Nuremberg in Madrid: the role of interpreting in the Madrid train bomb trial

The high-profile trials of the 2004 Madrid train bomb attacks mark a watershed in the history and development of court interpreting in Spain.

Simultaneous interpreting had rarely been used before in a Spanish courtroom and top-level professionals provided the service. Working conditions were far from ideal, however, and the legal professionals involved in the trial had somewhat unorthodox - and uninformed - views about the interpreters’ role in the proceedings.

On 11th March 2004, bombs which had been placed on commuter trains in Madrid exploded during the morning rush hour, killing 191 and wounding over 1500 people in what was one of the worst terrorist attacks ever to be perpetrated in Europe. The attacks were attributed to Islamic extremists, arrests were made and the trial took place from February to June 2007. Given that many of the 29 defendants and some of the 650 witnesses were native speakers of Arabic and Berber with a limited or no command of Spanish, interpreting was required throughout the proceedings.

Court Interpreting in Spain

Traditionally, court interpreting arrangements in Spain have been less than adequate, with few enforceable requirements regarding training and accreditation of those involved. There is no shortage of legislation guaranteeing the right to an interpreter for all non-Spanish speakers appearing in a Spanish courtroom. The problem, however, lies with the qualifications of those who are appointed as court interpreters. The legislation governing such appointments dates back to 1882 and basically opens the door to anyone who states that they speak the languages required. There is no official accreditation system in operation or regulations regarding minimum qualifications for interpreters. Ultimately, judges can appoint anyone who states they can speak the languages concerned, thus potentially seriously jeopardizing defendants’ right to a fair trial. Although there are a small number of staff court interpreters (many of whom are well qualified and efficient) in practice, most court interpreting is outsourced to private companies who have no quality requirements and pay extremely low fees, all of which logically fails to attract qualified candidates. All interpreting is done in the consecutive mode.

By contrast, the train bomb trials marked a watershed in the history of court interpreting in Spain. The interpreting team was prepared months beforehand and utmost care was taken to ensure that the interpreters working at this high profile mega-trial were experienced, trained, professional conference interpreters with knowledge of the different dialectal variations of Arabic and Berber spoken by the defendants and witnesses. A top Foreign Affairs Ministry interpreter was commissioned to put together the interpreting team. It is interesting to note that in this trial
simultaneous rather than consecutive interpreting was used, with purpose built booths being installed at the courthouse especially for this purpose.

**Reaction to innovations**

This situation was obviously very different to the service that judges and legal professionals in general were used to receiving and it is interesting to note their reactions and their perception of the interpreters’ role. From the first day, problems became evident. Although great financial investment had been made in equipment for simultaneous interpreting, headphones had only been purchased for the non-Spanish speaking defendants, enabling them to follow the interpreting into Arabic. The interpretation of their testimony into Spanish for the court was broadcast through loudspeakers in the courtroom. The disadvantage of this system was that the interpreters not only heard the voice of the defendants and witnesses that they had to translate, but they also heard their own interpretation through the loudspeakers in the courtroom which was picked up by defendants'/witnesses’ microphone and fed back into their headphones.

Obviously such a system is totally inadequate and extremely off-putting for the interpreters, making their already difficult task almost impossible. One may wonder why indeed they carried on and did not stop the proceedings until the sound problems had been resolved. This possibility was indeed discussed but ruled out at the time, given the tremendous expectation surrounding the trial, particularly on the first day of the hearings. There was an atmosphere of great tension as all public attention in Spain and indeed in many other countries was focused on this trial, with the presence of more than 400 journalists from all over the world, live television coverage and webcast, the presence of victims and their families and over 50 lawyers. The interpreters decided to carry on, adapting their technique by lengthening the time lag between what they heard in Arabic and their rendering in Spanish, which meant that they were not, strictly speaking, interpreting in the simultaneous mode.

By the afternoon, tension was running high and the presiding judge began to make critical comments about the interpreters: “*The interpreters are not having a very good afternoon*”… “*I want simultaneous interpreting, not successive [sic] interpreting*”. He finally suspended the hearing, demanding to see the interpreters immediately in his office. These scenes were broadcast live on Spanish television and gave interpreting a very visible profile from day one of the trial, although, unfortunately for our profession, the judge’s disparaging comments and unjustified criticism of their performance did not portray the interpreters’ work in a very favourable light.

Like the judge, the general public is not familiar with the technical requirements for simultaneous interpreting and was unaware of the extremely difficult working conditions the interpreters had found themselves in. These sound problems were partially solved as a result of the meeting between the interpreters and the judge, and the latter subsequently apologized for his comments and grew to greatly appreciate the work done by the interpreters. This evolution, however, was unbeknown to the general public and the media, whose opinion remained coloured by the public comments made on that first day in court. It is interesting to note that AIIC was among the professional organisations and colleagues who publicly spoke out in defence of the interpreters in the media.

**Evolving views and roles**

The process of interpreting continued to be visible throughout the trial and clearly affected the way in which the trial proceeded. Comments by the legal professionals indicate how they adapted to the process of simultaneous and what their expectations about this form of interpreting were. If these legal professionals had any experience at all with interpreting in court, it was in the consecutive mode. At one point, one of the defence lawyers stated: “*expliquele... Se lo voy a explicar yo*” [“explain to him... I’ll do so myself”]. The solicitor, thinking out loud, realized that simultaneous interpreting enabled him to speak directly to the defendant he was cross-examining, allowing him to
take ownership of his own utterances and not to have to speak through a visible third party, as happens when the interpreter is physically alongside the dock relaying the message in consecutive mode. The physical absence of the interpreter, however, had another side to it: the interpreters were perceived as automatic translating machines. There were many comments by the legal professionals which lead us to this conclusion. At one point the judge advised one of the witnesses: “Use el traductor de árabe” [“Use the Arabic translator’”] and, on another, made a request to the sound technician “Póngale el sistema de traducción” [“Connect him to the translation system”]. The technician proceeded to place headphones on the defendant as though he were indeed wiring him up to some sort of automatic system.

Moreover, translation became a major issue at the trial as the charges brought against the principal defendant were based on what turned out to be a deficient transcription and translation of a conversation originally in Arabic. Two of the simultaneous interpreters were appointed as expert witnesses and required to provide a report on the original transcription and translation of the conversations in question. The court actually acquitted the defendant in part as a result of this report. One may wonder to what extent a court interpreter may also serve as an expert witness in the same trial. Could this not potentially lead to a breach in their neutrality or a distortion of their role by placing them at the centre of the legal battle? Confusion with regard to the role of the interpreters as expert witnesses was evident from comments made by the legal professionals. The public prosecutor openly questioned their credentials to act as expert witnesses, and attempted to discredit them, which does not usually occur with expert witnesses from other fields (eg. psychology, architecture, forensic science).

The defence adduced that their reliability was precisely due to the fact that they were neutral court-appointed interpreters, and thus had no vested interest in furthering the interests of either side. At one point, the judge stated “los peritos no pueden hacer valoraciones” [“the expert witnesses may not make appraisals”] and, on another occasion, admonished one of the lawyers: “Ud lo que pretende es que el perito diga que ahí traduce yihad en un sentido determinado y esa interpretación corresponde al Tribunal” [“it is your intention to make the expert witness say that he translated yihad in one specific sense and it is the Court’s function to decide on that interpretation”]. However, we would question whether indeed it is the court’s function to decide on the most likely meaning of word in a language its members may not understand. Surely that is precisely the function of the expert witness: to make appraisals and to use his/her expert knowledge to point to the most likely pragmatic meaning of a word in a given context which is culturally conditioned.

Growing awareness

In short, the train bomb trial, as has been stated above, marked a turning point in court interpreting in Spain. Unfortunately, the high professional level of the services offered stands in stark contrast to the usual situation. For some of the legal professionals involved in the trial, awareness of the importance of professional interpreting grew as the trial progressed. Some members of the judiciary are now championing the cause of professional training and accreditation for court interpreters. There is, of course, still a long way to go, but the recent EU Directive on the right to interpretation and translation in criminal proceedings will no doubt help to improve the situation. Let us hope that is the case as it is the only way forward if the proper functioning of Spanish courts is to be promoted and the right to a fair trial safeguarded.

Anne Martin (anne@jgwkml.cacd.ugr.es) is a senior lecturer and interpreter trainer at the University of Granada, Spain and a practising conference interpreter.

Juan Miguel Ortega Herráez (juanmiguel.ortega@cet2mtvq.ua.es) is a Court and Police interpreter, interpreter trainer at the University of Alicante, Spain and Vice-president of APTIJ, the Spanish Professional Association of Court and Sworn Translators and Interpreters.