation resources while meeting the needs of requesters, the type of service provided will depend on the intended purpose of the text to be translated. Generally, material needed solely for information purposes will undergo a one-step translation process, whereas other documents will also need to be revised by senior language staff who improve and endorse the translation.
2. Based on the above, the LSU provides the following forms of translations:
 - a. **Draft** – translated by language assistants and not revised;
 - b. **Unrevised** – produced by a professional grade translator and self-reviewed;
 - c. **Official** – produced by a professional-grade translator and revised by another translator and/or reviser.
3. As a general rule, documents for publication and eligible filings are produced as official translations. Unrevised or official translation services are recommended for material submitted as evidence.

Section 5 Material eligible for translation

1. The following material shall be eligible for translation into one or more KSC languages:
 - a. All filings by the Chambers;
 - b. All submissions by the parties and other participants;
 - c. Other documents needed for the conduct of KSC business and produced by the Specialist Chambers; and
 - d. Material submitted as evidence by the Defence or Victims' Counsel.
2. The need for translation of other documents shall be determined on a case-by-case basis by the relevant Panel and the Registry.

3. As a general rule, LSU may decide not to translate:
 - a. Books or other voluminous compendia in their entirety; requesters shall submit for translation limited passages thereof intended for submission as evidence or as annexes to submissions;
 - b. Originals already available in translation from a reputable outside source;
 - c. Translations, unless no copies of the original exist.

Section 6 Translators' notes

1. In the course of translation, it may be necessary for LSU translators to insert a note with an explanation concerning the original text. Such translator's notes will be provided in slash brackets and will reflect either relevant information (such as /signature in the original/ or /handwritten text/ etc.), provide the expansion of an acronym (such as KPRK/Republic of Kosovo Criminal Code/) or indicate difficulties encountered in the translation process (such as /illegible text/ or /as printed/).

Section 7 Prioritisation of translation requests

1. Subject to the direction of the President, the Panel or the Registrar, as appropriate, the following general principles shall govern the prioritisation of translation requests:
 - a. Translation of documents required for judicial proceedings takes precedence over documents for other KSC activities;
 - b. Translation of documents needed for the fair and efficient conduct of proceedings takes precedence over translation of other documents required for judicial proceedings;
 - c. Translation of documents required to meet a deadline takes precedence over translation of documents without a deadline;
 - d. Translation of filings by Chambers takes precedence over translation of submissions by parties and other participants unless the latter are needed to meet certain deadlines;
 - e. Translation of judicial decisions or orders under appeal takes precedence over translation of decisions or orders not under appeal.
2. Documents for translation shall be classified according to the categories of priority defined in Table 1 below. Any conflicting priorities in translation requests shall be settled by consultations between the Head of the Judicial Division, the President or the relevant Panel(s) and the Registrar, as applicable.

Table 1: Translation priority matrix for the most common types of documents

Tier	Document Type
1	<ul style="list-style-type: none"> • Arrest warrants; • Confirmed indictments; • Chambers' decisions and orders directed at State authorities; • Subpoenas and summonses; • Correspondence between the KSC and State authorities in Albanian or Serbian; • Medical reports and relevant correspondence from detainees; • Judgments, decisions, orders and other documents needed to meet the prescribed deadlines; • Press-releases/urgent website modifications.
2	<ul style="list-style-type: none"> • Submissions by parties and other participants; • Documents to be submitted as evidence in an ongoing trial; • Documents needed for examination of witnesses; • Judgments, decisions or orders not falling under Tier 1; • Documents required for procedures by the KSC Ombudsperson; • Documents other than those in Tier 1 requested for translation by the President or a Panel for the conduct of judicial and administrative activities.
3	<ul style="list-style-type: none"> • Amendments to the RPE; • Documents to be submitted as evidence in trials where the start date has been set (including expert reports); • KSC Annual Reports.
4	<ul style="list-style-type: none"> • Documents other than those in Tier 1, 2 or 3 requested for translation by the Registry, parties or other participants; • Internal administrative documents.
5	<ul style="list-style-type: none"> • Other documents requiring translation for purposes of record.

Section 8 Procedure for transmitting translation requests

1. Requests for translation shall be submitted electronically in accordance with the relevant Registry Instruction on Requesting Translation, Interpretation and Verification Services.
2. The requester shall take into account that deadlines for translation are driven by the court schedule.

CHAPTER III Interpretation

Section 9 Modes of interpretation

1. Depending on the setting, interpretation can be provided in simultaneous or consecutive mode. Simultaneous mode enables almost instant communication whereby interpreters listen and render the message at the same time as the speaker is speaking. In consecutive interpretation, the interpreter speaks after the source language speaker has stopped speaking.
2. All courtroom proceedings shall be interpreted in simultaneous mode. The mode of interpretation for other meetings shall be determined in consultation with LSU.

Section 10 Priorities and scheduling

1. Interpretation shall be reserved for users in the following order of priority:
 - a. Judicial proceedings;
 - b. Official meetings/missions with the KSC principals.
2. Where budgetary resources and the availability of interpreters permit, the following requests shall also be granted:
 - a. Interpretation requests by the Units and Offices of the Specialist Chambers and other authorised parties;
 - b. Certain outreach and other events organised by the KSC principals (press conferences and media information activities, legal seminars, etc.).
3. Simultaneous interpretation into Albanian, Serbian and English is automatically provided for all courtroom proceedings listed in the courtroom calendar. Requests for all other interpretation services shall be submitted pursuant to the procedure set out in the Registry Instruction on Requesting Translation, Interpretation and Verification Services.
4. In order to optimise the use of interpretation capacity (in-house and external), in planning the calendar of meetings, hearings and meetings shall, to the extent possible, be spread evenly across the working week.

Section 11 Best practices on working with simultaneous interpretation

1. The purpose of interpretation in a multilingual judicial environment is to ensure effective communication between participants. In order to achieve the high standard of accuracy and completeness required in court interpretation, the following best practices shall be observed by all users of interpretation services at the KSC:
 - a. In keeping with the established workload standards for conference interpretation, in order to ensure the sustained concentration required for interpretation and avoid physical and mental fatigue affecting the quality of interpretation, interpreters' working hours shall be limited both for work in the booth and for other interpretation assignments, in accordance with Registry guidelines;
 - b. To the extent possible, parties shall provide in advance background information and other material necessary for the interpreters to gain familiarity with the cases and legal arguments presented in court;
 - c. To the extent possible, a Panel or parties shall provide in advance complex legal texts, such as a summary of a judgment, to ensure that the text is fully translated prior to the oral delivery and the interpreters provide simultaneous interpretation at the required level of accuracy;

d. All texts provided to interpreters shall be used solely by them and not disclosed outside LSU.

Section 12 Verification of accuracy of interpretation

1. Interpreters shall duly report any material mistakes in interpretation they become aware of at the first opportunity or after the hearing.
2. During proceedings in the courtroom, to the extent possible, any interpretation controversies shall be clarified without delay while the witness and all parties are still present.
3. Following the hearing, the Panel or any party may request a verification of accuracy of interpretation as set out in the relevant Registry Instruction on Requesting Translation, Interpretation and Verification Services.
4. Given that only the speech in the original language is authentic, all verifications of the accuracy of interpretation shall be done on the basis of the audio recordings of the original speech.
5. LSU shall issue a corrigendum of interpretation in those instances where deviations materially alter the meaning of the original.

The Hague, Netherlands

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