

Further Information on Mohammed Yousry Case

In response to two articles published in the October 2006 issue of the newsletter of the New York Circle of Translators, a chapter of the American Translators Association, NAJIT Director Judith Kenigson Kristy prepared these comments to explain the views of NAJIT and the ATA, including specific details (see below).

This content is being published in the NYCT December newsletter, the Winter 2006 *Proteus*, and the *ATA Chronicle*. The original statement on this case issued by NAJIT and the ATA on March 1, 2005 may be accessed on the ATA or NAJIT websites and was printed in the Summer 2005 issue of *Proteus*, vol. 14 No. 2, on p. 11, and in the *ATA Chronicle*.

LETTER TO THE EDITOR

In the wake of the conviction of Mohammed Yousry for defrauding the U.S. Government and concealing material support to terrorist activity, a number of letters have been written supporting Mr. Yousry. Now two articles with a similar theme have appeared in the October 2006 issue of *The Gotham Translator*, the newsletter of the New York Circle of Translators, a chapter of the American Translators Association: “Occupational Hazards” by Marguerite Shore, and “Perils of Translation in Post 9/11 America: The Case of Mohammed Yousry” by Alison Dundy. These letters and articles decry Mr. Yousry’s conviction as “wrongful” (Dundy), and take the ATA and NAJIT to task for maintaining a neutral stance on guilt or innocence while underlining the need for education and vigilance in upholding the strict standards for ethics and protocols demanded of interpreters in the legal domain.

In the light of anticipated appeals, our associations have preferred not to publish statements containing concrete examples of some of the ethics issues in question. However, the rhetoric has reached a level where the *Gotham* articles have characterized our response as “cowardly and evasive” (Shore), and representing mere “legalistic bombast about protocols and neutrality” (Dundy). We beg to differ. While respecting the right of every individual to have and express his or her opinion, we would be doing the interpreting community a disservice if we did not continue to stress that the frequently mentioned “risks of doing one’s job well” (Shore) are greatly reduced, if not completely eliminated, by strict adherence to proper interpreting standards of performance.

In the specific case of Mr. Yousry, it is regrettable that instruction about these important standards does not seem to have been provided, or if it was, it was not sufficiently absorbed and/or reinforced to allow Mr. Yousry to withstand pressures to perform tasks and take positions that are patently contrary to the most basic canons observed by legal interpreters.

The defense strategy used by Mr. Yousry’s legal representatives emphasized that he was “just doing his job” and the majority of articles in support of Mr. Yousry underline this idea—that Mr. Yousry was merely “carrying out his duties as an interpreter, following the instructions of Stewart, the lawyer” (Shore), suggesting that if he can be convicted for

that, then interpreters and translators in the legal domain are in danger when interpreting for attorneys or their agents who may be carrying out suspect or even illegal activities themselves. But is this really the case? More to the point, was Mr. Yousry really just doing his job, performing as a “court-appointed interpreter,” or was he doing something else—taking on a role that allowed a jury to view his actions as independent and self-initiated? Is the “translator” defense really any more than a red herring?

In the reports of both Shore and Dundy, there are many references to the proper role of the interpreter. Shore reports on the presentation of Ellen Sowchek, stating that an interpreter is “required to speak in the same grammatical person as the individual for whom he/she is interpreting,” and must “convey not only the speaker’s meaning but also the style and register of speech, and to do so in a neutral fashion, without adding or subtracting from the original message.” This is quite correct and in accordance with the canon of ethics that requires accuracy and prohibits changing, adding to, or omitting the words of the speaker. Nevertheless, if one reads the actual transcripts used as evidence in the case, that is, the transcripts of the videotaped jail visits in which Mohammed Yousry acted as interpreter between client Sheik Rahman and attorney Lynne Stewart, there are so few instances of accurate interpreting and so many continuous examples of paraphrasing, information added, information omitted, and personal commentary offered, that it is hard to see how this performance can be classed as “interpreting.”

Likewise, Dundy states: “It is the job of the translator to facilitate communication. A translator’s own views and voice are essentially invisible and silent.” Yet the jail interview transcripts are literally filled with Mr. Yousry’s opinions, clever strategies and personal comments. Is this the work of a “neutral” party, an “impartial” interpreter? If Mr. Yousry had limited himself to interpreting what the two parties said (acting exclusively as *their voices* instead of introducing his own voice, his own ideas) in strategy planning and personal exchanges with the Sheik and Stewart, would a jury have been able to consider him as part of a conspiracy or would they have seen a mere language conduit, detached and uninvolved in the process?

Shore speaks of the “impossibility of neutrality in charged situations,” yet every day, in hundreds of courts, depositions, attorney visits, proffers, and so on, interpreters are performing impartially, maintaining neutrality and keeping their ideas and opinions to themselves. This is one of the hallmarks of a professional interpreter in the legal domain. Those who do not maintain neutrality are, indeed, subjecting themselves to risks, ranging from burn-out to prosecution, but true professionals generally have sufficient trust in their own abilities, as well as in the fact that *they do not really know, nor do they need to know, who is guilty and who is innocent*. Neutrality, for court interpreters, is precisely that: it means not taking sides at all, under any circumstances; not helping, not harming, not participating—in short, not doing anything that can be construed as an activity that does not constitute completely impartial interpreting or translating.

There are so many examples of ethical errors to be seen in the 275 pages of the jail visit transcriptions, and so many defects in the entire role and performance of Mr. Yousry as an “interpreter” in this case, that it would be impossible to outline all of them here.

Suffice it to say that if people continue to follow the red herring of the “just doing his job as a translator” defense, and if they neglect to read the jail interview transcriptions, they will never correctly understand the basis for the ATA/NAJIT joint statement, and will not know what it means to say that “we do not take a stand on guilt or innocence.”

Mr. Yousry may be guilty or innocent of the criminal charges brought against him. We do not know and probably will never know what his intentions may have been in this respect. His lack of professionalism, however, quite surely had a serious impact in increasing the dangers to which he exposed himself. As members of the interpreting and translating community, that is what ought to concern us most.

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Ms. Dundy states that “Mohammed Yousry was convicted for doing nothing other than his job.” In our view, a judiciary interpreter is not doing his job when he does the following:

1) fails to speak in the same voice, register or manner of the speaker. This occurs throughout all 275 pages of the May 19 and 20, 2000, videotaped jail interview transcriptions. Starting on 19, v. 1, p. 6, l. 11* — Yousry: “She is saying, Sir, that her favorite person is Sheikh Omar Abdel Rahman.” This type of inaccurate, indirect speech continues throughout.

2) summarizes, adds to, and omits parts of the speakers’ communications. This occurs throughout all of the transcriptions; in fact it is difficult to find many examples of actual, accurate interpreting in the entire corpus. Examples: 19, v. 1, pp. 12 - 15, 21 - 25, also 20, v. 1, pp. 1-3.

3) carries on lengthy personal conversations with the client in a foreign language, in spite of the fact that the attorney is not speaking of, or may not even have knowledge of, the matters they are discussing. This occurs throughout; see 19, v. 1, pp. 16 - 18 — “I’m telling about Tuesday now”; 19, v. 2, pp. 2 - 8 — at the end of these seven pages Stewart says: “Yousry, stop and translate now,” since she has no idea what they are talking about; 20, v. 2, pp. 30-31.

4) offers political advice or suggests strategies. 19, v. 1, pp. 24-25 — Yousry suggests that even if Farrakhan does not succeed in visiting the Sheikh, it will be good publicity for him if the newspapers say that he has not been allowed to visit the Sheikh. This is one of many suggestions made.

5) receives or has possession of faxes, letters and telephone calls on behalf of the client. 19, v. 1, p. 7; 19, v. 1, p. 38; 20, v. 2, p. 25, l. 22.

6) deceives the authorities about his true intent in speaking to the attorney. 19, v. 1, pp. 49 - 51 (starting on p. 49, l. 18); 19, v. 2, p. 29, ll. 4, 13, 15; p. 30, l. 9; 20, v. 2, p. 3

(“I am looking at you, [Lynn] so they get to think I am translating...”); 20, v. 1, p. 17, l. 5 to p. 18, l. 11; 20, v. 1, p. 24, l. 19, and so on...

7) is responsible for ancillary activities connected with the case, such as making calls, buying newspapers to read to the client, bringing him candy, handling money... 20, v. 1, p. 3, ll. 22-26, and pp. 19-20; 20, v. 3, p. 2, l. 1-10. There are also frequent mentions of “we” (“we received a letter...”), indicating that he is considered part of the defense team, rather than just an interpreter.

*The references are taken from the transcripts of jail visits made on May 19 and 20, 2000, available at www.lynnestewart.org/transcripts.html. The date of the visit is indicated by 19 or 20, the specific videotape is indicated by v. 1, v. 2 or v. 3, pages are indicated by p. 1 and lines are indicated by l. 1 etc. For example, 19, v. 1, p. 1, l. 1, indicates: Jail visit May 19, 2000, videotape transcription 1, page 1, line 1.