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In Court, Lost in Translation

By JOHN ELIGON
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**COURTHOUSE
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Mark I. Cohen, Esq.

20 Vesey Street, Suite
1200

New York, NY
10007

Phone:
(212) 732-0002

The most recent controversy in the [Dominique Strauss-Kahn](#) case has exposed an area in the criminal justice system where questions regularly arise: translations.

Prosecutors, the housekeeper who accused Mr. Strauss-Kahn of sexual assault and her lawyer recently [spent hours reviewing audio recordings](#) from telephone calls she had with a man in an Arizona jail after she said she was attacked. The two of them spoke in Fulani, the native language of the housekeeper, [Nafissatou Diallo](#), who is from Guinea.

Ms. Diallo's lawyer, Kenneth P. Thompson, has questioned the interpretation provided by some of the prosecution's interpreters. According to Mr. Thompson, his client never suggested on the call that she knew she could make money off of her accusations or that she was trying to, a suggestion that a law enforcement official said was made on the recording.

Disputes over how interpreters translate testimony or documents come up regularly in court cases.

Mark Cohen, a defense lawyer who practices in Manhattan and speaks what he called "fairly fluent" Spanish, said he has found that some interpreters [have a difficult time translating for people who are from a different part of the world.](#)

[For instance, Mr. Cohen said, when someone from South America is translating for clients from, say, the Dominican Republic, that person may not pick up all of the slang words.](#)

[Some of his Dominican clients in drug cases use the word "clavo" to refer to secret compartments in their cars where they hide narcotics, Mr. Cohen said. But clavo actually means nail or study in formal Spanish.](#)

[In one instance, Mr. Cohen said that he was actually duped by Dominican slang. When he was reading the transcript of a wiretap, he said, he kept coming across the word](#)

“cuarto,” which generally means room. But the context for the word did not make any sense, Mr. Cohen said.

“I’m reading wiretaps and I’m going crazy trying to understand what this means,” Mr. Cohen said. “Why are they saying, ‘the room, the room?’”

A client would later tell Mr. Cohen that “cuarto” was slang for “money,” Mr. Cohen said.

In a 2003 case in the Bronx, a man on trial for attempted murder moved for a mistrial because the court allowed an interpreter for a man who spoke Krio, a dialect from Sierra Leone. The defense lawyer argued that Krio was not really its own language.

It was “nothing more than a Patois,” and “English with a bad accent,” the defense lawyer argued.

He argued that the interpreter was incorrectly conveying the witness’s testimony by paraphrasing English words spoken by the witness.

In the end, the judge ruled that Krio, while similar to English “is a separate and distinct language that cannot be readily understood without an interpreter.”

Using an interpreter “was necessary to assure a clear and orderly process,” the judge wrote.

Arnold J. Levine, a defense lawyer, said that one question that arises during jury selection is whether the jurors would be able to put aside their own knowledge of a particular language and accept the interpreter’s translation.

In a 1991 case in Queens, after a jury convicted a man of selling drugs, a Spanish-speaking juror said that a Spanish interpreter’s translations were partially inaccurate.

But an appellate court ruled that there was “no suggestion here that the juror’s knowledge of Spanish put him into the position of an unsworn witness,” and that the inaccuracies hurt the defendant’s case. The court upheld the conviction.
