



# Court translation and interpreting in times of the ‘War on Terror’: The case of Taysir Alony

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**Abstract:** The case of Taysir Alony, the Al-Jazeera reporter who was imprisoned because of alleged collaboration with a terrorist organisation, raises several questions about the situation of police and court translation and interpreting in Spain. Alony and his co-defendants’ indictments were based, at least partially, on tapped conversations which were translated literally by verbatim translators or translators who did not belong to the same speech community as the speakers. Moreover, parts of the translated conversations and documents were framed in a manner that created a climate conducive to conviction. Given the context of the ‘War on Terror’ in which the translations and the ‘evidence’ were interpreted, this case raises questions such as interpretation vs. interpreting, the translation of culture and the role of the translator/interpreter.

This paper scrutinises these questions taking into consideration the historical, political and ideological context of the case. Using some instances of verbatim, manipulated or reframed translation, it is argued that the dominant discourse on the ‘War on Terror’ manages to construct a narrative that serves its interests – either through indoctrinated translators or blatant manipulation.

**Keywords:** Court translation, ideology, manipulation, culture, role

## Introduction<sup>1</sup>

Community translation and interpreting<sup>2</sup> in Spain is very much in its infancy, and the services available are, generally speaking, far from professional. Even court interpreting, the only form of community interpreting<sup>3</sup> in Spain which is relatively more developed, is characterised by an inadequately organised service and lack of clearly defined performance standards and recruitment criteria.

In this article, we intend to explore the effects of this lack of professionalism with reference to the case of the Al-Jazeera journalist Taysir

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<sup>1</sup> A preliminary version of this paper was published in Spanish in Boéri & Maier (2010) (Eds), *Compromiso Social y Traducción/Interpretación--Translation/Interpreting and Social Activism*. Granada: ECOS.

<sup>2</sup> Community translation and interpreting is the branch of the profession which aims at overcoming communication barriers between immigrants, refugees, tourists etc. and public service providers. It has experienced exponential growth in many countries over the past two decades although there are still many problems related to professionalisation. It has been the object of much academic research. For further information see Hale (2007) and also [www.criticallink.org](http://www.criticallink.org)

<sup>3</sup> As is the case in most countries, especially in Europe, we understand court translation and interpreting to be a branch of community translation and interpreting. It is worth noting, however, that there is not agreement on this issue and in some countries (notably the USA) court interpreting is considered a separate branch of the profession.

Alony, sentenced by a Spanish court to seven years imprisonment for collaboration with Al-Qaeda. This case raises several questions regarding the situation of police and court translation in Spain and the role of translators in situations of political or ideological conflict. Alony and his co-defendants' indictments were based at least partially on tapped conversations which were inadequately translated. In this particular case, it has not been established whether such inappropriate translations were the result of (i) dialectal differences between the translators and the defendants, (ii) their approach to translation as a word-for-word transfer, or (iii) instructions by their police officer employers to adopt a specific translation approach<sup>4</sup>. In any case, a more professional approach would undoubtedly have guaranteed higher quality translations, presumably less susceptible to manipulation.

We intend to show, from a discourse and a translational perspective, how in some cases these inadequately translated conversations and documents put forward as evidence were framed in a manner that served the case of the prosecution in the context of the 'War on Terror'<sup>5</sup>. It is our contention that such inadequate and manipulated translations – which were subsequently proved unsubstantial and thrown out of court – nevertheless served to create a climate of guilt which paved the way for conviction.<sup>6</sup>

Firstly however, it is necessary to contextualise the case by looking briefly at how police and court translation and interpreting are organised in Spain and discussing the circumstances which led to Alony's arrest. In the second part of this paper we discuss some examples of translation and the effect they produced on the proceedings. Such examples include excessively literal translations, failure to take pragmatic and cultural questions into account, in addition to discourse strategies by which translations are framed to fit in with the objectives of dominant discourse.

We hope to demonstrate the extent to which powerful institutions and social groups can not only control material resources but also affect social cognition by exercising their power at a discourse level either by controlling translators (imposing verbatim translation norms) or by directly manipulating the translation product and the use to which it is put.

## Background

### Police and court interpreting in Spain

There are at least three figures who can act as translators and interpreters in Spanish courts: staff translators/interpreters (*traductores/intérpretes de plantilla*), freelance sworn translators/interpreters (*intérpretes jurados*) and non-accredited casual freelancers. The number of staff translators/interpreters

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<sup>4</sup> The authors have been unable to ascertain the identity and professional qualifications of the translators concerned.

<sup>5</sup> The 'War on Terror' is a campaign initiated by the US government under President George W. Bush following the September 11<sup>th</sup> 2001 attacks. The policies associated with it have been a source of ongoing controversy as they have been seen as justifying human rights abuses and violations of international law.

<sup>6</sup> This research was initially intended to be a discourse analysis of the translations of the tapped telephone conversations. However, following much criticism in court, the recordings of these conversations inexplicably 'disappeared'. We have therefore resorted to video recordings of part of the trial (twenty-two tracks lasting thirteen hours and nine minutes), documents including a few pages from the indictment provided by Alony's defence, one expert statement provided in court by Dr. Beatriz Molina and Spanish media reports covering Alony's case.

employed is clearly insufficient to cover demand and, in any case, although many staff court translators/interpreters do in fact hold a degree in translation and interpreting, such a qualification is not mandatory. In many regions of the country, a secondary school leaving certificate is sufficient to sit the examinations required to become a staff court translator/interpreter. Ideally, the excess demand would be covered by sworn translators/interpreters. However, because of budgetary constraints the courts rarely use the services of these professionals and tend to rely heavily on casual freelancers instead. Such freelancers are usually provided by private translation agencies, are paid very low fees, are not required to hold any qualifications and their language and interpreting skills are not assessed (Ortega Herráez, 2010).

Until May 2008 Spanish police bodies recruited translators/interpreters on a temporary basis (three- to five- month contracts) through the National Employment Agency (INEM), as part of a scheme intended to provide job opportunities for the unemployed and first-time job seekers. Recruitment criteria did not include university qualifications, appropriate training or professional experience. As was also the case with courts, the remaining demand was covered by freelancers who claimed to speak the working languages and who were not required to hold any academic qualifications. On occasion, even detainees were used as interpreters (Escudero, 1999).

In May 2008 the Spanish Ministry of the Interior decided to outsource police translation and interpreting to SeproTec, “a leading multilingual service provider operating at an international level”, as the company website advertises (SeproTec, 2009). However, the Spanish press (e.g. Barrio & Herráiz, 2008) has reported complaints about this service provider’s dubious recruitment practices, the poor remuneration they offer the translators and interpreters working for them, as well as the lack of quality assuring selection criteria (no relevant training, qualifications or tests are required).

The situation in other institutions which depend on the Ministry of the Interior is no better. Benhaddou (2005), an interpreter working for the Asylum Office and other departments of the ministry, paints a bleak picture, stating that translators/interpreters often lack the necessary language competence, training and knowledge about institutional procedures. He also points out that they are underpaid, feel undervalued and have unsatisfactory working conditions. In addition to this, they lack terminology resources and are frequently obliged to work under the pressure of tight deadlines, translations are “often due by yesterday” (Benhaddou, 2005, p. 269), and with low quality recordings of tapped telephone conversations. Of particular note is the fact that these translators and interpreters are not bound by any code of ethics.

This overview reveals a stark lack of regulation regarding recruitment criteria. Although a number of legislative instruments guarantee detainees the right to an interpreter, none of them specifies the qualifications such a translator/interpreter is required to have. For example, Article 17.3 of the Spanish Constitution (1978) consolidates the right of all detainees to be informed immediately, in an intelligible manner, of their rights and the charges brought against them, but subsequent legislation is not clear on how such rights are to be enforced. The law specifying who can interpret in court, (*Ley de Enjuiciamiento Criminal*, i.e. Criminal Procedure Act) dates back to 1892 and clearly states that, if qualified interpreters or language teachers are not available, anyone who claims to speak the language can be appointed as translator/interpreter. This situation would seem to reflect the belief that anyone who speaks the languages concerned can automatically translate and

interpret, thus revealing a lack of awareness of translation and interpreting as cognitively complex, specialised professional activities. Obviously, in such circumstances there is little concern with performance standards. This lack of professional standards is not only due to the failure of the public authorities – in this case, the police and courts – to establish them, but also to translators and interpreters themselves, as there are no strong professional organisations, quality assurance bodies, or disciplinary measures.

With regard to the professionalisation of court interpreting in Spain, it must be acknowledged, however, that during the Madrid train bombing trials held in 2007 there was a small but highly significant development. Simultaneous interpreting was used for the first time in a Spanish courtroom on a large scale outside the Basque Country. The interpreting team was put together with great care and included top-level permanent and freelance conference interpreters working for different government ministries. Care was taken to ensure that the team included interpreters competent in different varieties of Arabic. It has not been established whether this was due to the evident translation problems in the case of Alony and his co-defendants, or whether it will mark a turning point in the evolution of court interpreting in Spain, but it is certainly an interesting development.

### **The case of Taysir Alony**

Alony, a reporter employed by *Al-Jazeera* satellite channel, was arrested in Spain in September 2003 for alleged connections with Al-Qaeda. He had reported the war in Afghanistan in 2001 and part of the war in Iraq. In 2001, a month after the September 11<sup>th</sup> attacks in the United States, he even managed to interview Osama Bin Laden, the leader of the organisation. This journalistic scoop was one of the grounds on which the charges against him were based or, at least, one of the reasons he aroused suspicion. The police investigators strived to present his case as that of a journalist who had easy access to the Al-Qaeda leaders, possibly because he was a member of the organisation. Two main arguments were used: first, since Alony had been the only foreign reporter who remained in Kabul after the American air strikes against Afghanistan in October 2001, they believed he had connections with the Taliban or Al-Qaeda. Second, the fact that he had gained access to Bin Laden, whereas US military and intelligence forces had not, suggested strong links with the organisation.

This line of argumentation can be found both in written documents and verbal testimonies during the hearings. Rafael Gómez Menor, the head of the Spanish Police Force's Central Unit of Foreign Intelligence (UCIE), who appeared before the court as an expert witness in the case, refers to the interview and to the people Taysir 'used' to reach Bin Laden (recording 20050518-16 4409-002 of the proceedings). Similarly, on page 20 of the indictment (document number 24533, see Appendix 1), the UCIE recriminates him for the same reason:

TAYSIR ALONY KATE achieved what every other journalist at the time was longing for, reaching the secret place in Afghanistan where Osama Bin Laden was and interviewing him personally, although at that time American and Western intelligence services were involved in an intensive search for Osama Bin Laden – to no avail (translated by the authors).

On 13<sup>th</sup> November 2001, while Alony was in the Al-Jazeera office in Kabul, the office was bombed by American forces. On 8<sup>th</sup> April 2003, while he was

in the Al-Jazeera office in Baghdad, American forces struck again, but although he escaped unscathed, a colleague of his, Tarek Ayoub, was killed. Curiously enough, on the same day the Palestine Hotel, where Alony had sought refuge and from where he was communicating with the Al-Jazeera headquarters, was attacked by American forces. Once again, he escaped death, but two other reporters, José Couso and Tarass Protsyuk, were killed (Martínez, 2005).

As Jihad Balut, the Al-Jazeera spokesperson, put it, Alony's is the case of a reporter who puts his life and safety at risk in order to obtain journalistic information and when he does so, he is criminalised for it (Howeidy, 2003). To give substance to the case, the Prosecutor resorted to some of Alony's actions and friendships or acquaintances which dated back to 1995 and 1996. For example, his suspected connections with Al-Qaeda included the fact that he let an alleged member of the organisation use his home address to receive correspondence, the transportation of approximately \$4,000 on behalf of an acquaintance and, of course, the scoop conceded by Bin Laden to Al-Jazeera, although this channel later decided not to broadcast the interview.

Most important for our purposes, however, is that the interpreting/translation of the tapped conversations and some documents does not seem to have been conducted in a professional and unbiased manner. There are several indications (see sections on culture, pragmatics and translation and situation management below) that the police investigation unit (UCIE), in their attempt to establish connections between Alony and Al-Qaeda, used some translations which were either taken out of context or clumsily reframed in the political context of the case. A simple example should suffice at this stage: when Alony refers in one of the tapped conversations to his brother Ameer, the proper name is translated as "emir" (José Luis Galán, Alony's defence barrister, as cited by Martínez, 2005). In addition to being used as a proper noun, the word *ameer* in Arabic means 'prince', 'leader', 'ruler' or 'commander'. In both Spanish and English speaking media, the word 'emir' is often used to refer to a leader of an Islamic armed organisation. In this case the word 'emir' possibly reframes the conversation in the context of warlords, heads of Islamist groups and, therefore, terrorist organisations according to the discursive strategies of the 'War on Terror' ideology.

### **Culture, pragmatics and translation**

This section scrutinises instances of inadequate translation referred to in the introduction, focusing especially on excessively literal translations. To assess the appropriateness of these renderings and the effect they had on the case during the police investigation phase, we are going to analyse the pragmatic meaning of the original expressions and the underlying cultural knowledge as two essential components in text comprehension and, therefore, in the translation/interpreting process. Pragmatic meaning is the meaning of text or utterances in context: linguistic context (the grammatical rules of the language and the sequence of words and expressions accompanying a particular element), physical context (the relevant setting where the interaction takes place), social context (the relationship between the participants) and epistemic context (the background knowledge shared by the interlocutors) (Yule, 2006).

In interpreted as well as in monolingual encounters, in casual as well as in formal institutional settings, meaning is constantly formulated,

interpreted and built on for the interaction to keep developing. In interpreted encounters and translated communication, especially, meaning acquires additional significance because two languages are involved and two additional processes take place (comprehension and reformulation by the translator or interpreter). In settings where real-life interests are at stake, such as police stations and courts, capturing meaning and reformulating it appropriately becomes a matter of paramount importance.

González, Vázquez and Mikkelsen (1991, p.95) define court interpreting as “the transference of meaning from one language to another in a legal setting”. “Meaning”, however, is a controversial term in translation/interpreting in general and in judiciary contexts in particular. For judges and lawyers who are not conversant with the nature and complexity of interpreting and translation, meaning transference is often equated with verbatim rendering of the original text or discourse. Literal translation is confused with accurate translation. More importantly, legal professionals conceive of ‘interpretation’ – understood as interpretation of the law – as an exclusive prerogative of lawyers. Consequently, they expect interpreters not to *interpret* but to *translate*, which, as they understand it, involves rendering the speaker’s words in a verbatim manner (Morris, 1995, p.26). The meaning of the word ‘interpreting’ in translation metalanguage is not generally understood by these institutional representatives, for whom:

[...] an interpreter should interpret every single word [...] exactly as it is said, whether it makes sense or whether it is obviously nonsense [...] The interpreter should look upon himself rather as an electric transformer, whatever is fed into him is to be fed out again, duly transformed (Wells, 1991, p.329).

However, if interpreters act upon the assumption that they are “a machine that robotically transforms words from one language to another, with no room for ‘interpretation’ or decision-making on their part, their renditions will very rarely be accurate” (Hale, 2004, p.12).

For most researchers and interpreter and translator trainers, accurate translating or interpreting requires rendering the pragmatic/discursive meaning, the speaker’s intention and effect of the original (Berk-Seligson, 1990; Hatim & Mason, 1990 and 1997; Krouglov, 1999; Hale, 2004). Hatim and Mason (1990, p.76) regard the transfer of semantic meaning (propositional content) as insufficient, and contend that the pragmatic meaning (illocutionary force) also needs to be conveyed. Hale (2004, p.3), in a book exclusively dedicated to court interpreting, adopts a similar stance and, following House (1977), sees accuracy as “a pragmatic reconstruction of the source language into the target language”. In the same volume the author shows the importance of apparently insignificant language elements (discourse markers such as ‘well’, ‘now’ and tag questions) for court hearings. Hale’s research suggests that interpreters often fail to perceive the pragmatic/discourse value of such elements and, by omitting them, tend to alter the witnesses’ style “either to their benefit or to their detriment” (Hale, 2004, p.157). Accordingly, she emphasises that these discourse markers and style features should be interpreted appropriately. In a similar vein, albeit in reference to interpreting in police settings, Krouglov (1999) stresses the importance of preserving the stylistic markers of the source text (colloquialisms, hedges, etc.), as failure to do so may

lead to misrepresentation of participants and/or loss of information in police investigations.

Seeking meaning at a pragmatic/discourse level is required because language use is not a mere sequencing of words with static meaning and universal equivalents; rather, it encapsulates a number of interpersonal and social relationships, contextual clues and constraints, as well as cultural connotations. In addition, when language is used interactively, as is the case for community interpreting and many police and court settings, meaning is not a static entity but is constantly subject to negotiation between the participants involved (Mason, 1999, p.149).

Translation/interpreting scholars, in general, and court interpreting specialists, in particular, have stressed the need for interpreters (and legal professionals involved in bilingual court proceedings) to be bicultural or, at least, aware of cross-cultural differences and the intricacies of intercultural communication (e.g. González et al., 1991; De Jongh, 1992; Mildren, 1999). This is not surprising given the fact that meaning is always culturally and contextually encoded, and that cultures and social groups differ in their perception of social and interpersonal relationships, in-group and out-group dynamics, linguistic manifestations of politeness, and meaning of non-verbal behaviour. As Vermeer (1994, p.10) puts it:

Translation as a cultural product and translating as a culture-sensitive procedure widen the meaning of 'translation' and 'translating' beyond a mere linguistic rendering of text into another language [...] As all our behaviour is culture-specific, the 'goings on' around a translation are culture-specific, too.

Intercultural issues usually arise in the courtroom when two or more parties to the institutional communication do not share the 'same' cultural background and, therefore, use or interpret language, gestures, discourse strategies and narrative structures differently. In the case of Taysir Alony and his co-defendants, however, some of the most serious misinterpretations did not occur interactionally during the hearings, but during the translation process of tapped conversations that were later put forward as evidence against the defendants. The translators and the police investigators were working on "static" recorded interaction between friends or acquaintances from (relatively) the same culture and speaking the same language (Arabic). Culture emerges, therefore, not as a result of cultural differences between the Arab defendants and the Spanish judiciary professionals, but rather as a result of the translators, for one reason or another, not taking the pragmatic and cultural components into consideration in the translation process. That is to say, it is not a question of interactional intercultural misunderstanding but a question of translating discourse after stripping it of its cultural and pragmatic components. Either because the translator/interpreter was unfamiliar with the epistemic context shared by the interlocutors or because he/she (un)voluntarily decided to adopt a verbatim mediation strategy, several terms and expressions were rendered infelicitously, thus paving the way for the investigation unit to incriminate the defendants and strive to construct a credible story of international terrorism.

For example, one of the tapped telephone conversations contains a reference to *Al-Arbaeen An-Nawawiyya*, the title of a small book consisting of forty-two of Prophet Muhammad's sayings compiled by Islamic scholar Yahia Ibn Sharaful-Deen An-Nawawi (1234–1278). Bearing in mind this cultural or general knowledge, the title of the book could have been translated as 'An-Nawawi's Forty Hadiths' or 'An-Nawawi's Forty Sayings of the

Prophet'. Obviously, An-Nawawi, the author's surname, which means "a person from Nawa" (a Syrian village), would not be translated. Nonetheless, given, on the one hand, the fact that the translators/interpreters/police investigators were working in the context of the 'War on Terror' and, on the other, the lack of the above cultural/general knowledge, the name of the scholar An-Nawawi was translated literally as "nuclear" (forty ways to make nuclear weapons). However, as mentioned above, the man died in 1278, centuries before humanity knew anything about nuclear weapons, and it is pure coincidence that his name is homonymous with the Modern Standard Arabic word for 'nuclear' (*nawawi* from *nawa:t*, meaning 'nucleus').

In another of the intercepted telephone conversations, Alony is addressed by his interlocutor as '*abu shabab*', a phrase used in some Middle Eastern dialects as a form of address which could be functionally equivalent to 'mate', although literally *abu* means 'father' and *shabab* means 'youth', 'people', 'friends' or 'guys'. This form of address was interpreted by the translator(s) as "leader of the group of youth" and whenever the word *shabab* appeared, it was understood as a reference to "a list of young people" being recruited to be sent to Chechnya, Afghanistan, or other countries. In fact, during Alony's hearing, the Prosecutor asks him the following:

Excerpt 1:

*¿Recuerda haber hablado con Barakat Yarkas sobre algo relativo a organizar una lista de jóvenes, organizar una lista?* (Track 20050516-115909-002)

Do you remember having spoken with Barakat Yarkas<sup>7</sup> about something related to organising a list of young people, organising a list? (Translated by the authors).

The same question is asked when examining other defendants. For example, Dr. Jamal Al-Hussain is asked the following question:

Excerpt 2:

*¿Usted con Yarkas después ha tenido otras conversaciones telefónicas donde hablaban de jóvenes?* (Track 20050517-101303-002)

You with Yarkas, did you later have telephone conversations where you spoke about young people? (Translated by the authors).

What seems to indicate the framing of *shabab* in the context of the 'War on Terror' is that this defendant is later asked about the meaning of Jihad and Al-Qaeda:

Excerpt 3:

*¿Qué es Yihad para usted?*  
What does Jihad mean for you?

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<sup>7</sup> Imad Eddin Barakat Yarkas, also known as Abu Dahdah, was the alleged leader of an Al-Qaeda cell in Spain.



*¿Qué significa Al Qaeda?*

What does Al-Qaeda mean? (Translated by the authors).

Furthermore, throughout the trial, questions keep recurring about an alleged terrorist group, *Jóvenes de Granada* (Youth of Granada), which shows the extent to which a simple mistranslation can lead to a whole line of investigation and to the construction of a case.

Alony's defence called upon Dr. Beatriz Molina, an expert on the Arab world and the Arabic language, to provide insight into such mistranslations in what is a good example of forensic linguistics, whereby an expert opinion on language issues is sought for judicial purposes. Dr. Molina, with full knowledge of the linguistic and cultural background necessary to understand these examples, stated the following (see Appendix 2):

- Many terms and expressions are not translatable in a literal manner,
- To translate them accurately one does not only need to master the Arabic language but also to know the culture and customs,
- To show respect, it is common for Arabs to call a person *Abu* (literally 'father') or *Umm* (literally 'mother') followed by the name of one of their children,
- This has no connection or equivalence to *alias* and no connotation pertaining to the realm of group leadership,
- In some Arabic dialects, the word *shabab* is used to refer to one's close social group (family or friends).

However, it seems that not only in the above cases but also in many others the translation/'interpretation' of the tapped telephone conversations opted for the most incriminating versions, without any translator notes regarding ambiguity or translation problems. Further examples are the words *bitaqa* and *jamaa*. *Bitaqā* is a polysemous Arabic lexical item which denotes 'card', 'ID card', 'business card' or 'ticket', among other meanings. In this instance, Alony was discussing his wife's travel plans and speaking about her airline ticket, but the translator opted for the term 'membership card'. The word *jamaa* meaning 'people', 'group', or 'guys' is interpreted as an organised (terrorist) group, regardless of the context in which it is uttered.

Although lack of access to the tapped conversations precludes a detailed reconstruction of the rationale that yielded such incriminating translations, these translation decisions may safely be accounted for in terms of four main causes:

1. The translators/interpreters were not from the same country as the suspects or were not familiar with their dialects. It should be borne in mind that in Spain, North African clients often have Middle Eastern interpreters and vice versa, although this often leads to miscommunication;
2. They had to interpret telephone conversations out of context, except for the general framework of the 'War on Terror' and the police investigation related to an alleged terrorist group;

3. They may have assumed the machine or conduit model<sup>8</sup> as a result of institutional norms and pressure to conform to what they believed — or were explicitly advised — was expected of them;
4. They may have provided alternative translations but the investigation unit adopted a selective approach.

Although all the factors above are likely to have contributed to the mistranslation/misinterpretation, there are signs indicating some sort of ‘manipulation’ and situation management, as the following example and section illustrate.

### **Translation/interpreting and situation management**

In Alony’s case there are several instances which suggest not only translation/ interpreting errors but also some ‘situation management’ (De Beaugrande & Dressler, 1981) or ‘selective appropriation’ (Baker, 2006) most probably carried out by the police investigators. De Beaugrande and Dressler (1981, p.163) distinguish between situation monitoring, which consists of providing “a reasonably unmediated account of the situation model” and situation management, which involves guiding the situation “in a manner favourable to the text producer’s goals” or, in other words, “the use of texts in discourse to steer the situation toward the participants’ goals” (De Beaugrande & Dressler, 1981, p.168). From a different theoretical framework, Baker (2006, pp.67-77) proposes two interrelated strategies as analytical tools, namely “selective appropriation”, the act of privileging some narrative elements and excluding others in order to serve one’s objectives, and “causal emplotment”, the interpretation and weighting of situations and events through sequencing, temporal ordering, translation equivalents and so on.

One piece of evidence used against Alony was a receipt in which his son Osama (aged eleven at the time) claims Al-Jazeera owes him \$1,000,000,000 (see Appendix 3). According to Alony’s account during the hearing (track 20050516-164410-002), Osama was playing around at his father’s office when he jokingly claimed that Al-Jazeera should pay him for helping with his father’s work. Osama then took a form from his father’s receipt book and started writing his claim. As he knew his father’s approval was required, he asked him to fill in the line related to services. To this Alony jokingly reacted by adding the expressions “ruining Al-Jazeera’s work, messing around and talking nonsense”, meaning that his son was hindering rather than helping. The original receipt is written in childish handwriting and contains scrawls by way of signatures. The date is written from left to right, characteristic of someone who has been educated in a Western country (as was Osama’s case). It was obvious that this was a joke and that it had nothing to do with Osama Bin Laden. However, it was construed by the translator/police investigators as being payment to Osama Bin Laden for sabotaging Al-Jazeera (sic), or payment to someone to sabotage Al-Jazeera’s work. To make this interpretation credible, the document was translated only partially and the contextual clues (child’s handwriting, informal register and

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<sup>8</sup> The ‘conduit metaphor’ probably has its origin in Reddy’s (1979) book chapter on language and meta-communication. In interpreting the metaphor is used to refer to the commonly and wrongly held idea of the interpreter as a mere automatic code-switcher.

jocular expressions) were omitted (see Appendices 3 and 4 for the Arabic original and Spanish translation respectively).

The following is a translation from Arabic into English by the authors of this paper. Fragments enclosed in square brackets are clarificatory notes and bold type identifies handwritten text in the original document<sup>9</sup>:

Excerpt 4:

28867

[In Spanish] Document intercepted during home inspection

[The rest in Arabic] Date: **5/9/2001**

Al-Jazeera Satellite Channel

### **Receipt**

I, the undersigned: **Osama**

~~Have received~~ **claim** [Authors' note: crossed word and spelling error in the Arabic original] from Al-Jazeera the amount of: **\$1000,000,000**

For: sabotaging/ruining the work of Al-Jazeera, messing around and talking nonsense<sup>10</sup>.

Signature: **OSAMA** [signature]      Accountant: **[Signature]**

However, the translation included in the indictment reads as follows (translated from Spanish to English by the authors of this paper):

Translation carried out by the Central Unit for Foreign Intelligence:

Date: 5/9/2001

Al-Jazeera Channel

### **Receipt**

I, the undersigned: Osama [Authors' note: the police translation includes a signature here, as did the original, but it is not the same signature]

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<sup>9</sup> In our translation of this document we have used conventions commonly used by accredited translators to reflect the form and content of the original. Thus, the comments included between square brackets are the translators' (ours), not part of the original. Such comments provide valuable information: for example the fact that there is a heading in Spanish, the fact that there is a crossed-out word and a spelling error (See Mayoral Asensio, 2003, for the conventions of translating official documents). We have also opted for using bold type to indicate handwritten parts in the original document, as this information may be important (and, in fact, is in this case), for the very fact of typing the translation of a handwritten document gives a different impression as to the formality of the original.

<sup>10</sup> It should be noted that the document is written in Standard Arabic but the expressions *talwees* and *akl hawa* are non-standard expressions used only in some Middle Eastern dialects. The authors of this paper consulted with some Arabic native speakers and translators from the region who provided the following meanings:

- *Talwees*: messing around, fooling around, cheating, fake, doing a botch job, etc.
- *Akl hawa*: talking nonsense, babbling, being a chatterbox, copping it, etc.

Independently of what the writer of the original meant by these expressions, it is evident that such expressions belong to a low register, which stands in sheer contrast to the rest of the document and gives the whole message a jocular tone.

Claim from Al-Jazeera the amount of: \$ 1000,000,000  
For: sabotaging the work of Al-Jazeera.

Signature: OSAMA [Signature included but different from original]

Accountant: [Signature included but different from original]

Of particular note is the flagrant omission of part of the original (“messing around and talking nonsense”) in the Spanish translation. Although the idea of claiming payment from a television channel in return for sabotaging its work is in itself nonsensical, the expressions “messing around and talking nonsense” clearly situate the document in the context of jocular behaviour rather than that of a serious transaction. However, these expressions were omitted, probably in order to hide the fact that the text had been written in a jocular tone. This interpretation gains more weight if we take into account the fact that the target language text includes not only the translation of the words ‘accountant’ and ‘signature’, but also an attempt to reproduce the original signatures, which is an unknown practice among professional translators. When rendering signatures, accredited translators simply replace the actual signatures with the words ‘signature’ or ‘illegible signature’ enclosed in square brackets (Mayoral Asensio, 2003, p.71).

During the trial the translation of this document was called into question by Alony’s defence, who pointed out that the alleged receipt had been translated only partially and requested that the document be shown to his client. Alony, who had himself worked as a translator for the Spanish national press agency Agencia Efe’s Arabic service, provided a sight translation into Spanish, with some additional description of the document, as follows:

Excerpt 5:

*Alony: Aquí pone recibo, la fecha el 5 del 9 del 2001, la fecha escrita de izquierda a derecha, pone como timbre canal Al Jazeera satélite. Abajo, yo el abajo firmante Osama, siguiente anda3i<sup>11</sup> Al Jazeera me debe la cifra de mil millones de dólares, a cambio de sabotear el trabajo de Al Jazeera y hacer bobadas y tomar viento, siguiente el contable aparece una firma a la izquierda firma pone allí en letra latina infantil, Osama y abajo una firma. (Track 20050516-164410-002)*

Here it says receipt, the date 5.9.2001, the date is written from left to right, the header says Al-Jazeera Satellite Channel. Below, I the undersigned, Osama. Next, anda3i Al-Jazeera owes me the amount of 1000 million dollars, in return for sabotaging the work of Al-Jazeera, being silly and getting lost [sic]. Next, the accountant, there appears a signature on the left, a signature in Latin alphabet and in a child’s handwriting that reads Osama, and below [there is] a signature. (Translated by the authors)

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<sup>11</sup> Alony here repeated in Arabic the word for ‘claim’ because it was misspelled by his son.

Alony's defence requested a sight translation by the interpreter who was available in the courtroom in order to check the accuracy of the translation included in the indictment. The conversation that ensued between the interpreter and the presiding judge is shown in the following excerpt:

Excerpt 6:

Judge: *Señor intérprete.*

Interpreter.

Interpreter: *Er... En la traducción están omitidas las últimas dos palabras.*

Er... In the translation the last two words have been omitted.

Judge: *¿Cuáles? Diga qué palabras.*

Which ones? Say which words.

Interpreter: *[...]hacer bobadas y comer aire.*

Being silly and eating air.

Judge: *¿Y comer aire?*

And eating air?

Interpreter: *Comer aire.*

Eating air.

Judge: *Haga usted una traducción de ese documento durante la sesión y luego lo entregará a la señora secretaria.*

Please do a translation of that document during the hearing and then submit it to the Secretary.

(Translated by the authors)

From this short intervention by the interpreter it can be seen that once again, although the omission was confirmed, the omitted items were translated inconsistently: while *talwees* was translated as '*hacer bobadas*' (being silly), thus taking into consideration the target text user, *akl hawa* was still literally translated as '*comer aire*' (eating air), which is incomprehensible in Spanish. It is worth mentioning, though, that Alony's sight translation of *akl hawa* is neither idiomatic nor accurate. For the Spanish expression is '*¡A tomar viento!*' (to hell with all this!) or '*¡Vete a tomar viento!*' (get lost!), not just '*tomar viento*'.

As the examples in this section suggest, the conduit model still dominating police and court translation and interpreting in Spain, on the one hand, and ideological selection and reframing of the 'evidence', on the other, have led to a narrative that presents apparently innocent conversations and texts in the frame of a democratic state based on the rule of law fighting a terrorist organisation. Selective omission (appropriation), the reproduction of mock signatures and the conversion of handwriting into typed text bring about shifts in register and, consequently, in the reader's perception of the text.

### **Role and ethics of the translator/interpreter in times of the 'War on Terror'**

The fact that such manipulation of the translations was possible at all would seem to point to the fact that there is indeed quite a degree of confusion about the role of translators/interpreters in the judicial system, which probably mirrors the lack of knowledge regarding translation/interpreting in society at large.

The prevailing view of the translators/interpreters' role in the judicial system would seem to be based, as has already been stated, on the conduit model of translation/interpreting (Morris, 1995; Pym, 1999): a flat, static model which both research and reality have proven to be a myth (Berk-Seligson, 1990; Roy, 1996; Wadensjö, 1998). Closely linked to the conduit model is the assumption that the translator/interpreter can somehow be neutral and machine-like rather than being an individual who — consciously or subconsciously — brings his/her ideology, culture and personality into the translating/interpreting situation. The latter has been illustrated in many subtle ways in the research on strategies used by community interpreters (Mason, 1999). The very idea that translators and interpreters can be absolutely neutral and do their job by mechanically applying a prescriptive set of rules implies that the source text is not open to different 'interpretations', that it is not ambiguous and cannot be manipulated and is thus somehow inherently objective. Any ideological conflict therefore becomes invisible and this, in turn, plays into the hands of the dominant views in society, perpetuating majority discourse as that which is naturally 'right'.

In countries where translation and interpreting have reached higher levels of professionalisation, practitioners are usually bound by a code of ethics which, as Hale (2007, p.103) puts it, "provides guidelines for practitioners on how to conduct themselves ethically for the benefit of the clients they serve, the profession they represent and themselves as practitioners". However, as the author notes, a code of ethics by itself, without appropriate training and professional development, cannot guarantee that all practitioners will be able or willing to comply with its standards (Hale, 2007, p.135). In addition, although Hale argues that it is unjustifiable to claim that the codes of ethics prescribe a literal approach or a mechanical rendering, the underlying philosophy of such codes is often the conduit model and, in practice, they are often of limited use in addressing real conflicts that arise in situated, contextual communication and interaction between parties with widely differing interests and power bases.

In the case studied in this paper, it is highly unlikely that the translators were bound by any code of ethics. Even if they had been, it does not seem that they were complying with all the principles stipulated by most codes of ethics (e.g. National Register of Public Service Interpreters, UK; AUSIT, Australia; NAJIT, U.S.). Although their verbatim renderings comply with the conduit model and superficially abide by the accuracy principle (unwittingly understood as a verbatim rendering of the original text or discourse), it obviously violates the principle which stipulates that interpreters and translators must disqualify themselves when they do not fulfil the necessary conditions to undertake an assignment. Such practice also places in question the impartiality principle, for if a translator/interpreter bends texts and discourses towards the institutional view, s/he can hardly be said to be impartial.

What is more, when an interpreter/translator has produced a translation whose content has been selectively presented as evidence to serve some political interests, as the case of Osama's 'receipt' and the other examples above seem to suggest, principles of translator/interpreter impartiality and confidentiality should be seen in a new light. For just like in cases of plagiarism or false testimony, translators, as authors of a text/testimony should have the right/obligation to speak out and reveal any kind of manipulation they become aware of. This is not only because of the possible consequences selective appropriation might have for their professional reputation, but also because such a practice may lead to

condemning innocent defendants. After all, codes of ethics are based on moral values, especially the general principle of not causing other persons any moral or material harm.

As recent events have shown, the exercise of such a right/obligation remains an ideal, as not all interpreters and translators can afford to diverge from the policy and ideological framework of the institution they work for without risking loss of their position or professional status. FBI translator Sibel Edmonds<sup>12</sup> and GCHQ translator Katherine Gunn<sup>13</sup> apparently grappled with the complexity of conflicting loyalties and decided to contravene code-based ethics in order to denounce what they believed to be inefficiency and/or manipulation. However, such would seem to be notable exceptions to what would appear to be the general rule.

## Conclusion

The case against Taysir Alony and his co-defendants is an eloquent reflection of the translation/interpreting standards and practices in Spanish police and legal settings. Instances have been detected in which the translators were not equipped with or did not take into consideration the necessary pragmatic and cultural background of the original text or discourse. The resulting mistranslations were then used to strengthen the Prosecution's case and served to create a climate of guilt and suspicion, even though the evidence based on such mistranslations was so unsubstantial that it did not stand up in court. This was partially due to the fact that the defendant Alony had himself been a translator and could contest them.

The case also shows that when there is a political or ideological conflict — and, to a greater or lesser extent, there almost always is — not only may mistranslations occur but also translation manipulation. The examples analysed above demonstrate the extent to which selective omission of certain items in the original text and the inclusion of mock signatures, together with non-contextualised renderings, all contribute to changing the text type, register and function and, therefore, have certain implications for the proceedings.

Thus, the lack of professionalised interpreting and translation services may contribute to unfair trials in numerous ways. Moreover, even a supposedly 'impartial' stance on the part of translators and interpreters may facilitate manipulation in favour of dominant discourse. This leads us to conclude that the work of translators and interpreters should be analysed further: the translator's role is not as simple and neutral as the conduit or verbatim model strives to present it; rather, it is closely related to power relations and dominant institutional structures. Translation is a partisan activity and the question of translator/interpreter ethics, together with the complexity of the task, need to be made visible so that the dangers of manipulation are fully understood (Tymoczko, 2006).

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<sup>12</sup> Sibel Edmonds was an FBI translator who complained to her superiors about intelligence failures and poor performance with regard to translations related to the 9/11 attacks in the US. She was dismissed, although her allegations were later found to be true (Rampell, 2006).

<sup>13</sup> Catherine Gunn was a GCHQ (Government Communications Headquarters, U.K.) translator who in 2003 leaked the contents of an email from a US National Security Agency official revealing plans to bug the UN offices of the six nations who could swing the vote which would determine whether the UN backed the invasion of Iraq (Burkeman & Norton-Taylor, 2004).

### **Acknowledgements**

We would like to thank the following persons for access to data used in this paper: José Luis Galán, Taysir Alony's defence barrister; Dr. Beatriz Molina, Director of the Peace and Conflict Institute (University of Granada, Spain) and expert witness for the defence; Rafael Ortega, researcher at the University of Granada; and Fatima Zohra Hamed Layasi, Taysir Alony's wife.

### **Postscript**

On 17 January 2012, after this paper had been completed, the European Court of Human Rights ruled that Alony's trial had involved a violation of Article 6 of the European Convention on Human Rights, in particular the right to a fair hearing by an impartial tribunal (Spanish Ministry of Justice, 2012).



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APPENDICES

Appendix 1 (UCIE document included in the indictment)

28310



DIRECCIÓN GENERAL DE LA POLICÍA  
COMISARÍA GENERAL DE INFORMACIÓN  
UNIDAD CENTRAL DE INFORMACIÓN EXTERIOR



**G) Intervención de TAYSIR ALONY KATE, en la difusión a nivel mundial del primer vídeo de OSAMA BEN LADEN después de los ataques del once de septiembre.**

— Después de los ataques norteamericanos contra el régimen talibán en Afganistán, a primeros de octubre de 2.001 se dio a conocer por todos los medios de comunicación a nivel mundial la aparición de un vídeo en el que OSAMA BEN LADEN realizaba un llamamiento a la Guerra Santa (Jihad) y advertía a Estados Unidos que no tendría seguridad hasta que no viva en paz el pueblo palestino; en ese vídeo OSAMA BEN LADEN salía junto a AYMAN ZAWAHERI. El vídeo en cuestión, según datos aparecidos en medios de comunicación de la época, entre ellos la propia agencia EFE, fue entregado al corresponsal de la televisión Al Jazeera en Kabul, TAYSIR ALONY KATE, que luego fue la persona que se encargó de difundirlo a nivel mundial.

— Resulta significativo, dado los antecedentes de TAYSIR ALONY KATE que indican conexiones con destacados miembros de la Organización AL QAEDA, incluso en su etapa anterior a su marcha a Afganistán, que fuera la persona que consiguió el vídeo en cuestión y lo difundió a nivel internacional.



**H) TAYSIR ALONY KATE entrevista personalmente, en un lugar desconocido de Afganistán a OSAMA BEN LADEN.**

— Es conocido también por las noticias aparecidas en numerosos medios de comunicación, que después de los ataques norteamericanos contra el régimen talibán, el único corresponsal de medios de comunicación que se atrevió a quedar en Kabul fue TAYSIR ALONY KATE, el resto huyó del país pocos días antes del estallido de la guerra. Pero es que además, y según salió publicado en numerosos medios de comunicación a nivel mundial, aproximadamente un mes después de los atentados del 11 de septiembre de 2.001, TAYSIR ALONY KATE consiguió lo que cualquier periodista de aquella época hubiera anhelado, es decir, llegar hasta el lugar secreto de Afganistán donde se encontraba OSAMA BEN LADEN y efectuarle una entrevista personal, a pesar de que por aquella época los servicios de inteligencia americanos y occidentales estaban llevando a cabo una intensa actividad con al intención de descubrir el paradero donde se ocultaba OSAMA BEN LADEN, cosa que como es sabido no llegaron

DILIGENCIAS N°: 24.533

FECHA: 05-09-03

FOLIO N°: 20

**Appendix 2 (Excerpt from the expert witness testimony delivered by Dr. Beatriz Molina, the Director of the Peace and Conflicts Institute, Granada)**

Numerosos términos o expresiones son, pues, difícilmente traducibles de forma literal a otras lenguas, y su correcta interpretación requiere no solo dominar las estructuras de la lengua árabe, sino también un buen conocimiento de la tradición cultural, costumbres, modos de vida, etc. de los hablantes que las utilizan.

Así, es habitual entre los hablantes árabes –como signo de respeto y aprecio- llamar a una persona por el apelativo Abu (literalmente “padre”) o Umm (lit. “madre”) seguido del nombre de uno de sus hijos o hijas, lo cual no se corresponde en absoluto con lo que en castellano denominamos “apodo” o “alias” (o jefe de un grupo).

De igual modo, en algunos dialectos, como el sirio, se suele utilizar la palabra “SHEBAB” (literalmente “joven”) para referirse, en tono afable, al grupo de personas que conforman el entorno más próximo de familiares y amigos. Algo similar a cuando nosotros, para preguntar por nuestras personas cercanas, decimos “¿cómo está la gente?”, sin que esto tenga nada que ver con un grupo de jóvenes definido y mucho menos con un grupo ilegal o terrorista.

**Authors’ translation:**

There are many terms and expressions which are almost impossible to translate literally into other languages, and their correct interpretation requires not only full understanding of the linguistic structures of Arabic but also a sound knowledge of cultural tradition, customs, forms of life, etc of the speakers of that language.

Thus, it is quite common amongst Arabic speakers –as a sign of respect and esteem- to refer to a person as Abu (literally “father”) or Umm (literally “mother”) followed by the name of one of their children, which in no way corresponds to what we would call a “nickname” or “alias” (or head of a group) in Spanish.

Likewise, in some dialects, such as Syrian, the word “SHEBAB” (literally “youth”) is commonly used to refer in an affectionate way to a group of people in one’s close circle of friends and family. It is similar to when we ask about members of our close circle and say “How are the gang?”. That has nothing to do with a specific group of young people and much less with an illegal or terrorist group.

Appendix 3 (Osama's original "receipt")

28867

- FOTOCOPIA DOCUMENTO INTERVENIDO EN REGISTRO

Fecha: 5/9/2001

CANAL 5 19 تاريخ 2001/19/5

RECIBO

قناة الجزيرة الفضائية

وصل استلام

أنا الموقع أدناه: أسامة

أند عي من قناة الجزيرة مبلغ: 1.000.000.000

مقابل: تكبيرات عن الجزيرة وتبريد راكل لبرا

التوقيع: USAMA

المحاسب:

FIRMA USAMA

EL CONTABLE

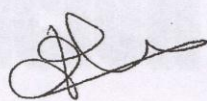
2000

Traducción efectuada por Unidad Central de Información Exterior.

Fecha : 5/9/2001.

**CANAL AL JAZEERA**

**RECIBO**

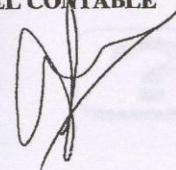


Yo, firmante abajo, USAMA,  
reclamo al canal AL JAZEERA, la suma de 1.000.000.000 de dólares  
por sabotear el trabajo de AL JAZEERA.

**FIRMA  
USAMA**



**EL CONTABLE**



International Committee for the Defense of Taysir ALONY  
Email: webmaster@alonyssolidarity.net  
Web site : www.alonyssolidarity.net