IMPRESSIONS OF A HAGUE COURT HEARING

A remark to Dr. C. D'Oliviers Farran's article in 25, A. S. J. G., 1953, pp. 55 ff.
by Dr. E. HAMBRO

It does occur occasionally that the experts learn something from the uninitiated. It may even happen that the innocent child renders an invaluable service as it did in Hans Andersen's tale about the Emperor's new clothes. In the same way an occasional observer may see points which escape the official whose visions is blurred by routine. For that reason one is glad to notice that Dr. Farran writes about a Court hearing.

I found the issue of the Review with his little article on my return from an official mission to the Far East and was disappointed to find repeated there some remarks which had already figured in a letter to the editor of the Times. The remarks I refer to contain a criticism of the system of interpretation at the Court. They were coached in language implying a strong criticism of the interpreters at present employed at the Hague even though this probably was not the intention of the author.

This letter was answered by the President of the Court, Sir Arnold D. McNair, in a letter published in the Times on November 19, last year.

»The Judges of this Court are entirely satisfied with the services rendered to them by their four highly skilled and experienced interpreters«, said Sir Arnold; and he added that he considered the criticism »to be quite unwarranted«.

It is a cause of some regret to an old servant of the Court to see the criticism repeated in this Review half a year after the President had given this answer; and it must be permitted to add a few words.

It seems a bit extravagant that an observer states that: »no one who has heard the system at work can consider it to be satisfactory«.

It may be good journalism, but dangerously close to contempt of Court when the author continues on the next page by saying that: »The pathetic eagerness with which they [namely the judges] listen to the opening words of the interpreter is apt to turn to bewilderment as the torrent of translation is poured forth.«

Very many people who have heard the translations year after year in one difficult case after another are impressed by the skill of the Secretaries of the Court who perform this extremely difficult and ungrateful task.
It should be underlined that the Court at the Hague does not cater for publicity. It does not work for the public. It may even be regretted that the Court so studiously shuns any kind of publicity; because publicity is of a certain value in our days. Be that as it may, the Court works in a calmer and more detached atmosphere and feels that publicity would detract from its dignity and from the lofty peace of the Court room.

The interpreters, therefore, work not for the public, but for the Members of the Court and for the Parties. They work for the Bench and for the Bar and not for the press gallery. Their work bears the stamp of it, and their recruitment is conditioned by it. They are not interpreters. They are «Secretaries». Their work consists in drafting legal documents as well as in translation and interpretation. They are generally legally trained people who have mastered a difficult technical subject and who are not given permanent employment by the Court before they have served year on a temporary contract. It would, therefore, appear rather unlikely that they should not be satisfactory to the Judges. And — this needs emphasize — they work primarily for the Judges.

More often than not, the speeches of counsel are written down in advance and worked over by the interpreters before they are delivered in Court. The task of the interpreters is, of course, even more difficult when this is not the case. But even so, they seem to give satisfaction to the Judges and the Parties. And experience shows that the interpretations generally are not very much shorter than the speech in the original language.

Before an observer makes up his mind about the system he should be well acquainted with it. If he had taken the trouble to examine it and explain it to his readers, he should have added that the verbatim records of the speeches are distributed immediately after the meeting and that the written translation is distributed very short time afterwards. Not the transcript of what the interpreter reads or speaks in Court, but the full and complete translation of the record of the speech. There is thus a fairly good chance — to put it mildly — that the Bench and the Bar have a reasonably accurate impression of the speeches.

Furthermore, the remedies suggested by the learned observer would not meet with the unqualified approval of the interested parties. If the speeches were prepared in advance, it is admitted that the system of simultaneous interpretation would save time. If, how-