

The Importance of Language in Participation in International Criminal Law

Par:

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Langue Undefined

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On my first day of attending the [Assembly of States Parties](#) (ASP) of the [International Criminal Court](#) (ICC), I slipped a set of headphones offering simultaneous translation over my ears and tuned them to the English setting. Although many of the state delegations at the ASP presented their statements in English or French, these headphones enabled me to understand the positions being taken by delegates who spoke in other languages. It struck me immediately how important it was to be able to understand the views of the other attendees and how crucial it was for actors in this field to have the opportunity to express their thoughts in a language of their choosing.

The Hague is an incredibly international city; it is the site of the Dutch government, international courts including the ICC and the International Criminal Tribunal for the former Yugoslavia, and numerous international organizations including the United Nations. People from around the world flit in and out of languages seamlessly as they walk down the city's cobblestone paths. At the ASP, delegates' interests in international criminal law and seeking to end impunity unite us, but sometimes, we are differentiated by the languages we speak. In this area of law, it is vitally important to understand perspectives and legal decisions originating from international courts and governments. When the *Rome Statute of the International Criminal Court*, which created the ICC, came into force in 2002, it was as a result of the efforts of intense collaboration and debate between countless state officials, legal professionals, non-governmental organizations' representatives and civil society actors. Effective communication between these parties to produce such a nuanced and important document was essential to this process.

Despite advancements enabling participants in this area of law to communicate, some linguistic barriers still exist. At a book launch held on Monday, Professor Ling Yan, a member of the Chinese ASP delegation, stated that significant advancements in trials for international atrocities have taken place in the Chinese legal tradition over the years, beginning with Chinese actors' involvement at the Tokyo International Military Tribunal after World War II. However, Professor Yan believes that Chinese international criminal jurisprudence is rarely discussed among members of the international community due to many foreign actors' inability to understand Chinese languages and the lack of translations of national decisions into other languages. The book discussed at this event, [State Sovereignty and International Criminal Law](#), is the first ever simultaneous publication of a volume on international criminal law in English and Chinese editions.

At a side-event on victims' participation in ICC proceedings, Marie Edith Douzima Lawson, legal representative for victims in the *Bemba* case at the ICC, noted that legal representatives working in the field must communicate with survivors of atrocities in a language that victims understand and must be able to spend the time required to gain victims' and witnesses' trust. Further, Mariana Pena, an expert on international justice, stated that 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.

International criminal law offers unique opportunities to link people from all over the world around issues that have immense effects on individuals' lives. We must continue to improve our ability to create and strengthen these links in a manner that goes beyond mere translation. Speaking a language is not just a matter of words, but a way of thinking. Expressing the impact of international prosecutions meaningfully to each individual and permitting the participation of stakeholders in these proceedings is incredibly important. It enables the prosecutions of offenders to be effective and meaningful internationally and to respond to the harms suffered by victims in a way that is relevant to their everyday lives. In order to use international criminal law to address atrocities and empower survivors, one must be able to both communicate the law accurately and appropriately

for each community involved.

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