

# Building Mutual Trust: A Framework Project For Implementing EU Common Standards In Legal Interpreting And Translation

JLS/219/JPEN/219

Brooke Townsley, editor  
Department of English, Language and Philosophy  
Middlesex University  
2011



**Lessius**



**LUSPIO**  
LIBERA UNIVERSITÀ



AARHUS  
UNIVERSITY  
BUSINESS AND SOCIAL SCIENCES  
DEPARTMENT OF BUSINESS COMMUNICATION



**Copenhagen  
Business School**  
HANDELSSHØJSKOLEN



IoL Educational Trust



## CONTENTS

### **Introduction. Building Mutual Trust: A Framework Project for Implementing European Union (EU) Common Standards in Legal Interpreting and Translation**

*Brooke Townsley*

### **Chapter 1. Core Competencies in Legal Interpreting and Translation**

*Erik Hertog*

- 1.1 Introduction
- 1.2 Table showing the three core competencies required of trainee LITs
- 1.3 Table showing the five core LIT-specific competencies to be developed during training

### **Chapter 2. Core Modules in Legal Interpreting and Translation Training**

*Cynthia Giambruno*

- 2.1 Introduction
- 2.2 Modular descriptors for LIT training
  - 2.2.i Module 1: Specialised Language Competencies
  - 2.2.ii Module 2: Transfer Skills
  - 2.2.iii Module 3: Knowledge of Legal Systems
  - 2.2.iv Module 4: Professional Codes of Conduct and Guidelines to Good Practice
  - 2.2.v Module 5: Resources and Information Retrieval
  - 2.2.vi Module 6: Working with Legal Services

### **Chapter 3. Selecting Candidates for Legal Interpreting and Translation Training**

*Cynthia Giambruno*

- 3.1 Introduction
- 3.2 General considerations
- 3.3 Person specifications for legal interpreter and translator trainees
- 3.4 Selection methods and sample screening tools for specific LIT skills sets
  - 3.4.i Background information
  - 3.4.ii Knowledge of the world

- 3.4.iii General language proficiency
- 3.4.iv Specialised language competencies
- 3.4.v Knowledge of legal systems
- 3.4.vi Professional codes of conduct and guidelines to good practice
- 3.4.vii Transfer skills
- 3.4.viii Final screening instrument

## **Chapter 4. The Assessment of Core Competencies in Legal Interpreters and Translators**

*Hilary Maxwell-Hyslop*

- 4.1 Legal interpreters and translators (LITs) as professionals
- 4.2 Key principles in the assessment of LITs
- 4.3 The assessment of LITs
- 4.4 Requirements and competencies
  - 4.4.i Interpreting
  - 4.4.ii Sight translation
- 4.5 Assessment instruments
- 4.6 The Institute of Linguists Educational Trust's (IoLET) Diploma in Public Service Interpreting (DPSI)
- 4.7 Rationale for the DPSI assessment components (units)
- 4.8 Written translation for LITs
- 4.9 Production of test materials and standardisation
- 4.10 Quality assurance
- 4.11 The assessment of legal translators
- 4.12 Self-assessment for LITs
- 4.13 Mentoring
- 4.14 Conclusion

## **Chapter 5. Materials for Legal Interpreting and Translation Training**

*Bodil Martinsen and Kirsten Wølch Rasmussen*

- 5.1 Introduction
- 5.2 The materials bank: a user's guide
- 5.3 Sample exercise

5.4 Tables of exercises according to modules

- 5.4.i Module 1: Specialised Language Competencies
- 5.4.ii Module 2: Transfer Skills
  - a) Translation
  - b) Interpreting
- 5.4.iii Module 3: Knowledge of Legal Systems
- 5.4.iv Module 4: Professional Codes of Conduct and Guidelines to Good Practice
- 5.4.v Module 5: Resources and Information Retrieval

5.5 Web links

**Chapter 6. The Materials Bank**

*Compiled by Bodil Martinsen and Kirsten Wølch Rasmussen*

**Chapter 7. Computer Assisted Interpreter Training (CAIT) for Legal Interpreters and Translators (LITs)**

*Annalisa Sandrelli*

7.1 Introduction

7.2 Computer assisted interpreter training (CAIT): pedagogical rationale

7.3 CAIT: a brief overview

- 7.3.i E-learning experiences
  - a) The repository paradigm
  - b) The authoring tool paradigm
- 7.3.ii Blended learning experiences
  - a) Digital and virtual learning environments (DLEs and VLEs)
  - b) Webcast classes

7.4 Do-it-yourself (DIY) CAIT for LIT training

- 7.4.i Using Word and Teacher's Pet
  - a) Written cloze exercises
  - b) Jumbled paragraph exercises
  - c) Pair matching puzzles
  - d) Synonym and antonym exercises
  - e) Multiple choice questions
- 7.4.ii Using Microsoft Powerpoint

- a) Sight translation exercises
  - b) Multimedia packages (for interpreting practice)
  - 7.4.iii Using a sound editing programme
    - a) Cool Edit Pro
    - b) Audacity
  - 7.4.iv Using an electronic smartpen in consecutive interpreting lessons
    - a) DigiMemo
    - b) Livescribe Pulse and Echo
  - 7.4.v Using Microsoft Access
  - 7.4.vi Using Moodle
- 7.5 Conclusion

## **Chapter 8. The Training of Trainers for Legal Interpreting and Translation**

*Brooke Townsley*

- 8.1 Introduction
- 8.2 Core competencies for LIT trainers
- 8.3 The selection of prospective LIT trainers
- 8.4 The *Aequitas* criteria
  - 8.4.i Postgraduate-level qualifications in legal interpreting and translation
  - 8.4.ii Satisfactory experience of practice over a specified time
  - 8.4.iii Potential training skills
- 8.5 Trainee trainer person specification
- 8.6 Training of trainers courses: a sample curriculum
- 8.7 Teaching and learning: an overview of training activities

## **Chapter 9. The Training of Members of the Legal Services Working through Legal Interpreters and Translators**

*Ann Corsellis and Yolanda Vanden Bosch*

- 9.1 Introduction
- 9.2 Context
- 9.3 The aim of these materials
- 9.4 How to use these materials

9.5 Communication skills

- 9.5.i Intra-lingual communication: communication skills within a shared language and/or culture
- 9.5.ii Inter-lingual communication: communicating through a legal interpreter and/or translator

9.6 Availability and standards of skills and practice required of qualified LITs

9.7 The skills required of LITs

9.8 Professional codes of conduct and guidelines to good practice

9.9 Professional structures required for LITs

9.10 When should an LIT be engaged?

9.11 The use of untrained bilinguals for language support purposes

9.12 Stand-by interpreting

9.13 Employment or engagement structures for LITs

9.14 Selecting and commissioning LITs

9.15 Which language?

9.16 Contracts/Letters of agreement

9.16.i For interpreters

9.16.ii For translators

9.17 Preparation for an interpreted event

9.18 Planning and managing the effective provision of legal services across languages and cultures

9.18.i Information on language requirements

9.18.ii Range of language skills sets required

9.18.iii Managing language assistance in individual cases and related activities

9.19 Conclusion

9.20 Exercises

**Web links**

1. Country specific links
2. International links
3. Language links

**Notes on Partners in the Building Mutual Trust Project**

**Introduction. Building Mutual Trust: A Framework Project for Implementing European Union (EU) Common Standards in Legal Interpreting and Translation**

*Brooke Townsley*

The provision of interpretation and translation in the judicial proceedings of European Union (EU) Member States is an important contributor to the creation of the common area of freedom, security and justice promulgated as an objective by the Amsterdam Treaty (effective 1 May 1999). However, as indicated in the *Status Quaestionis* publication (AGIS project JLS/2006/AGIS/052) (Hertog and van Gucht, 2008), there is wide variation in the stage of development of legal interpreting and translation provision across the EU area. This raises questions about the quality of interpreting and translation in judicial procedures in different Member States. Without some confidence in a commonality of standards and practices in legal interpreting and translation, trust in the quality of evidence adduced in cross-border cases where legal interpreters and translators (LITs) are used is likely to be diminished.

Significant efforts on the part of academics, interpreting and translation practitioners and the legal services in different EU Member States have gone into identifying the requirements for legal interpreting and translation in the EU and have articulated the need for common standards and protocols. The EU Commission-funded Grotius projects (Grotius projects 98/GR/131 and 2001/GRP/015) and the publications arising from them (Hertog 2001, 2003) and the aforementioned AGIS project (Hertog and van Gucht, 2008) established principles and offered guidance for the effective provision of legal interpreting and translation in judicial proceedings. Establishing principles and identifying objectives was an essential first step. Now, supporting the achievement of these objectives is a necessary second step. It was with this in mind that the Building Mutual Trust project was conceived. Building on and informed by the work of the Grotius and AGIS projects (many of the partners in this project also participated in the Grotius and AGIS projects), the Building Mutual Trust project seeks to contribute to the establishment of common standards in legal interpreting and translation by facilitating the establishment of legal interpreting and translation training in EU Member States. It does this by providing descriptions of minimum competencies, guidelines for training course design, sample training materials, information on the use of computer assisted interpreter training technologies and suggestions for how to train the future trainers of LITs.



Also, it is often observed that the professional skills of the legal interpreter and translator are not widely understood outside the profession itself or the academic discipline of Linguistics, resulting in a lack of understanding between judicial and linguistic professionals on how to cooperate effectively to achieve accurate communication across language and culture. This project therefore extends the theme of training in legal interpreting and translation to judicial service personnel, with a chapter on guidance and training for judicial personnel working through legal interpreters and translators in the performance of their duties.

In designing this project, the partners have borne in mind that users of the materials presented in the project will be working under differing local conditions and with varied resources. No institution, system or judicial culture is entirely the same as another, much less their cultural context and linguistic peculiarities. No one is better placed, therefore, to understand the reality of those conditions than the local trainer or administrator tasked with the development of legal interpreting and translation services. The approach taken in the project to the provision of materials and guidelines is therefore resolutely not prescriptive. The project aims, instead, to provide templates onto which local solutions to training needs can be grafted. It is hoped that those responsible for the development of legal interpreting and translation in different EU Member States will be able to use the project to support the design of their own training programmes, adapting the templates provided by the project as they go. At the same time, the benchmark competencies referenced throughout the project will guide users towards the achievement of common standards of competence among their LIT trainees.

The project is divided into nine chapters. The first chapter, ‘Core Competencies in Legal Interpreting and Translation’, sets out recommended benchmark competencies for LITs. The standards proposed in this chapter reflect the competencies identified in the *Aequitas* publication, arising from the first Grotius project (Hertog, 2001). It should be emphasised that these core competencies are proposed as the minimum required of an LIT intending to practise in the judicial systems of the EU, and therefore represent a threshold level of professional competence, below which LITs should not fall.

The second chapter, ‘Core Modules in Legal Interpreting and Translation Training’, offers guidance on the establishment of LIT training courses and curriculum templates. For those building LIT training courses where these courses have not existed before, this chapter offers

clear guidelines on how and where to start. Those already delivering LIT training will also find useful suggestions here to support and develop their existing practice.

The third chapter, 'Selecting Candidates for Legal Interpreting and Translation Training', addresses the screening and selection of trainees for legal interpreting and translation training courses, while chapter four, 'The Assessment of Core Competencies in Legal Interpreters and Translators', looks at assessment methodologies and offers examples of assessment instruments.

The fifth chapter, 'Materials for Legal Interpreting and Translation Training' introduces the collection of training materials that lies at the heart of the Building Mutual Trust project. The materials themselves are reproduced in chapter 6, 'The Materials Bank'. These documents have been collected from the academics and practitioner-trainers who have participated in the project. The materials address differing topics, different LIT competencies and feature different training methodologies. They share in common, however, the fact that they are tried and tested and represent good practice in legal interpreting and translation training. In line with the ethos of the Building Mutual Trust project, the materials contained in chapter 6 are offered as templates, for the purpose of stimulating reflection, for adaptation or for use as they stand. The materials bank is a repository intended for wider dissemination. To this end, all the materials are also held online on the Building Mutual Trust website (<http://www.lr.mdx.ac.uk/mutual-trust/>) and can be downloaded from there. There are no restrictions on the use or adaptation of the materials in the bank and they are available free of charge. It is hoped that this initial collection of training materials will be supplemented over time with further contributions by project partners and also by other users and that they will address different training topics and in different language combinations. Thus, the materials bank will grow, and with it its efficacy in achieving the objectives of the Building Mutual Trust project.

The seventh chapter, 'Computer Assisted Interpreter Training (CAIT) for Legal Interpreters and Translators (LITs)', looks at the possibilities offered to LIT training by digital technologies and makes suggestions for their incorporation into training courses. A dedicated CAIT software package, 'Black Box', is presented as an example of how CAIT can be used in LIT training. It is understood, however, that 'high-end' digital facilities are not available in all training settings. Therefore the chapter also offers guidelines on how widely available consumer software can be adapted for the purposes of interpreter training.

The eighth chapter, 'The Training of Trainers for Legal Interpreting and Translation', looks at the recruitment of trainers for the specialised profession of legal interpreting and translation and the development of their training skills through training of trainers courses.

Finally, the ninth chapter, 'The Training of Members of the Legal Services Working through Legal Interpreters and Translators', provides guidance for legal services personnel on working with other language speakers through a legal interpreter or translator. The materials presented are written with the non-linguist in mind and the guidance offered seeks to de-mystify working through a legal interpreter and translator by explaining the processes at work.

The Building Mutual Trust project has been a collaborative effort, involving many days of work on the part of people drawn from the academic, judicial, public and voluntary sectors. All the contents of this project represent the contributions of all the project partners, and every chapter, although bearing the name(s) of those who prepared the final text, bears the imprint of each partner's contribution and expertise. A willingness to contribute and an eagerness to achieve a common goal have moulded the character of the Building Mutual Trust project. It is hoped that readers and users of the project will benefit from the blend of enthusiasm and skill that has enabled this project to be executed. Nor could the project have taken place without the substantial funding provided by the EU Commission. This funding enabled the project group to be drawn together and the expertise of each project member to be fully exploited. As project coordinator, I would like to extend my thanks to all those who have contributed to the Building Mutual Trust project and to the EU Commission for its generous provision of funds.

## References

Hertog, E. (ed.), 2001. *Aequitas. Access to Justice across Language and culture in the EU. Grotius project 98/GR/131*. Antwerp: Lessius Hogeschool. Also [online] available at <http://www.agisproject.com/Documents/Aequitas.pdf> [accessed 14 April 2011].

Hertog, E. (ed.), 2003. *Aequalitas. Equal Access to Justice across Language and Culture in the EU. Grotius project 2001/GRP/015*. Antwerp: Lessius Hogeschool. Also [online] available at: <http://www.agisproject.com/Documents/Aequalitas.pdf> [accessed 14 April 2011].

Hertog, E. and van Gucht, J. eds., 2008. *Status Quaestionis: Questionnaire on the Provision of Legal Interpreting and Translation in the EU. AGIS project JLS/2006/AGIS/052*. Antwerp, Oxford, Portland, OR: Intersentia. Also [online] available at: [http://www.agisproject.com/Documents/Status%20Quaestionis\\_Druk.pdf](http://www.agisproject.com/Documents/Status%20Quaestionis_Druk.pdf) [accessed 14 April 2011]

## The Building Mutual Trust Project

## **Chapter 1. Core Competencies in Legal Interpreting and Translation**

*Erik Hertog*

### **1.1 Introduction**

A legal interpreter and translator (LIT) is a trained, qualified professional who provides interpreting and/or translation services to those involved, in whatever capacity, in a legal system in whose language they are not fully competent. They provide their services in accordance with a professional code of conduct and in full awareness of the required working arrangements with the legal services and other legal professionals.

To be able to carry out this demanding profession requires training. Currently one sees considerable diversity in the European Union (EU) Member States in the provision of training in legal interpreting and translation. Training provision ranges from academic Bachelor or Master programmes, either exclusively in legal interpreting and translation or as part of a wider curriculum in community or public service interpreting and translation, to *ad hoc* training courses, varying widely in length and breadth. These latter courses may be offered at a professional level in either academic or adult education establishments or delivered by professional associations and sometimes by commercial companies. Although there is a noticeable trend in EU academic institutions that offer translation and interpreting of including legal interpreting and translation in wider curricula, either as a fully-fledged programme or in modular form, the overall heterogeneous picture is not likely to change in the short term. Hence, the focus in this report is on core competencies, rather than on a specific curriculum presented as a model to follow. It is hoped that this approach will facilitate the establishment of new legal interpreting and translation training provision in areas where the will to develop training exists but the skills and knowledge base may be less developed.

Given the complexity of the professional task of the LIT, competencies themselves are a complex amalgam of knowledge, skills and attitudes. The sample training materials presented in this publication are intended to facilitate the acquisition or bolster the mastery of the competencies described in the table below. These competencies are deemed essential in

## The Building Mutual Trust Project

the major reference works in the field of legal interpreting and translation and in other professional standards documents, as well as by the project partners themselves.

In the tables below, the competencies have been categorised as “pre-requisite competencies” and “legal interpreting and translation: specific competencies”. The first category describes the general competencies that trainees are expected to possess prior to beginning an LIT training course and which are essential foundations onto which legal interpreting and translation training can be built. The second category describes competencies that are specific to the professional LIT and it is the development of these competencies that is the focus of the Building Mutual Trust project. Where relevant, references to specific exercises from the material bank (contained in chapter 6) are included in the tables.

**1.2 Table showing the three core competencies required of trainee LITs**

| <b>Pre-requisite competencies</b>                   | <b>Components/core content</b>   | <b>Performance criteria</b>   |
|---|--|---|
| 1. General language competency                      | Proficient language knowledge and skills in both the first language and the other language. We recommend that levels C1 and C2 be required of trainee LITs, as measured by the <i>Common European Framework of Reference for Languages: Learning, Teaching, Assessment</i> (CEFR), 2001, [online] available at: <a href="http://www.coe.int/T/DG4/Linguistic/CADRE_EN.asp">www.coe.int/T/DG4/Linguistic/CADRE_EN.asp</a> | See the <i>Common European Framework of Reference for Languages: Learning, Teaching, Assessment</i> (CEFR), 2001, [online] available at: <a href="http://www.coe.int/T/DG4/Linguistic/CADRE_EN.asp">www.coe.int/T/DG4/Linguistic/CADRE_EN.asp</a> |
| 2. Interpersonal skills and attitudes               | Intellectual curiosity<br>Assertiveness<br>Analytical skills<br>Accuracy<br>Flexibility<br>Decisiveness<br>Perseverance<br>Empathy<br>Interest in language and cultures<br>Interest in interpreting and translation<br>Interest in LIT tools<br>Interest in social and legal issues  |   |
| 3. Knowledge of the relevant countries and cultures | Knowledge of both countries (regions) and cultures including:<br>• Geography, regions, cities<br>• Population, demographics, migration, ethnic groups<br>• Political institutions, parties, groupings<br>• Social sectors, welfare, health<br>• Education, religion, media, history timeline<br>• Cultural issues, including traditions, customs<br>• Current affairs<br>• Main media and information sources.           |   |

**1.3 Table showing the five core LIT-specific competencies to be developed during training**

| Legal interpreting and translation: specific competencies | Components/core content  | Training module                      | Relevant sample training materials (see chapter 6: The Materials Bank)  | Performance criteria   |
|---|--|--------------------------------------|---|--|
| 1. Specialised language competency                        | <ul style="list-style-type: none"> <li>• Proficiency in the language and discourse of the legal system</li> <li>• Knowledge of legal terminology</li> </ul>  | 1. Specialised Language Competencies | KWR 1<br>KWR 2<br>CG 4<br>CG 5<br>CG 6<br>CG 11<br>CVG 1<br>TG 1<br>TG 2<br>TG 4  | <ul style="list-style-type: none"> <li>• Understand legal concepts and terminology in sufficient depth to be able to transfer into target language</li> <li>• Follow legal argument</li> <li>• Paraphrase legal discourse in standard registers</li> </ul>   |
| 2. Transfer skills  | <p><b>Interpreting</b></p> <ul style="list-style-type: none"> <li>• Mastery of short consecutive mode interpreting for dialogue interpreting (two way)</li> <li>• Mastery of long consecutive mode (one way)</li> <li>• Mastery of whispered simultaneous mode interpreting for monologue (<i>chuchotage</i>)</li> <li>• Mastery of the appropriate supportive strategies, e.g. note-taking, stress management, memory skills</li> <li>• Mastery of interactional management skills, e.g. formal introductions, asking for repetition or clarification or interrupting, turn management</li> </ul> | 2. Transfer Skills                   | <p><b>Interpreting</b></p> AS 1<br>AS 2<br>AS 3<br>AS 4<br>BM 1<br>BM 2<br>BM 3<br>BT 1<br>BT 5<br>BT 9<br>CG 9<br>CG 10<br>IGH 1 | <p><b>Interpreting</b></p> <ul style="list-style-type: none"> <li>• Interpret accurately and fully into both languages, including factual information, concepts and opinions, adding or omitting nothing</li> <li>• Use standard and complex language, legal terminology, jargon and regional or national dialects, as required</li> <li>• Speak in both languages with confidence, fluency and without an accent which could hamper understanding</li> <li>• Take action if the flow of communication between the parties breaks down</li> <li>• Alert the parties to any missed cultural inference without acting as a culture broker</li> <li>• Reflect, as far as possible, the levels of linguistic sophistication and intellectual content, tone and speed of production of the parties involved</li> <li>• Reflect any of the speakers' attitudes, including irony, sarcasm and innuendo</li> <li>• Paraphrase the meaning of complex phrases and terminology if there are no readily available equivalents</li> <li>• Take notes as necessary</li> </ul> |



The Building Mutual Trust Project

|                                      |  |                                      |  |   |
|--------------------------------------|--|--------------------------------------|--|---|
|                                      | <p><b>Sight Translation</b></p> <ul style="list-style-type: none"> <li>• Knowledge of the conventions and formats for oral and written communication for both languages</li> <li>• Knowledge of different text types</li> <li>• Knowledge of the conventions of legal text</li> <li>• Ability to segment text into translation units or make annotations to facilitate oral translation</li> <li>• Ability to paraphrase the meaning of complex terminology</li> </ul> <p><b>Written Translation</b></p> <ul style="list-style-type: none"> <li>• High level reading comprehension skills</li> <li>• High level writing skills in both languages, including mastery of different registers and legal terminology</li> <li>• Knowledge of the professional code of conduct for translators</li> </ul> <ul style="list-style-type: none"> <li>• Knowledge of relevant sources (human, electronic, paper-based) for use in translation preparation</li> <li>• Awareness of legal systems and procedures</li> <li>• Knowledge of available translation tools</li> <li>• Text revision skills</li> <li>• Basic research skills</li> </ul> |                                      | <p><b>Sight Translation</b></p> <p>BM 1<br/>BT 7<br/>CG 1<br/>CG 1<br/>CG 2<br/>CG 3<br/>CG 4<br/>CG 5<br/>CG 7<br/>CG 10</p> <p><b>Written Translation</b></p> <p>CG 3<br/>CG 4<br/>CG 5<br/>CG 6<br/>CG 7<br/>IGH 1<br/>IGH 2<br/>KWR 3<br/>KWR 4<br/>TG 1<br/>TG 4<br/>TG 6<br/>TG 7<br/>TG 8</p> | <p><b>Sight Translation</b></p> <ul style="list-style-type: none"> <li>• Give an accurate sight translation of the document, conveying the meaning of the source text in the other language completely and faithfully</li> <li>• Reflect accurately in the sight translation the choice of language, register and tone of the document</li> <li>• Paraphrase the meaning of complex terminology and phrases if there are no readily available equivalents</li> <li>• Clarify any cultural inference that might lead to misunderstanding</li> </ul> <p>See:</p> <p>Ostarhild, E., 2001. Linguistic standards for legal interpreters and translators at Diploma or First Degree/BA level and at MA level. In: E. Hertog ed. <i>Aequitas: Access to Justice across Language and Culture in the EU</i>. Antwerp: Lessius Hogeschool, pp.41-87. Also [online] available at: <a href="http://www.agisproject.com/Documents/Aequitas.pdf">http://www.agisproject.com/Documents/Aequitas.pdf</a> [accessed 14 April 2011].</p> <p>National Occupational Standards for Languages, Translation, Interpreting and Intercultural Working (CILT, UK), [online] available at: <a href="http://www.cilt.org.uk/home/research_and_statistics/research/cilt_activities/occupational_standards.aspx">http://www.cilt.org.uk/home/research_and_statistics/research/cilt_activities/occupational_standards.aspx</a> [accessed 14 April 2011].</p> <p>National Standard Guide for Community Interpreting Services (HIN, Canada), [online] available at: <a href="http://www.healthcareinterpretation.homestead.com/standards.html">www.healthcareinterpretation.homestead.com/standards.html</a> [accessed 14 April 2011].</p> |
| <p>3. Knowledge of legal systems</p> | <ul style="list-style-type: none"> <li>• Knowledge of legal structures, procedures, legal professions, legal services and personnel in both systems</li> <li>• Mastery of general legal terminology</li> <li>• Ability to research specific legal terminology relevant to an assignment</li> </ul>   | <p>4. Knowledge of Legal Systems</p> | <p>BT 2<br/>BT 4<br/>BT 6<br/>CG 1<br/>CG 2<br/>CG 8<br/>KWR 1<br/>TG 2<br/>TG 5</p>   |   |

### The Building Mutual Trust Project

|  |   |   |                                       |  |
|--|---|---|---------------------------------------|--|
| 4. Knowledge and understanding of the professional code of conduct and guidelines to good practice | <ul style="list-style-type: none"> <li>• Profound awareness of the professional code of conduct governing legal interpreting and translation</li> <li>• Awareness of relevant national professional associations</li> <li>• Awareness of working arrangements, health and safety issues, diary and financial management</li> <li>• Awareness of the need for continuous professional development</li> </ul> | 5. Professional Code of Conduct and Guidelines to Good Practice | BT 3<br>BT 4<br>BT 6<br>BT 8<br>CVG 3 |  |
| 5. Knowledge of resources and information retrieval  | <ul style="list-style-type: none"> <li>• Knowledge of relevant sources (human, electronic, paper-based) for use in interpreting and translation preparation</li> <li>• Use of resources</li> </ul>  | 3. Resources and Information Retrieval                          | CVG 2<br>TG 3                         |  |

## **Chapter 2. Core Modules in Legal Interpreting and Translation Training**

*Cynthia Giambruno*

### **2.1 Introduction**

Training courses must offer instruction and guidance in all the major skills and knowledge areas related to legal interpreting and translation. This covers a broad spectrum of subjects and abilities. Much of the underlying conceptual content is widely applicable across linguistic and national boundaries, but there are elements of almost every issue that are context bound, and certain linguistic and language transfer matters that are specific to a particular language pair. By categorising the domains related to legal interpreting and translation, it is possible to determine which elements are universal and which are venue specific so that the appropriate modifications can be made in programmes and materials.

Drawing on existing research in this field, the Building Mutual Trust project has identified three ‘pre-requisite’ categories of core competencies for the legal interpreter and translator (LIT) and five ‘legal interpreting and translation-specific’ categories of competency, as outlined by Erik Hertog in tables 1.2 and 1.3 in chapter 1. To summarise, they are:

#### **Pre-requisite competencies**

1. General language competency
2. Interpersonal skills and attitudes
3. Knowledge of the relevant countries and cultures

#### **Legal interpreting and translating: specific competencies**

1. Specialised language competency
2. Transfer skills
3. Knowledge of legal systems
4. Knowledge and understanding of the professional code of conduct and guidelines to good practice
5. Knowledge of resources and information retrieval.

It follows, therefore, that training courses for prospective LITs should include, as a minimum, training modules that address these core competencies. Training and assessment for the

competencies in the ‘pre-requisite’ category can be sourced largely from existing teaching and learning resources. Training and assessment for the ‘legal interpreting and translation-specific’ competencies are less easily developed, however. This chapter therefore seeks to suggest modular descriptors for the five specialised legal interpreting and translation training modules proposed in table 1.3 in chapter 1, with a view to supporting the development of training in these LIT-specific competencies. Finally, it also includes a section describing a suggested additional sixth module aimed at providing aspiring LITs with training and orientation in how to work successfully with the legal services.

## **2.2 Modular descriptors for LIT training**

### **2.2.i Module 1: Specialised Language Competencies**

A high degree of proficiency or linguistic competence in both languages involved in an interpreted session is absolutely necessary. The level of proficiency required, in both languages, can be defined as similar to that of a university educated individual. A language competency module should therefore include training in the following areas:

#### **Knowledge of the characteristics of legal language, including:**

- terms of art
- registers most commonly used in legal contexts from formulaic (or ‘boilerplate’) language through to slang, jargons and regional or group-bound variants.

#### **The characteristics of spoken language and of different types of oral-genres, including:**

- interrogation
- testimony
- sentencing.

#### **Correct production skills, including:**

- structural
- syntactic
- stylistic
- phonological.

**Adequate listening skills, including:**

- ability to understand speech produced by all members of a language group, regardless of their regional origin or level of education
- ability to understand speech produced under stress.

**2.2.ii Module 2: Transfer Skills**

Transfer skills are those skills related to rendering written texts or spoken discourse produced in one language into a second language, maintaining all the semantic content and nuances of the original. A module on transfer skills should teach trainees to interpret oral discourse, in all interpreting modes, and enable them to master the specific skills subsets related to each mode, including:

- short consecutive for the interpretation of dialogue
- long consecutive (with and without note-taking) for the interpretation of longer (monologic) passages
- simultaneous (including whispered) for the interpretation of monologue
- sight translation
- written translation of legal texts and other documents used in legal proceedings
- sign language interpreting skills.

**2.2.iii Module 3: Knowledge of Legal Systems**

Knowledge of the legal system is a necessary basis for all other legal interpreting and translation knowledge and skills subsets. This module should encompass:

- an introduction to legal interpreting and translation
- a description of the state of the profession in the European Union (EU) as well as national practices in individual Member States
- an explanation of the structures, procedures, processes and personnel involved in legal proceedings in a given country or jurisdiction
- a presentation of the general characteristics of the legal system of origin of the language minority communities

- knowledge of the relevant aspects of criminal and civil law and the main settings in which legal interpreter and translator intervention might be required (for example, asylum hearings, police procedures, trials and other court proceedings).

This type of knowledge can be acquired through the structured study of published or printed materials, in formal classes given by experts in the field and by observation visits to legal venues.

#### **2.2.iv Module 4: Professional Codes of Conduct and Guidelines to Good Practice**

Professional codes of conduct and guidelines to good practice exist in many countries. Often practitioners themselves have developed these in collaboration or consultation with legal authorities. However, these codes or guidelines are not always well known or accepted by members of the judiciary (judges, attorneys, other court administrators, for example) who have cause to work through LITs. Therefore it is important for LIT trainees not only to know if there exists a code of conduct for their particular field of interpreting activity, but also to understand what those codes or guidelines encompass.

A module on professional codes of conduct and guidelines to good practice should encompass:

- the duty of confidentiality on the part of the LIT
- the duty of impartiality towards both parties on the part of the LIT
- proper interaction with all parties to a legal proceeding
- preparation for an interpreted communicative event
- self-monitoring of performance.

Further issues related to this topic include:

- how to develop a code of conduct or good practice guidelines by using information about those that have proved useful in other venues
- how to promote the recognition and implementation of an effective code of conduct once one has been developed, both by practitioners and users of LITs
- how to defend professional and ethical boundaries when working

- how to raise awareness of international, national and regional professional association(s) dedicated to legal interpreting and translation, from which codes of conduct for LITs usually come.

### **2.2.v Module 5: Resources and Information Retrieval**

All the modules described above depend on being able to access information. Furthermore, documentation and information retrieval skills are pivotal to preparing for and successfully completing interpreted events. Training on the effective use of information resources and information retrieval is therefore an essential component of LIT training. This module should provide strategies and techniques that are useful at all stages of training and will remain useful to practising interpreters throughout their careers. These would include:

- the effective use of Internet resources
- understanding the benefits of translation memory
- identifying resources on legal systems and legal language
- accessing information available through educational institutions
- taking advantage of services offered by professional associations.

### **2.2.vi Module 6: Working with Legal Services**

LITs have to work with legal services professionals, and their ability to fit in with the professional structures of the legal services they work within can have a direct impact on the quality of the linguistic services they provide. The institutional culture of the legal services is also quite distinctive, with special protocols and specific expectations of its personnel. These features may not be familiar to newcomers to the field. It is therefore important that training and orientation in how to work successfully with the legal services is included in any programme of legal interpreting and translation training.

This module should address issues related to the interaction between interpreters and other members of the legal services in a wide variety of legal venues and proceedings (police, civil and criminal courts and tribunals, probation services, prisons, immigration services, customs and excise, etc). Specific topics might include protocol and logistics in a legal setting, such as:

## The Building Mutual Trust Project

- presenting credentials
- positioning in the interpreted session
- turn-taking
- handling situations that impede effective interpreting
- asking for clarifications
- addressing the judge or interrupting the proceedings
- accepting and preparing for assignments
- briefings prior to cases
- obtaining access to pertinent documentation
- properly certifying a translated document
- identifying potential health and safety issues
- developing time, diary and financial management skills
- recognising the need for continuous professional development
- understanding how to raise awareness of legal interpreting and translation through explanation, example and insisting upon respect for the profession's codes of ethics and guidelines to good practice.



## **Chapter 3. Selecting Candidates for Legal Interpreting and Translation Training**

*Cynthia Giambruno*

### **3.1 Introduction**

Designing and implementing a productive training programme in legal interpreting and translation requires a clear understanding of the parameters that should be respected in order to ensure success. Some of the obvious factors in course design are: clearly defining the level of the programme being designed, the minimum and maximum number of participants, the venue and technical equipment available and the learning outcomes. Of all the issues that must be taken into consideration, however, appropriate participant selection is one of the most important. Course viability can depend upon proper participant screening. It is all too frequent to find selection criteria that are general and overly broad, allowing the participation of experienced practitioners alongside newcomers to the field. This complicates material selection, class development and assessment. Hence it is important to have some guidelines regarding the suitability of individual candidates for a specific training programme. Not all candidates who would like to train or who are nominated by someone to train will possess the minimum skills requirements to be able to take advantage of the training provided. The question then is: how can suitable candidates be identified? The answer to this question entails two processes. First, the foundational skills, abilities and knowledge considered necessary to begin training must be clearly established, and second, methods for their assessment must be developed.

In this chapter we will be revisiting the guidelines for selection that were presented by Edda Ostarhildin in the *Aequitas* publication (Ostarhild, 2001). Although these were designed for possible participants in standard undergraduate and graduate level university courses, they are easily and validly applicable to other types of training programmes, including community-based efforts, those developed and offered by local, regional or national professional associations, and even those that come from individual initiatives by interested parties. Once these standards have been reviewed, specific screening methods will be suggested. Sample selection materials documents are given in the six appendices to the chapter.

### 3.2 General considerations

Legal translators and interpreters (LITs) play an important role in society and carry significant social responsibility. The impact of their work has important repercussions for the parties involved in legal actions, especially in the criminal arena. The procedural and due process rights of any individual charged with a crime must be respected, but equally important is the judicial system’s responsibility to provide proper redress and relief to victims of criminal activity. Therefore, as was clearly stated in Ostarhild(2001: 46), individuals interested in receiving training as judicial interpreters should be selected “primarily on the grounds of their suitability to join the profession.” In legal interpreting and translation, suitability involves language proficiency, knowledge of the legal system (including, but not limited to, legal terminology), awareness and comprehension of professional codes of ethics and good practices, and the language transfer skills needed to provide a complete and appropriate target language rendition of information provided in the source language. The level of competence in these different areas varies at the induction stage, as the goal of training courses is to provide instruction and information that candidates do not have at the outset and wish to acquire. The specific focus of each training programme would also define the level of proficiency candidates would need in each area. Courses may be language-pair specific, requiring an excellent command of specific languages, or non-language specific, focusing on issues applicable to the profession across the board. Interpersonal skills and attitudinal and affective factors related to situational awareness and sensitivity, intercultural competence, and self-motivation for on-going skills development also come into play and could be included in selection procedures.

### 3.3 Person specifications for legal interpreter and translator trainees

| <b>Person specification sheet: attributes of an LIT trainee</b>   |   |
|---|---|
| <b>Essential</b>  | <b>Desirable</b>  |
| C1-C2 level of proficiency in both languages including ability to: <ul style="list-style-type: none"> <li>• Speak both languages without serious errors</li> <li>• Understand both languages and their cultures at a level appropriate to a particular linguistic and cultural environment</li> </ul> | First-level university degree in any of the following disciplines: <ul style="list-style-type: none"> <li>• Translation and interpreting</li> <li>• Languages/philology</li> <li>• Law, criminal justice</li> <li>• Social work</li> <li>• Other related fields.</li> </ul> |

The Building Mutual Trust Project

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>•Recognise, understand and correctly use a range of idioms, registers and a variety of expressions in both languages</li> <li>•Speak with a level of fluency that approaches that of a native speaker, without an accent that hampers comprehension</li> <li>•Understand any communication, except the most specialised, in the two languages without serious listening comprehension errors</li> <li>•Apply a significant range of language strategies selected from an extensive repertoire</li> <li>•Meet challenges that arise</li> <li>•Understand and speak effectively in response to regional accents and dialects that a native speaker of the language would be expected to understand</li> <li>•Recognise and reproduce a wide range of feelings and attitudes by employing appropriate language strategies.</li> </ul> | <p>Familiarity with accepted codes of ethics and guidelines to good practice in legal interpreting and translation.</p>  |
| <p>Knowledge of basic legal terminology.</p>  | <p>Knowledge of the functioning of the legal system and of the stages of a case from arrest through to sentencing.</p>   |
| <p>Basic knowledge of the modes of interpretation and when they are used:</p> <ul style="list-style-type: none"> <li>•Dialogue</li> <li>•Simultaneous</li> <li>•Sight translation</li> <li>•Consecutive.</li> </ul>   | <p>Some experience of using these modes of interpreting, even in informal situations (helping family members, friends or others to overcome a language or cultural barrier).</p> |
| <p>Cultural awareness and sensitivity.<br/>Familiarity with the main cultural characteristics of the language communities</p>   | <p>Some prior experience of working with language minority communities, either as a volunteer or in a professional capacity.</p>   |

The Building Mutual Trust Project

|   |  |
|---|--|
| <p>involved.</p> <p>Acceptance of cultural practices and beliefs that are different from one's own.</p>   |  |
| <p>Appropriate interpersonal skills and attitudes including the ability to:</p> <ul style="list-style-type: none"> <li>•Manage emotionally and mentally challenging situations</li> <li>•Manage stress and tolerate frustration</li> <li>•Work with a wide variety of people from different social backgrounds</li> <li>•Maintain professional standards of behaviour and practice when faced with situations that might be personally repugnant.</li> </ul>            | <p>Awareness of the current state of affairs in the community as regards minority/other language communities and their needs.</p> <p>Awareness of the current approach to providing language mediation services.</p> |
| <p>Intellectual curiosity as manifested by:</p> <ul style="list-style-type: none"> <li>•Following news and current events in newspapers, on television and/or radio, or via the Internet, in both languages</li> <li>•Volunteering or participating in community cultural events and activities</li> <li>•Participation in short courses, seminars, workshops, self-improvement opportunities, etc.</li> <li>•Reading regularly on a wide variety of topics.</li> </ul> | <p>Familiarity with research and documentation techniques.</p> <p>Familiarity with theoretical issues related to legal interpreting and translation.</p>   |
| <p>Good cognitive processing skills including the ability to:</p> <ul style="list-style-type: none"> <li>•Abstract</li> <li>•Reformulate</li> <li>•Concentrate</li> <li>•Retain information in immediate and short-term memory</li> <li>• Mentally organise information</li> </ul>  |  |

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>•Predict</li> <li>•Deduce and induce from information received.</li> </ul>   |  |
| <p>General knowledge of the world:</p> <ul style="list-style-type: none"> <li>• International organisations</li> <li>•Geography</li> <li>•Economy</li> <li>•Education</li> <li>•Media</li> <li>•Culture</li> <li>•History.</li> </ul> |  |

### 3.4 Selection methods and sample screening tools for specific LIT skills sets

#### 3.4.i Background information

All screening procedures begin with an application form that solicits background information from candidates that can serve as the starting point for the selection process. An application form would request personal information (such as nationality/citizenship, residence, age, current employment and contact information) and other information such as:

- The candidate’s language profile (languages spoken, self-perception of level and skills, usage in everyday life, etc)
- Prior education and training (both general educational level achieved as well as specific training in legal interpreting and translation, the law, or a related field)
- Prior work experience (both general and specific to language or cultural mediation in any setting or venue)
- Prior life experience (birthplace, short visits or extended periods of residence in countries where the languages involved are used, regular or sporadic interaction with members of the language communities involved, etc).

**See Appendix 1. Sample selection materials document: Intake Form**

**3.4.ii Knowledge of the world**

Interpreters should have a broad knowledge of and insight into the world around them in order to perform their tasks adequately. Therefore, it is suggested that a candidate's general level of cultural awareness and knowledge regarding current events and general social issues is ascertained. In this section of the screening process, habits relating to acquisition of information could also be determined.

A questionnaire could be prepared to collect this information, related to a candidate's knowledge of:

- International organisations
- Geography
- Economy
- Education
- Media
- Culture
- History
- Newspapers or news magazines in both languages
- Cultural resources sites for both language communities.

**See Appendix 2. Sample selection materials document: Knowledge of the World**

**3.4.iii General language proficiency**

Any course that is designed to develop the participants' skills in interpreting and translating through practical exercises or case studies requires an adequate level of proficiency in the language pair involved. Unless the course is specifically designed for language development, potential participants must be screened to make sure they meet the minimum language proficiency requirements for the course. Thus, measuring language skills and setting minimum competencies is pivotal to appropriate participant screening and selection.

Adequate proficiency at the induction level would include the ability to:

- Speak both languages without serious errors and understand the two languages and their cultures at a level appropriate to a particular linguistic and cultural environment

- Recognise, understand and correctly use a range of idioms, registers and a variety of expressions in both languages
- Speak with a fluency that approaches that of a native speaker, without an accent that hampers comprehension, and understand any communication, except the most specialised, in the two languages without serious listening comprehension errors
- Apply a range of language strategies selected from an extensive repertoire to meet challenges that arise
- Understand and speak effectively in response to regional accents and dialects that a native speaker of the language would be expected to understand
- Recognise and reproduce a wide range of feelings and attitudes by employing appropriate language strategies.

When assessing these skills for screening purposes, the evaluator should check for overall lucidity and intelligibility in speech production in both languages, evidence of full comprehension of speech produced in both languages including subtleties and nuance, and consistency in performance.

#### **3.4.iv Specialised language competencies**

It is important to remember that selection and screening processes are essentially assessment activities. The methods for determining proficiency levels prior to instruction are basically the same as measuring achievement of learning outcomes when a program of instruction has been completed. The first step is to have a clear understanding of acceptable performance standards and of the specific domains that require evaluation. Developing assessment instruments and formulating specific items to include in the instrument can be quite challenging. Each item developed should give candidates the opportunity to show that they are competent in one of the skills areas listed above (or any others that the program developer wishes to include). Thus items that allow for the evaluation of fluency and accent in terms of production, ability to deal with register, idiom, regional variation and dialect in terms of comprehension, and the ability to adapt to situations and use language strategies would all require different methods of assessment. Acceptable and unacceptable performances or responses should also be determined, to the extent possible, prior to administering the screening procedure so that all candidates are measured against the same criteria. Methods for dealing with unpredicted and unexpected responses should also be contemplated.

Possible methods for ascertaining language proficiency include:

- An oral interview
- A writing sample (free, guided, rewriting)
- A taped exchange with prompted responses
- Reading comprehension (word, text and concept level)
- Cloze exercises
- A standardised objective exam (usage, grammar, lexicon and idioms, error detection, etc.)

Language proficiency screening is often used as a first qualifying step for participation in training programs, with failure to achieve pre-established standards of performance grounds for exclusion from the program. If adequate language proficiency is demonstrated, then further screening can be done depending upon the nature of the training programme in question.

**See Appendix 3. Sample selection materials document: Language Proficiency**

### **3.4.v Knowledge of legal systems**

While this area is one in which prospective course participants might have varying degrees of awareness at the outset, it is important to recognise that knowing how the legal and judicial system works is essential for interpreters in the legal system. Knowledge of the legal system would include:

- Understanding the structures and procedures involved in court cases from initiation through to completion
- Being familiar with the different legal professions and their roles
- Knowing what services are available for defendants and victims
- Having some basic notions about procedural guarantees, due process, and basic tenets of the law.

The ability to use general legal terminology as well as terminology related to a specific assignment (e.g. family law, asylum, fraud, etc.) is also important. While it is probably unrealistic to expect individuals seeking training to be well versed in these issues, ascertaining if they do have some foundational knowledge would be useful and could be used as a screening criterion for course participants.



Possible screening for knowledge of the legal system:

- Objective testing (multiple choice, true/false, fill in the blank)
- Short answer exercise
- Situational response exercise
- Experiential self-assessment (life experience that might have involved interaction with a judicial system or systems).

**See Appendix 4. Sample selection materials document: Knowledge of the Legal System**

### **3.4.vi Professional codes of conduct and guidelines to good practice**

As is the case with knowledge of the legal system, professional codes of conduct and guidelines to good practice are usually included as a specific and important unit of study within most legal interpreter training programs. In spite of that fact, it is not unreasonable to expect trainees to have a basic intuitive understanding of ethical issues in a broad sense. Hence, assessing potential trainees' ability to discern appropriate from inappropriate conduct even before training is provided is a worthwhile effort. Furthermore, it is within this broad category of ethics and good practice that interpersonal skills, attitude and affect can be assessed. Thus, candidates can be screened for the ability to manage stress, to deal with emotionally charged or personally repugnant situations, to be empathetic without compromising professional behavior, and to deal with a wide variety of communicative events.

Possible screening methods for ethics, good practice, attitude and affect:

- Situational response exercises
- Self assessment questionnaire (attitudes and experiences)
- Simulation exercises
- Case studies
- Established attribute instruments (personality trait, self-efficacy or emotional stability instruments).

### **3.4.vii Transfer skills**

Transfer skills are those skills and abilities that are required to interpret in all of the modes used in legal interpreting: sight translation, dialogue or bilateral interpreting, consecutive interpreting with and without note-taking, and simultaneous interpreting, including whispered simultaneous.

It also entails mastery of the role of the legal interpreter as regards issues of protocol and performance, such as positioning, turn-taking, when and how to ask for clarifications, how to address the court, what to do when the interpreter realises an error has been made, and so on. Basic transfer skills should be measured to determine a benchmark prior to training. A candidate's ability to demonstrate the ability to grasp and convey the essential meaning of a written text or spoken discourse rapidly and correctly and to produce a text or spoken discourse based on information received can help establish that candidate's suitability for training.

Possible screening methods for transfer skills include:

- Translation/back-translation
- Graduated translation and oral interpreting exercises that entail progressing from simple sentences that can be successfully rendered using a word-for-word approach to more complex passages that contain unexpected elements requiring greater processing and that cannot be rendered on a word-for-word basis.
- Sight translation (both directions, including register and text type differences)
- Simulated testimony (not heavy on technical language)
- Reformulation exercises (same language, other language)
- Evaluation of higher order thinking skills (prediction, abstraction, induction, deduction, conclusion, etc) as well as concentration, focus and intuition
- Organisational exercises (listen for main and supporting ideas)
- Memory exercises (recall tests and completion or detection exercises; cloze tests)
- Best translation of a word or a phrase (objective exercise format).

**See Appendix 5. Sample selection materials document: Transfer Skills**

### **3.4.viii Final screening instrument**

The final instrument that will be used for each specific course will most certainly combine several of the approaches mentioned above and its format and content will depend upon the characteristics of the programme being proposed.

Other considerations when developing a screening exam include:

- Time constraints
- Equipment and space availability

- Rater/evaluator availability
- Funding available for screening.

Although specific ideas and examples have been given as to the type of screening exercises that can be used to ascertain a candidate's suitability for a specific training programme, it is important to realise that a combination of skills and proficiency levels can be measured in one exercise. Consider the following:

- A situation-specific response exercise could be used both to measure comprehension and production skills and to ascertain a candidate's attitude or cultural awareness
- A role-play could be used both to measure language proficiency and evaluate innate awareness of ethical behaviour
- A timed objective exam could be used to measure specific grammatical, structural and lexical proficiency in both languages and also to evaluate performance under pressure
- A simulation of courtroom testimony could be used to measure proficiency in both languages, to determine knowledge of or innate ability in language transfer skills, to explore affective issues such as ability to cope with stressful situations (performing in front of an evaluator in a life-like situation), and to provide some indicators as to a candidate's knowledge of the legal system.

By carefully designing screening instruments, effective evaluation of aspiring interpreters can be achieved efficiently and effectively, making good use of time, resources and personnel while still ensuring a valid outcome.

## References

Ostarhild, E., 2001. Linguistic standards for legal interpreters and translators at Diploma or first Degree level and at MA level. In: E. Hertog, ed. *Aequitas. Access to Justice across Language and culture in the EU. Grotius project 98/GR/131*. Antwerp: Lessius Hogeschool, pp.41-87. Also [online] available at: [www.agisproject.com/Documents/Aequitas.pdf](http://www.agisproject.com/Documents/Aequitas.pdf) [accessed 5 March 2011].

**Appendix 1. Sample selection materials document: Intake Form**

|                                |              |
|--------------------------------|--------------|
| Name:                          | DOB (Age):   |
| Address:                       | Citizenship: |
| Telephone: (landline) (mobile) | Email:       |

**Current Place of Employment** (Please include a short description of your work responsibilities.)

**Language Profile** (Please list the languages you speak and mark your level of proficiency in each, using a 5 point scale: 5 = native speaker, 1 = introductory.)

| Language | Speaking | Understanding | Reading | Writing | Overall |
|----------|----------|---------------|---------|---------|---------|
|          |          |               |         |         |         |
|          |          |               |         |         |         |
|          |          |               |         |         |         |
|          |          |               |         |         |         |

**Language Study and/or Life Experience**(For each of the languages listed above, please provide information about how you achieved proficiency.)

| Language/Learning Centre | Classes/Courses     | Life Experience (brief description) | Self-taught (method and motivation) |
|--------------------------|---------------------|-------------------------------------|-------------------------------------|
|                          | Level:<br>Duration: |                                     |                                     |
|                          | Level:<br>Duration: |                                     |                                     |
|                          | Level:<br>Duration: |                                     |                                     |
|                          | Level:<br>Duration: |                                     |                                     |

The Building Mutual Trust Project

**Education and Training** (Please indicate level of education achieved and specific training in fields related to legal interpreting and translation.)

| Level achieved                          | Dates attended | Subject | Institution | Short description of study programme |
|---|----------------|---------|-------------|--------------------------------------|
| Postgraduate degree                     |                |         |             |                                      |
| First level university degree           |                |         |             |                                      |
| University studies (no degree obtained) |                |         |             |                                      |
| Secondary school diploma                |                |         |             |                                      |
| Other training courses                  |                |         |             |                                      |

**Work Experience** (Please list and briefly describe any work or professional experience you have had which required the use of more than one language.)

| Position/Company | Dates of employment | Description of responsibilities | Description of language usage |
|------------------|---------------------|---------------------------------|-------------------------------|
|                  |                     |                                 |                               |
|                  |                     |                                 |                               |
|                  |                     |                                 |                               |
|                  |                     |                                 |                               |
|                  |                     |                                 |                               |

**Personal Motivation** (Please indicate your reasons for wanting to participate in this training programme, and your future plans and goals.)

**Additional Information** (Please include any other information that you consider pertinent.)

**Appendix 2. Sample selection materials document: Knowledge of the World**

**General guidelines**

- Prepare an equal number of questions about the societies involved (an applicant’s home country, current country of residence, the country of origin of the language community needing assistance in public services venues).
- Questions should address both specific current events and global or universal information that is not time-specific.
- Issues related to religion, politics and gender must be handled with great care so as to protect the personal integrity of the applicant. However, as attitudes can affect the work of an LIT, these issues should be addressed.

**Sample questions**

Answer the following questions to the best of your ability:

1. Name three international news items currently being reported in the press.
2. Name three national news items currently being reported in the press.
3. Name three local news items currently being reported in the press.
4. List newspapers, magazines, television programmes or websites that you read/watch on a regular basis.

| Source/Subject                     | Frequency | Language |
|------------------------------------|-----------|----------|
| Example: BBC News and World Report | Weekly    | English  |
|                                    |           |          |
|                                    |           |          |
|                                    |           |          |
|                                    |           |          |

5. Match the following countries with the specific item of information provided.

Example: England      Country known for its rainy weather

The Building Mutual Trust Project

| Letter | Country     | Item   |
|--------|-------------|--|
|        | China       | a. Country that has recently produced enriched uranium for nuclear purposes.         |
|        | New Zealand | b. A landlocked country whose capital city is Addis Ababa.                           |
|        | India       | c. Homeland of the Maori.  |
|        | Cuba        | d. Country located on an island that it shares with another country.                 |
|        | Ethiopia    | e. Country where Sanskrit and Tamil are two of the several hundred languages spoken. |
|        | Chile       | g. Country closely associated with the name Ché Guevara.                             |
|        | Iran        | h. Country with the fastest growing economy in the world.                            |

6. Write the full name of the organisation below the acronym. Then put the letter of the description that matches the organisation in the space provided.

Example: A IDB International Development Bank

| Letter | Organisation | Description  |
|--------|--------------|--|
|        | WHO          | A. An international medical association that provides urgent medical care to victims of war and disaster regardless of race, religion, or politics.  |
|        | WTO          | B. An organisation that provides long-term humanitarian and developmental assistance to children and others in developing countries.   |
|        | UNHCR        | C. The authority for health within the United Nations system responsible for providing leadership on global health matters, setting norms and standards, providing technical support to countries and monitoring and |

The Building Mutual Trust Project

|  |        |  |
|--|--------|--|
|  |        | assessing health trends.   |
|  | ICJ    | D. Its mission is to assist in providing early warnings of food emergencies and help in rehabilitation of food production systems.   |
|  | FAO    | E. An organisation that deals with the regulation of trade between participating countries and provides a framework for negotiating and formalising trade agreements and resolving disputes.           |
|  | MSF    | F. An impartial humanitarian organisation mandated by the United Nations to lead and co-ordinate international action for the worldwide protection of refugees and the resolution of refugee problems. |
|  | UNICEF | G. Located in the Hague, one of its main functions is to give advisory opinions on legal questions submitted to it by duly authorised international organs.  |

7. Answer the following questions in the space provided:

- Which country is most associated with the concept of apartheid?
- Which country is made up of thousands of islands and has the largest Muslim population in the world?
- Name EITHER the country where the IRA is based OR the country where ETA is based.
- Name the country where “favelas” can be found and explain what they are.
- What is the approximate current population of the world?
- Give approximate dates for the following conflicts:
- World War I \_\_\_\_\_
- World War II \_\_\_\_\_
- Bosnian War \_\_\_\_\_
- Name three countries that were formerly members of the Soviet Union (excluding Russia and Ukraine).
- Name three Central American countries.
- Name five of the world’s continents and two countries from each.



- Choose a significant historical event in your country of origin and write a brief account of that event and its impact on the general population.

### **Appendix 3. Sample selection materials document: Language Proficiency**

There are many types of exercises that can measure language proficiency. In this sample, some are presented with representative sample questions or exercises. Further development of each exercise type will be needed to produce a valid screening instrument.

#### **1. Listening comprehension**

Exercises in this category are aimed at assessing the applicant's general linguistic level as regards comprehension of spoken language.

Exercise 1: Read a text aloud and have candidates write it down in the form of a dictation. (Approximately 150-200 words on a general topic).

Sample text: 'Nowadays it is a well-known fact that smoking is a dangerous habit to have. Smoking is associated with significant morbidity and mortality and remains one of the leading causes of preventable death. Smoking is a major risk factor for lung cancer and heart disease. Cigarette smoke contains over 4,000 chemical compounds, 200 of which are known to be poisonous and 60 of which have been identified as causing cancer. Studies have also shown that people exposed to second-hand smoke, so-called passive smokers, are also at a higher risk of suffering from tobacco-related diseases than others. Diseases related to smoking kill 1 in 10 adults globally, about 4 million deaths per year. Every 8 seconds, someone dies from tobacco use, and the region with the highest smoking rate is the Western Pacific Region, which covers East Asia and the Pacific. In this region, nearly two-thirds of men smoke. People usually begin to smoke when they are young teens, between the ages of 13 and 15, and evidence shows that around 50% of those who start smoking at this age continue smoking for 15 to 20 years or more. Thus it is clear that prevention is one of the key strategies that should be used to combat this devastating health problem.'

Exercise 2: Read a text aloud, or provide a recorded version, and have candidates answer a series of questions.

Sample questions (based on the text above):

1. Which of the following titles would be most appropriate for the text you just heard?
  - The Western Pacific Region Worst for Smoking
  - Health Hazards of Smoking
  - Preventing Smoking in Adolescents
  - How to Stay Healthy around Smokers
  
2. The region in the world with the highest incidence of smoking is:
  - The Western Pacific Region
  - Central Asia
  - Europe
  - Smoking is a major problem all over the world.
  
3. Which of the following contains incorrect information?
  - Some 4,000,000 people die every year from smoking-related causes.
  - There are over 4,000 different components in an average cigarette that are harmful to your health.
  - About 2/3 of all adult males in the Western Pacific Region smoke.
  - Prevention is important because about half of people who start smoking in their teens continue to smoke for many years.

## **2. Oral interview**

An oral interview is an ideal tool with which to measure several competencies at the same time, such as:

- Language proficiency: comprehension skills, production skills including pronunciation and delivery (prosody, etc.), lexical breadth, structural and grammatical accuracy
- Cognitive awareness levels: ability to create speech spontaneously on a variety of subjects (the interview can include questions about background and experience, knowledge of the world, cultural awareness and even pose some situational response questions to ascertain baseline familiarity with ethics and good practices)

## The Building Mutual Trust Project

- Affect and self-efficacy: self-assurance, ability to confront challenging situations (such as a personal interview), level of nervousness, body language etc.

An interview can be either:

- carefully scripted so that all candidates are required to address the same issues (evaluator-centred approach)
- open, allowing the conversation to take its own course (candidate-centred approach)
- guided, in the sense that specific topics can be established but then the interview is allowed to take its own course according to the responses given, though always thematically linked to the pre-established topics (mixed approach).

Some suggested approaches to intake interviews:

- Use the application form or intake sheet that students have provided as a starting point, seeking more complete responses and further information about a candidate's background, studies, experience, etc
- Create situations from the Ethics and Good Practices section and ask students for an immediate response on how to handle a specific situation, perhaps using a role-playing approach.

Things to remember about oral interviews:

- They are time-consuming and therefore a more costly screening method
- Subjectivity must be tempered with some sort of objective scoring system to determine if minimum standards have been reached
- There is the potential for significant variation in marks if more than one screener is used. Performance criteria must be set up prior to screening.

### 3. Objective grammar and structure examination

Several types of questions could be designed for this section. For example:

1. Fill in the blank with the correct form of the verb:

*One of the shots that \_\_\_\_\_ fired hit the victim in the chest.*

- a. were      b. could have been      c. is      d. was

2. Correct any errors you find in the following sentence.

*When a fight brakes out between adolescents, its never any ones fault.*

(Answer: When a fight breaks out between adolescents, it's never anyone's fault.)

#### 4. Vocabulary test

Choose the correct words to complete the following sentences:

1. In one shocking example of \_\_\_\_\_ research, a famous expert in the field of gene therapy for gastric cancer reported on experiments that were never carried out and published deliberately \_\_\_\_\_ papers on the nonexistent results.
- a. comprehensive ... abstract      b. theoretical .... challenging  
c. erroneous ... impartial          d. fraudulent .... deceptive
2. I have no \_\_\_\_\_ motive in offering my assistance. I am simply trying to help.
- a. ulterior    b. altruistic    c. devious    d. respectable

#### 5. Guided writing exercise

Write an essay of 250-300 words on the following topic, following the indications given.

Public versus private health care: which is better?

- Present a brief discussion of the importance of this topic to the general public.
- Present arguments in favour of private health care.
- Present arguments in favour of public health care.
- Express a personal opinion as to which you prefer and support your choice with your own reasons.

#### 6. Cloze exercise

Fill in the blanks with an appropriate word in the context:

One summer when we were holidaying near the Canary Islands, my family and I went for a boat ride. There was a lot of wind and the boat was rocking quite a bit. My son fell and cut his head badly. He was \_\_\_\_\_ profusely and we became quite worried. We hurried back to

shore and took my son to the nearest \_\_\_\_\_, but we had quite a difficult time of it because the \_\_\_\_\_ did not speak any English. We tried to \_\_\_\_\_ as best we could in Spanish but it soon became clear that we were going to need an \_\_\_\_\_. Since this was a very small \_\_\_\_\_, it was decided to send my son to a larger hospital by \_\_\_\_\_. I followed in a taxi because they wouldn't allow me to ride with him. The taxi driver drove like a madman, and for one crazy moment I thought my son might \_\_\_\_\_ of a concussion and I might perish in a car \_\_\_\_\_. As it turned out, my son did not have a fracture and only needed a few \_\_\_\_\_ to close up the wound. That night back in our hotel room, I was \_\_\_\_\_ that everything had turned out relatively well.

### 7. Reading comprehension

In this section, a text of a legal nature could be provided (an indictment, a judgment, a police report, a piece of legislation, etc.) and candidates could be asked to:

- Summarise the text in a standard register that would be understandable to people not specifically trained in the law
- Answer a series of comprehension questions
- Fill in a form that asks for specific information that can be gleaned from the text.

### Appendix 4. Sample selection materials document: Knowledge of the Legal System

Several types of exercises can be developed to measure a candidate's baseline knowledge of the legal system. These questions should reflect the judicial system of the host country and might contain questions on the perceptions of members of the language minority community.

#### 1. Objective tests: multiple choice, true/false, fill in the blank questions

Which of the following rights does a person accused of a criminal offence have? Circle all that apply.

1. The right to remain silent
2. The right to a trial by jury
3. The right to bring a solicitor from his/her own country
4. The right to have legal counsel
5. The right to lie in order to protect him/herself
6. The right to plead "no contest", thereby accepting sanctions without admitting guilt

## The Building Mutual Trust Project

Indicate whether the following are true or false, by circling T or F, as appropriate:

1. A defendant in a criminal case who doesn't speak the language of the court can bring a friend or relative to interpret for him/her. T F
2. An individual accused of a crime does not have to be informed of the charges until the day the trial begins. T F
3. A person from another country convicted of a crime here can choose to serve any prison sentence that may be given in his/her own country. T F
4. A person accused of a crime can ask for an interpreter if s/he doesn't feel capable of understanding the proceedings. T F
5. A person believed to have committed a crime can be held in jail for a limited period of time, as stipulated by law. T F

Fill in the blank with an appropriate word or phrase:

1. If the police want to search your home or car they must obtain a \_\_\_\_\_
2. A group of individuals who sit in judgment on a person accused of committing a crime is called the \_\_\_\_\_
3. The decision made by the judge after hearing a case is called a \_\_\_\_\_
4. The punishment dictated by the judge when an individual is convicted of a crime is called the \_\_\_\_\_

### 2. Short answer exercises

Ask the candidate to provide brief answers to a series of questions about the legal system. By requiring the candidate to answer some of the questions in the language of the court and some in the other/minority language, candidates can be screened for language proficiency at the same time. These questions should be adapted to reflect the specific legal system of each country. The questions provided below are examples, and might not be applicable to a specific context or venue.

1. Briefly explain what happens to a person when s/he is arrested.
2. What is the difference between a barrister and a solicitor?
3. When is a trial heard by a jury and when by a judge alone?
4. What can a person do if s/he thinks the trial has not been carried out correctly?

### **3. Experiential self-assessment**

This is a free-writing exercise in which candidates have the chance to describe any personal experience they have had of interacting with the legal system or of learning about it formally. Providing an open forum enables candidates to discuss things such as having a family member who is/was a member of the legal profession in their country, any previous employment related to the legal profession or judicial system, any coursework or prior training they have had, or personal interaction with police, solicitors or the judicial system in their country of origin or current country of residence.

### **4. Situational response exercise**

In this type of exercise, candidates are presented with a hypothetical situation and asked to provide a response as to how they would act and/or react in that situation. This exercise can be done as an oral or written exercise in either language.

Sample situations:

1. Two teenagers from your community approach you about an incident they witnessed in which an older woman was pushed and her purse was stolen. They believe they know who did this and want to go to the police, but they do not know how to contact them. Also, they do not feel able to communicate all the details very well and they are concerned about their own safety. They want to know if they can report this without giving the police their names. What would you suggest they do?
2. A lady whose husband has been in custody for 48 hours because the police think he committed a criminal offence lives down the street from you. She asks you how long her husband can be held by the police. What would you tell her?
3. You are asked by a solicitor to interpret for someone in a civil case. What would you ask the solicitor before accepting the job?

## **Appendix 5. Sample selection materials document: Professional Ethics and Good Practice**

### **1. Situational response exercises**

In this type of exercise, candidates are given a situation and asked to provide a response about how they would act or react in that situation. This exercise can be done as an oral or written exercise in either language.

Sample situations:

1. A person convicted of a crime and sentenced to serve time in prison asks you to carry a letter to a family member on the outside during an interview with his solicitor in which you are working as an interpreter. What would you do?
2. One day, after interpreting in a case that is getting a lot of press coverage, your family members ask you to tell them about the testimony given during the trial. What would you share with them?

## **2. Simulation exercises**

In this type of exercise, a simulation of a legal procedure is created and candidates are asked to play the role of the interpreter. Alternatively, they can observe a simulated exchange and comment upon the interpreter's performance.

Sample simulation:

1. The barrister for the defence is asking questions of a witness for the prosecution. The candidate is the interpreter. During the hearing, the witness whispers to the interpreter "Do you think they're swallowing this crock of shit I'm telling them?" and then continues giving testimony. Evaluate how the candidate responds to this situation.

## **3. Case studies**

In this type of exercise, a real case involving legal interpreting and translation issues is summarised for candidates who are then asked to comment on the ethical implications.

## **4. Attribute instruments**

The use of established and recognised attribute instruments can provide information on a candidate's coping and stress management skills. This can be useful ancillary information when screening candidates for participation in a legal interpreting and translation training programme.

Examples of scales that are available for use are:

- The General Self-Efficacy Scale (GSE): this 10-item psychometric scale is designed to assess optimistic self-beliefs necessary to cope with a variety of difficult demands in life and is available in 30 languages.

See <http://userpage.fu-berlin.de/~health/selfscal.htm>



- The Self-Regulation Scale: this scale measures attention and emotion regulation and thus an individual's ability to face difficulties and maintain action by focusing attention on the task at hand and keeping a favourable emotional balance.
- The Proactive Coping Inventory (PCI): this seven-part scale identifies an individual's coping abilities in areas such as Proactive Coping, Reflective Coping, Strategic Planning, Preventive Coping, Instrumental Support Seeking, Emotional Support Seeking and Avoidance Coping. The instrument is available in several languages. For more information, see <http://www.psych.yorku.ca/greenglass/pcinven.php>.

Examples of the kinds of items that are included in these instruments are provided below. All these examples require a 'yes/no' answer:

1. I can concentrate on one activity for a long time, if necessary.
2. If I am distracted from an activity, I don't have any problem coming back to the topic quickly.
3. If an activity arouses my feelings too much, I can calm myself down so that I can continue with the activity soon.
4. If an activity requires a problem-oriented attitude, I can control my feelings.
5. It is difficult for me to suppress thoughts that interfere with what I need to do.
6. After an interruption, I don't have any problem resuming my concentrated style of working.
7. I can always manage to solve difficult problems if I try hard enough.
8. It is easy for me to stick to my aims and accomplish my goals.
9. I am confident that I could deal efficiently with unexpected events.
10. Thanks to my resourcefulness, I know how to handle unforeseen situations.
11. I can remain calm when facing difficulties because I can rely on my coping abilities.
12. When I am confronted with a problem, I can usually find several solutions.
13. I can usually handle whatever comes my way.
14. I stay focused on my goal and don't allow anything to distract me from my plan of action.

## Appendix 6. Sample selection materials document: Transfer Skills

### 1. Translation and back-translation

Using this exercise, the candidate's ability to transfer meaning from one language to another can be evaluated, even if the evaluator does not speak the language of the candidate. Candidates are asked to translate the text into the target language and then later asked to back-translate the translated text they have produced from the target language version into the language of the source text original. The original source text and the back-translated text are then compared for accuracy.

When using this exercise, it is important to remember the following:

1. Recommended length of source text: 300–500 words.
2. Source text topic: general with some legal implications, but not containing legal jargon or specialised concepts.
3. Timing: a sufficient break should be allowed between the first translation of the source text into a target language and the back-translation exercise. Candidates should be asked to undertake some other exercise or task between completion of the translation and back-translation exercises.
4. Assessment criteria: an exact back-translation is neither possible nor desired. Correct reformulation of meaning, register, tone and content is the desired outcome for the back-translation.

### 2. Graduated translation and oral interpreting exercises

These exercises progress from simple sentences that can be rendered using a word-for-word approach to more complex passages, which contain unexpected elements and thus require greater processing, and which cannot therefore be rendered on a word-for-word basis. This type of graduated exercise must take into account any translation issues specific to the language pair in question.

Sample exercise:

Translate the following sentences, paying specific attention to the underlined passages.

1. I lived on a lively street in the centre of Dublin.
2. My house sat on a hill and looked over the bay.
3. Three petty thieves once broke into our home by jimmying the lock on the back door.

4. The intruders rummaged through the drawers and cupboards, cracked the safe and managed to make off with quite a bit of loot.
5. The neighbours called the police when they heard the racket and they came and handcuffed the perpetrators and took them to the station for booking and arraignment.
6. The “thieves”, a bunch of young boys from the neighbourhood who wanted to play a prank on the owners of the house because they were always yelling at them, told the police that they didn’t really take anything and only wanted to freak the old lady out a bit so that she would chill and let them just hang in the neighbourhood.

### 3. Sight translation

Studies have shown sight translation to be an effective predictor of beginner interpreters’ ability to deal with the challenges of transferring meaning and information from one language to another.

Here are some guidelines for choosing or writing texts for sight translation exercises:

1. Choose self-contained texts, not fragments, so that the context is clear. Taking an excerpt out of the middle of a text adds an additional challenge to the task but serves no good screening purpose.
2. Ask students to do a sight translation in both directions (from language A to language B and then from language B to language A). This will allow you to screen for comprehension of written texts as well as production of spoken discourse in both languages.
3. The texts should be different in nature. One could perhaps be more formal to test a candidate’s ability to deal with ‘boilerplate’ or formal language and one could be more colloquial to determine a candidate’s ability to handle a variety of registers.
4. Texts should be 250–300 words in length. Shorter texts may not provide enough units of evaluation, and longer texts may be cumbersome to assess.
5. Choose a natural-sounding text that reflects real work that trained legal interpreters and translators might be asked to do. However, remember that this is a screening exercise so avoid excessively difficult elements.
6. Give candidates 2-3 minutes to prepare and then prompt them to begin their interpretation. Either record the amount of time they need to render the text or simply set a maximum time limit at the outset and ask candidates to stop once it has been reached.
7. Make sure to tell candidates that writing on the document or consulting dictionaries or reference materials are not permitted.

#### 4. Simulated testimony

In this exercise, candidates are asked to interpret in a short, simulated courtroom procedure. If possible, use live interlocutors rather than a recording, to accommodate candidate idiosyncrasies of speaking style and pace. If this is not possible, the evaluator can read the roles, although this heightens the artificiality of the scenario and divides the evaluator's attention between two different tasks. Questions should be scripted in the language of the judicial personnel, with answers scripted in the language of the witness or defendant.

#### 5. Evaluation of higher order thinking skills (prediction, abstraction, induction, deduction, conclusion etc) as well as concentration, focus and intuition

In this exercise, candidates are asked to pretend they are interpreting an excerpt of a speech in which a number of words are obscured by bad pronunciation or noise in the room or problems with audio equipment. They are therefore required to fill in the gaps in such a way that makes sense according to the meaning of the sentence/passage as a whole.

*It is a great \_\_\_\_\_ to represent our chapter here today as we celebrate the tenth \_\_\_\_\_ of the International Friends of Ecology NGO. Our organization has always been a \_\_\_\_\_ supporter of environmental causes, not only in word but also in \_\_\_\_\_. In the year 2000, through our founder, Paul Johnson, we helped \_\_\_\_\_ the bylaws of this new and innovative international organization and since then, many local chapters have \_\_\_\_\_ our cause. We deal with issues \_\_\_\_\_ from alternative energy sources to waste disposal. Our goal is to raise \_\_\_\_\_ in the communities in which we work about the \_\_\_\_\_ of passivity and inaction in the face of climate change and environmental deterioration. Of course, there has, at times, been criticism of some of our specific \_\_\_\_\_ which merits consideration and requires \_\_\_\_\_. There can be no doubt, however, that this organization is \_\_\_\_\_ to protecting our air, water, and land resources so that future \_\_\_\_\_ can enjoy the outdoors and all that nature has to offer for years to come. Only by taking \_\_\_\_\_ now can we \_\_\_\_\_ that this goal will be met. We \_\_\_\_\_ all of you here present today to renew your commitment to this cause and to \_\_\_\_\_ to continue to take positive steps to secure a bright future for all the earth's inhabitants.*

**6. Contrastive analysis exercise**

By providing candidates with a text that has already been translated and asking them to identify parts that were well done as well as parts that could be improved, assessors can measure their ability to discern between good and bad translations. Asking them to justify their choices will provide insight into how much they know *a priori* about language transfer.

Sample exercise:

Read the two texts below and give a general evaluation of the overall quality of the translation. Then choose two or three examples of items you think are very well translated and two or three examples of items that, in your opinion, were poorly translated or could be improved. Explain your answers and give an alternate translation for the items you identified as needing improvement.

|  |  |
|--|--|
| <p>The Hartford saves members who switch an average of \$300 on auto insurance with a unique package of benefits and discounts not available from other companies. Besides big savings, you'll enjoy a 6-Point Claim Service Guarantee, an exclusive 12-Month Rate-Lock, Lifetime Renewability, and much more. Plus, take advantage of special Homeowners' protection offering you low rates, generous discounts, and Full-Value Replacement. Both the Auto and Home Insurance Programmes offer a level of service designed exclusively for our members.</p> | <p>The Hartford ofrece ahorros a los miembros que se cambian a un seguro automotriz promedio de \$300 con un paquete único de beneficios y descuentos no disponibles a través de otras empresas. Además de grandes ahorros, disfrutará de una Garantía de Servicio 6-Point en caso de Reclamo, una exclusiva Congelación de Tarifas durante 12 Meses, la posibilidad de Renovar en forma vitalicia y mucho más. Aproveche también la protección especial para el hogar, que ofrece bajas tarifas, generosos descuentos y reemplazo de Valor Total. Tanto el Programa de Seguro para el Automóvil como para el Hogar ofrecen un nivel de servicio diseñado exclusivamente para nuestros miembros.</p> |
|--|--|

## Chapter 4. The Assessment of Core Competencies in Legal Interpreting and Translation

*Hilary Maxwell-Hyslop*

### 4.1 Legal interpreters and translators (LITs) as professionals

A profession is defined as a group of people who share a common experience and ‘profess’ to a code of ethics and conduct [...].

Professions come into being where trust is required, primarily because the clients are not in a position to judge for themselves the quality of service being given at the point of delivery. Doctors are an example. Likewise, by definition, clients cannot judge for themselves the quality of the work of interpreters and translators, because the clients do not speak both the languages in question.

Corsellis and Fernández (2001: 147).

Incorrect or misleading interpreting or translation in the legal field can lead to serious miscarriages of justice. A fully qualified legal interpreter and translator (LIT) therefore has to be a highly skilled professional, whose ability to interpret has been properly assessed. It is important, however, that any assessment of an LIT’s fitness to practise has ‘face validity’; that is, it inspires confidence among all stakeholders, not just the assessors and the assessed. This is as true for legal interpreting and translation as for any other profession.

### 4.2 Key principles in the assessment of LITs

In order for any assessment of legal interpreting and translation skills to be considered fit for purpose the assessment must be:

- **valid**                      testing what the assessment purports to test
- **reliable**                    consistent, regardless of context
- **transparent**                clear as to what is being assessed, and how
- **manageable**                in terms of administrative resources
- **complementary**            both to initial learning and continuing professional development (CPD).

### 4.3 The assessment of LITs

The suggestions included here are for a summative assessment of the skills of LITs, that is, one taken at the end of a preparation course, as opposed to a formative assessment, which is part of a training course and is a learning activity in its own right. It can also be used with LITs who have prepared for an assessment without following a recognised course of training. A formal summative assessment demonstrating professional competence in front of examiners can be a daunting experience, but it is a vital indicator of the ability of trainee LITs to cope in pressurised real-life contexts.

LITs may take a qualification at different stages of their career, as a first entry to the profession or as part of a programme of CPD. The candidate LIT may have been practising in the field already, or have taken an *ab initio* preparation course with no previous experience of legal interpreting and translation. If so, the preparation course followed may differ in length and depth. In either case, the focus of the assessment is on the end result and any assessment will measure whether the candidate LIT is performing to a minimum level of professional competence measured against a set of specific criteria.

This kind of test is known as a criterion-referenced assessment. The criteria against which a candidate LIT's performance is measured are set by the examining body, with reference to any relevant national occupational standards, ideally in consultation with professional bodies and any professional regulator in existence. In order to be classified as fit to practise, a candidate LIT must perform to the minimum threshold level of competence indicated by these criteria. This type of assessment is in contrast to a norm-referenced assessment where the purpose is to classify students into levels or ranges of ability.

It is important to bear in mind that criterion-referenced interpreting and translating assessments can have very varied pass rates, depending on candidates' degree of preparedness and the range of languages on offer. If all the candidates meet the criteria, then the pass rate will be 100%. However, these criteria are set in stone; if only a few candidate LITs meet the minimum threshold, then only that small percentage of candidates will pass the assessment. For trainers and teachers used to working with norm-referenced assessments, where the purpose is to classify students into bands of performance (for example, 20% D grade, 30% C grade, 30% B etc), this

can come as an uncomfortable surprise. It is therefore important that LIT assessors and trainers are fully conversant with the difference between criterion-referenced assessments and norm-referenced assessments and can explain this to colleagues and faculty members, who are sometimes dismayed by the low pass rates in interpreting and translating testing sessions.

#### **4.4 Requirements and competencies**

In order to meet a minimum professional standard and be declared fit to practise, candidate LITs must be able to demonstrate both the pre-requisite and the LIT-specific competencies at a professional level shown in the two tables of competencies in chapter 1. However, LITs need also to be able to demonstrate competence in the particular components of the competencies specific to legal interpreting and translation. This requires the development of assessment tools to allow a candidate LIT to demonstrate their fitness to practise. The components of the competencies specific to legal interpreting and translation that require assessment are shown below.

##### **4.4.i Interpreting**

- mastery of short consecutive mode interpreting for dialogue interpreting (two way)
- mastery of long consecutive mode (one way)
- mastery of whispered simultaneous mode interpreting for monologue (*chuchotage*)
- mastery of the appropriate supportive strategies (e.g. note-taking, stress management, memory skills)
- mastery of interactional management skills (e.g. formal introductions, asking for repetition or clarification, interrupting, turn management).

##### **4.4.ii Sight translation**

- knowledge of the conventions and formats for oral and written communication for both languages
- knowledge of different text types
- knowledge of the conventions of legal text
- ability to segment text into translation units or make annotations to facilitate oral translation
- ability to paraphrase the meaning of complex terminology.



Carefully designed role-plays and sight translation exercises should enable the candidate to demonstrate that they have reached the minimum required level in the above competencies. Any training course should also cover ethical issues, require the creation (and maintenance) of a glossary of bilingual terms and could include legal terminology checks from a database of terminology.

If LITs are going to register on a national or regional listing of qualified interpreters and translators for use by the legal services, then there may be additional requirements, such as local criminal record checks, security clearances and references.

#### 4.5 Assessment instruments

Exactly how the different competencies will be assessed is a key question for any trainer or assessment designer. The table below shows a number of instruments which are commonly used to assess an LIT's performance.

| Competency                                       | Assessment instruments   |
|--|--|
| General and specialised language competencies    | One-to-one interviews ( <i>in situ</i> or remote), reading comprehension tests, sight translation tests, written translation tests.  |
| Interpersonal skills and attitudes               | Multiple choice questions, short answers – either oral or written, one-to-one interviews ( <i>in situ</i> or remote).  |
| Knowledge of the relevant countries and cultures | As above.  |
| Transfer skills                                  | Role-plays, (including consecutive and simultaneous mode interpreting), one-way interpreting tests, sight translation tests, written translation tests, short-term memory exercises. |
| Knowledge of resources and information retrieval | Research tasks, short presentations.   |
| Knowledge of legal systems, including            | Multiple choice questions, short answers   |

|   |  |
|---|--|
| knowledge of legal terminology  | (either oral or written), vocabulary test (written or online).               |
| Knowledge and understanding of the professional code of conduct and guidelines to good practice | Multiple choice questions, oral discussion of case studies, learner diaries. |

#### **4.6 The Institute of Linguists Educational Trust’s (IoLET) Diploma in Public Service Interpreting (DPSI)**

An example from the UK of an accredited qualification that uses a criterion-referenced assessment system is the Institute of Linguists Educational Trust’s (IoLET) Diploma in Public Service Interpreting (DPSI). It is set at the Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR) C1 Level, which is equivalent to UK first-degree level. This is the minimum level for professional interpreting qualifications, as stated in the National Occupational Standard (NOS) for Interpreting (revised 2006).

The DPSI is offered in approximately 50 languages and in four specialised options: English Law, Scottish Law, Local Government and Health. It tests both consecutive interpreting and simultaneous (whispered) interpreting and comprises five units, which can be taken in any combination and in any order. The units are shown in the table below.

| <b>Unit</b>   | <b>Assessment criteria</b>  | <b>Use of technical aids</b>                              |
|---|---|---|
| Two-way interpreting role-play, containing passages for both consecutive and whispered interpreting | Accuracy of interpretation; delivery; language use                    | Candidates can take notes but cannot consult a dictionary |
| Sight translation into English  | Completeness; accuracy and appropriateness; fluency and pronunciation | Candidates cannot take notes or consult a dictionary      |
| Sight translation out of English  | As above  | As above  |
| Written translation into  | Accuracy and appropriacy  | Candidates can consult a                                  |

The Building Mutual Trust Project

|                                       |   |                                |
|---------------------------------------|---|--------------------------------|
| English                               | of the translated text;<br>cohesion, coherence and<br>genre conventions;<br>effectiveness of<br>communication | dictionary (paper-based only). |
| Written translation out of<br>English | As above  | As above                       |

**4.7 Rationale for the DPSI assessment components (units)**

Depending on the EU member state involved, any national, regional or local register will differ in the assessment, qualifications and/or experience required of the registrant LIT. However, as with other professional activities, some kind of observed demonstration of interpreting and translating is essential. This can be done through role-plays, assessed against set criteria and either recorded and marked later, or marked on the spot. This is a relatively labour-intensive process, as two interlocutors will be needed (one for each language). If technology permits, some kind of interactive video role-play might be possible that would enable the candidate to watch a role-play and record their interpreting at appropriate places. The advantage of this would be a reduction in the overall expense of the assessment, but there would be higher initial development costs. Matters of technical reliability would also have to be taken into consideration.

To achieve an overall pass and receive the DPSI, candidates have to achieve the minimum required standard in each one of the assessment criteria for each of the five units. This is because professional fitness to practise is being assessed, rather than knowledge of an academic subject. In an academic examination, it may be acceptable to do badly on one question, but very well on the remaining two, resulting in an overall pass. However, let us imagine for a moment an airline pilot being examined on his/her readiness to fly a plane solo. This imaginary assessment is divided into three units: taking off, staying in the air and landing. One would be alarmed to discover that the pilot has achieved an overall pass in the assessment of his/her fitness to fly an aeroplane, but that this pass was gained by the pilot's scoring highly in the taking off and landing units, while failing the unit which tested staying in the air.

Sight translation is another important component of the LIT's skill-set, as it is perfectly possible that an oral translation of a written document, or part of a document, might be necessary during

an interpreting session. It should therefore form part of any formal assessment, but can be recorded and marked later. Sight translation should be assessed into and out of both languages.

#### **4.8 Written translation for LITs**

The NOS for Interpreting include written translation, as does the DPSI examination, with the proviso that, at C1 level any such translation should not be considered a final version and would need review at a later stage before being signed off.

There are arguments both for and against including written translation as part of any legal interpreting qualification. It can be seen as useful in that it provides another test of language competence. On the other hand, it can be argued that legal interpreters have little cause to use written translation in their day-to-day work. Also, some legal interpreters may be offering languages with no accepted written form. Of the three components in any public service qualification, the first two units, that is role-play and sight translation, are essential. If written translation is included, then it should be made clear that passing this component does not qualify the candidate to practise as an legal translator *per se*; for this they would have to demonstrate competence in this field of translation at a higher level (for example, CEFR Level C2).

#### **4.9 Production of test materials and standardisation**

It is essential to ensure that all candidates are assessed using the same criteria, irrespective of the language pair. Obviously, when dealing with many different languages such as in the DPSI, it is unlikely that a single exam setter who speaks all of them can be identified. Therefore, in order to standardise test materials, careful checks are made concerning the number of technical terms used for each passage. In the case of the DPSI, all the interpreting role-plays are written in English and then translated into the other languages to ensure a degree of standardisation.

When producing texts for the sight translation and written translation from the other language into English, the challenge is to balance the need for standardisation with the need for texts to read as naturally as possible in the other language. For this reason, key points for inclusion in the other Language text, rather than a finished text, are given to the other language examination setters who have to incorporate them in their texts. These texts are then translated back into English in the assessment itself, so they can be marked for accuracy and completeness.

#### **4.10 Quality assurance**

Any assessment must satisfy all stakeholders that quality assurance processes have been followed. Apart from the candidates themselves, stakeholders in a legal interpreting and translation assessment include clients, other interpreters, members of the public, users of interpreters and training centres preparing candidate LITs for the assessment.

In the case of the DPSI, the examination is accredited by the Office of Qualifications and Examinations Regulation (Ofqual), the government regulator for examinations in England and Wales. External regulation of this kind includes the following quality assurances:

- First language speakers for examinations: setters, proofreaders, examiners, interlocutors, tape samplers
- External chief examiners and moderators
- External examinations review board and quality assurance panel.

External regulation of this kind creates considerable work for the examination board. However, it is invaluable for the face-validity of the assessment referred to above. If such external regulation is available for a legal interpreting and translation assessment scheme, it should be sought and used.

#### **4.11 The assessment of legal translators**

The UK NOS for Translation are set at two levels: Professional and Advanced Professional. An LIT would be expected to be able to meet the Advanced Professional Standards. These have not been mapped across to the CEFR, but would indicate competence at postgraduate level.

Translation at this level in the UK is normally done into the mother tongue or first language and should be assessed by first language speakers of the target language with an excellent knowledge of the other language. Standardisation of texts used in an assessment is challenging, as original texts need to be used. Where possible, speakers of more than one language should look at papers at the setting stage to ensure comparable levels of difficulty.

#### **4.12 Self-assessment for LITs**

An important skill for any LIT to develop is that of self-assessment. This can be achieved initially with the use of questionnaires with rankings, so learners can identify the areas in which they feel confident and those with which they need help. They can then keep self-assessment records of interpreting sessions, completing a standard template form after each session. If the interpreting session is observed, then the observer can also comment on the self-assessment. Trainee LITs involved in written translation should be encouraged to write feedback on the translation process and to identify and consider the aspects they found more or less challenging. In all self-assessment activities, the objective is to encourage learners to recognise their strengths, as much as their weaknesses.

#### **4.13 Mentoring**

The appointment of a mentor for trainee LITs is desirable, if at all possible. Mentors can act as a sounding board and should accompany trainee LITs who are called on to perform an interpreting assignment. Mentors for trainee legal translators can be a source of advice and feedback on translation issues as they arise. There are also online forums for translators where issues are raised and discussed.

#### **4.14 Conclusion**

When devising any assessment system, it is a good idea not to be over-ambitious at the beginning. It is better to 'start small, think big', so new testing components can be introduced, piloted and, if necessary, amended in a manageable form. It is also important to ensure that candidates are clear in advance about what is being tested, and how it will be assessed. This enables the candidates to show what they can do, and gives them the opportunity to prepare. Very few people enjoy being assessed, but if candidates feel the process is transparent and fair, then they will, with luck, regard it as a necessary experience.

#### **References**

Corsellis, A. and Fernández, L. F., 2001. Code of Ethics and Conduct and Guidelines to Good Practice. In: E. Hertog ed. *Aequitas: Access to Justice across Language and Culture in the EU*,

## The Building Mutual Trust Project

Antwerp: Lessius Hogeschool, pp.147-65. Also [online] available at: <http://www.agisproject.com/Documents/Aequitas.pdf> [accessed 13 April 2011].

Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR) C1 Level, which is equivalent to UK first-degree level, [online] available at: [http://www.coe.int/t/dg4/linguistic/cadre\\_en.asp](http://www.coe.int/t/dg4/linguistic/cadre_en.asp) [accessed 2 April 2011].

National Occupational Standard (NOS) for Interpreting (revised 2006), [online] available at: [www.cilt.org.uk/home/standards\\_and\\_qualifications/uk\\_occupational\\_standards/interpreting.aspx](http://www.cilt.org.uk/home/standards_and_qualifications/uk_occupational_standards/interpreting.aspx) [accessed 2 April 2011].

## **Chapter 5. Materials for Legal Interpreting and Translation Training**

*Bodil Martinsen and Kirsten Wølch Rasmussen*

### **5.1 Introduction**

Most trainers are familiar with the range of competencies required of a professional legal interpreter and translator (LIT), but sometimes experienced trainers as well as newcomers to the field need ideas and inspiration as to how best to develop these competencies in their students.

The five core competencies that a professional LIT should develop during training are presented in table 1.3 in chapter 1. In both chapter 2 and this chapter, these benchmark competencies each correspond to a suggested training module. To support the enhancement of the competencies in each of the modules, the Building Mutual Trust project has established an online materials bank containing learning materials for each of the five modules. This chapter provides an explanation of how trainers can use the materials bank in their own legal interpreting and training courses. Chapter 6 reproduces the sample exercises contained in the online materials bank in their entirety.

### **5.2 The materials bank: a user's guide**

The materials in the material bank consist of sample exercises that have been developed and used by experienced LIT trainers from educational institutions in a number of EU Member States. The guiding principle of this chapter is to demonstrate how a wide range of different exercises can be used to instill and enhance the multiple competencies required of LITs. These exercises are not intended to be prescriptive. Trainers developing LIT courses in different EU countries will confront different challenges and different local conditions. The materials bank is intended therefore both to provide a foundation upon which trainers may then build and refine their own materials and to represent best practice as tested in different EU training institutions. The materials may be used both by inexperienced trainers, who are developing modules for the training of LITs for the first time, and by experienced trainers who wish further to develop existing courses.

A list of web links that may be used to support the development of exercises is also included at the end of this volume.



Below you will find details of the sample exercises, including information on how to use them. A sample exercise is given as an illustration. An outline of the various types of exercises within each category of competency follows.

The exercises are divided into five modules, corresponding to the five core competencies required by professional LITs. The modules are:

**Module 1:** Specialised Language Competencies

**Module 2:** Transfer Skills

**Module 3:** Knowledge of Legal Systems

**Module 4:** Professional Codes of Conduct and Guidelines to Good Practice

**Module 5:** Resources and Information Retrieval

Within each module there are different types of exercises, with each one illustrated by one or more sample exercises.

The exercises have multiple applications and can be adapted to the specific needs of a particular context (e.g. language, language combination, level and topic). Some exercises may, of course, be used directly for a particular module depending on the languages involved.

It should be pointed out that for all exercises involving, for instance, legal documents and case studies, any resemblances to persons living or dead or to real cases are entirely coincidental.

In order to give LIT trainers a brief overview of each exercise and its relevance for a given course/module, all sample exercises are presented with a cover sheet that has been drafted according to a standard template. This template gives basic information about the field of application, the content and the required resources for the exercise. An example is shown below:

**Sample exercise cover sheet template**

|                          |                        |
|--------------------------|------------------------|
| <b>Module:</b>           | Transfer Skills        |
| <b>Type of Exercise:</b> | Interpreting role-play |
| <b>Topic:</b>            | Custody procedure      |

|                                |   |
|--------------------------------|---|
| <b>Learning Outcome(s):</b>    | On completion of this exercise, trainees will be able to... |
| <b>Language (Combination):</b> | English/Other language                                      |
| <b>Equipment:</b>              | Recording and playback equipment                            |
| <b>Time:</b>                   | 1 hour  |
| <b>Suitable For:</b>           | Introductory  |
| <b>Contributed By:</b>         | Brooke Townsley, Middlesex University, London (UK)          |
| <b>Notes:</b>                  | This text can be used for...                                |

The information given under each heading of the template offers guidelines for the trainer looking for exercises for specific purposes. Below, you will find details of the type of information given under each heading.

### **Module**

The information given here indicates which of the five modules the exercise is relevant for. However, an exercise focusing on transfer skills may also be useful for the enhancement of the trainee's knowledge of legal systems, depending on the topic of the exercise and the texts involved. Therefore, one or more modules may be indicated under this heading.

### **Type of Exercise**

Under this heading, the form of the exercise is indicated, e.g. a role-play, a case study, a cloze exercise, an observation sheet, etc.

### **Topic**

The information given here indicates the subject matter of the exercise. It may be a legal subject, such as a custody procedure or indictment (to familiarise the trainee with legal terminology and procedure), a matter of professional practice (to raise awareness of how to behave professionally), or information on the use of online databases and dictionaries (to show trainees how to use various resources to retrieve information).

### **Learning Outcome(s)**

This information is particularly important, as it indicates the purpose of a given exercise and thus of the competencies to be enhanced. This is intended to help trainers choose which sample

exercises to use for a specific purpose and to enable them to inform trainees of the purpose and learning outcome of a given exercise. Knowledge of the intended learning outcome will also make it easier for the trainer to evaluate the trainees' performance.

### **Language (Combination)**

The standard template is written in English. This heading introduces information about the language(s) of the specific exercise found within the template. This may refer to, for example, texts, audio files or videos, which may also be in other EU-languages such as Danish, French, Italian and/or Spanish. Thus, a dialogue interpreting exercise will be described in English, but the dialogue itself may be in French and Danish. We believe that the information given in English in the template will make it possible for trainers to adapt the exercise to their actual needs, or at least to get ideas as to how to proceed when developing their own exercises in any language.

### **Equipment**

Information about equipment is included to allow trainers to ensure that the necessary equipment is available before they launch an exercise. If an exercise requires the use of specific equipment, this will be indicated under this heading. In order to be able to perform some of the exercises, trainees will need access to a computer and the Internet. This is especially true for exercises dealing with information retrieval, but modules such as Knowledge of Legal Systems and Specialised Language Competency, which often deal with comparative studies and terminological research, will also very often require access to a computer and the Internet. For other exercises, language laboratory facilities or simple recording and playback equipment will be needed. For information about freely available software for use during LIT training, see chapter 7 in this volume, 'Computer Assisted Interpreter Training (CAIT) for Legal Interpreters and Translators (LITs)'.

### **Time**

Very often, trainers have a restricted amount of time at their disposal for a certain lesson. It is therefore useful for them to know at least the approximate time required to complete the exercises, and whenever possible, under this heading an indication of the approximate duration of the exercise is given.

### **Suitable for**

It is equally important for trainers to know the intended target group of a certain exercise. Therefore, under this heading the level of the target group of trainees is indicated. For the sake of simplicity, only three generic levels are used: *introductory*, *intermediate* and *advanced*. Exercises at the *introductory* level are for students with little (or no) previous experience in the field of legal interpreting and translation and/or in the subject dealt with in the exercise. Exercises at the *intermediate* level are for trainees with some experience in the field of legal interpreting and translation and/or in the subject dealt with in the exercise. Finally, exercises at the *advanced* level are specifically targeted at students with considerable knowledge and skills in the field of legal interpreting and translation. It is important to emphasise that, in line with the overall ethos of the Building Mutual Trust project, these levels are for indication purposes only. They are intended as a broad guideline. In practice, individual trainers may decide to use the exercise with trainees at different levels at their own discretion.

### **Contributed By**

Under this heading, the name of the person who has contributed the exercise to the materials bank is indicated. The core purpose of this project is to share information with trainers of LITs. Therefore, anyone can freely download and use the exercises for training purposes, as long as they refer to the name of the author. The author, who is indicated by name and affiliation, will normally be one of the members of the Building Mutual Trust project group.

### **Notes**

In order for trainers to get an idea of how to use a specific exercise, where appropriate the heading will contain teaching points such as suggested uses of the text, suggested follow-up exercises and other points facilitating the application of the text to a given training situation.

### **5.3 Sample exercise**

(The following sample exercise is taken from the materials bank in Chapter 6).

#### **EXERCISE: BT 9**

**Module:** Transfer Skills

**Type of Exercise:** Simultaneous interpreting; text of monologue for recording

The Building Mutual Trust Project

- Topic:** Charge and indictment, Magistrates' Court
- Learning Outcome(s):** On completion of this exercise, trainees will be able to:
- deliver a simultaneous interpretation (4 minutes approx.) of legal discourse
  - identify and process legalese
  - manage specialised terminology and phraseology.
- Language (Combination):** English/Other language
- Equipment:** Language laboratory, digital or analogue recording and playback equipment
- Time:** Monologue: 4 minutes (approx.); full exercise: 30 minutes
- Suitable for:** Intermediate/Advanced
- Contributed by:** Brooke Townsley, Middlesex University, London (UK)
- Notes:** This text can be used for a number of training purposes in addition to simultaneous interpretation. Consider using it as the basis for a gap-fill exercise, terminology processing, or a reading comprehension exercise. Some suggested follow-up exercises are included at the end of this template, and the text could be used as the basis for more exercises of your own design. This text links with exercise BT 1 (Defence statement).
- Any resemblances to persons living or dead or to real cases are coincidental.*

## **SAMPLE CHARGE AND INDICTMENT**

Mr. Weston, you are charged with two counts of Aggravated Criminal Damage and one count of Racial Abuse. It is stated that on the 22<sup>nd</sup> of September of this year, at 22 Welsh Walls Road in Gobowen, you did without lawful excuse write graffiti on the wall of the A.J.'s News and Convenience Store causing damage to the said wall in the amount of £180 contrary to Section 18 of the Criminal Damage Act 1988. It is also stated that on the same day, at the same place, you did without lawful excuse cause damage to a plate glass window at the same premises in the amount of £205, also contrary to the Criminal Damage Act 1988.

It is also charged that on the 22<sup>nd</sup> of September of this year, you did without lawful excuse cause graffiti to be written on the walls of the house at 24 Welsh Walls Road, belonging to Mr Shaheed Malik, the owner of the aforementioned A.J.'s News and Convenience Store, so as to cause disturbance, distress and alarm to Mr Malik. It is also charged that later, on the same day, in the company of your girl friend Miss Shona West, you exhibited a sign outside the entrance to the Gobowen C of E Primary School in such a way as to cause distress and alarm to the persons entering that premises, contrary to section 12 of the Racially Aggravated Abuse Act 1997.

Now, before we proceed to Plea before Venue, I must tell you that all of these offences can be tried either here before the Magistrates, or before a Jury in the Crown Court. In the event that you plead 'not guilty' to any or all of these offences, a decision on whether this case should be committed for trial at the Crown Court will be taken later by the Magistrates' Bench. Your solicitor will also have informed you that you may indicate a preference yourself. If you choose to plead guilty in this Court, if the Magistrates decide that they do not have sufficient powers to punish you for the offences committed, they may still commit your case to the Crown Court for sentence.

I must ask you now to indicate your pleas. To the charge of Aggravated Criminal Damage to a wall, how do you plead?

*Guilty*

To the charge of Aggravated Criminal Damage to a plate glass window, how do you plead?

*Guilty*

And to the charge of Racially Aggravated Abuse, how do you plead?

*Guilty*

Your worships, the defendant has pleaded guilty to all three counts.

***Crown Prosecution Service***

I will now explain the details of the offences.

It is stated that on the 22<sup>nd</sup> of September of this year at around 20.30, the defendant, in the company of his girl friend Miss West, entered the A.J.'s News and Convenience Store to purchase a bottle of milk. There was a dispute of some sort over the change tendered by the shop owner, Mr. Malik, for the item purchased by Mr Weston. At this point, the defendant tried to grab Mr. Malik by the neck over the counter of the shop but, on failing to do so, he punched a glass pane to the left side of the till with his fist in a single blow, causing it to break. The defendant then left the store, shouting angrily that he would "get the cheating bastard", referring to the owner Mr. Malik. That night, it is alleged that the defendant returned to the premises, now closed, belonging to Mr. Malik and spray painted the words 'Paki's Go Home' and underneath this the words 'Blacks Fuck Off Out of Our Country' in large green letters onto the wall of the shop.

It is further stated that in the small hours of the following day at around 05.00, the defendant, again in the company of his girlfriend Miss West, exhibited a piece of A3 size paper on a lamp post directly outside of the Gobowen C of E Primary School in such a way as to be in clear view of any persons entering the school premises. The paper carried a drawing of a man hanging by the neck by a piece of rope from a tree and underneath the words, written in black felt pen, "Blacks Fuck Off Home". Underneath this, in a different pen, was written "Klu Klux Klan". This sign was fully in view at 08.30 later that morning as the children arrived for school and was torn down by some parents delivering their children to the school and given to the Head Teacher, who called the Police.

When Mr. Weston was arrested later that day at his home in Gobowen he initially denied any knowledge of the incidents or the racist graffiti but later, in the Police Station, he admitted during questioning that he had broken the window at the convenience store, that he had written

the graffiti on the walls of the store and that he had drawn and exhibited the sign outside the Primary School. He went on to state that he had been drinking heavily that night and had continued to do so at home into the small hours of the following day, the 23<sup>rd</sup>. He stated that at around 03.00 in the morning he went round to Miss Shona West's house and asked her to give him the pad of A3 size drawing paper that he had left there some days before. He used this to make the sign that he exhibited outside the Primary School gates. He states that he is not a racist and that he is ashamed of what he did.

The Prosecution will be applying for costs in the sum of £45 for each of the three offences making a total of £135 and shall further request that an order be made for compensation to Mr. Malik for the damage caused to his premises in the sum of £385. This was the cost of the repairs. Your Worships, that is the case for the Prosecution.

## **FOLLOW-UP EXERCISES**

1. Read the text of the Charge and Indictment. Find terms and phrases in the text that mean the following:

|   |   |
|---|---|
| Two criminal charges                    | <i>(two counts)</i>                               |
| Without legal or moral justification    | <i>(without lawful excuse)</i>                    |
| To upset, disturb or negatively affect  | <i>(to cause disturbance, distress and alarm)</i> |
| To give your answers to the allegations | <i>(indicate your pleas)</i>                      |
| Sent for trial                          | <i>(committed for trial)</i>                      |

2. Listen to the text again. If your interpretation fails at a particular point, stop the recording and make a written note of where your interpretation failed. Now analyse why your interpretation failed at that point. Was it one of the following factors:

- unfamiliar terminology
- inability to understand the source text
- unfamiliar clause structure or grammatical form
- other external interference?



3. Having identified the cause of the failure of interpretation, consider strategies for overcoming this challenge. Discuss with your classmates and/or refer to your trainer for suggestions.

#### 5.4 Tables of exercises according to modules

The following tables give an overview of the types of exercises represented within each category of competency. As mentioned above, a given exercise may be relevant for more than one competency. Where this is the case, it will be evident from the table and the template.

##### 5.4.i Module 1: Specialised Language Competencies

| Type of Exercise  | Topic  | Language (Combination) | Level                     | Exercise Reference Number               |
|---|--|------------------------|---------------------------|---|
| Analysis of legal text  | Judgment                                       | French                 | Introductory              | KWR 1 (cf. Knowledge of Legal Systems)  |
| Written translation   | Legal vocabulary and contextualisation         | English/Spanish        | Introductory/Intermediate | CG 6 (cf. Transfer Skills: Translation) |
| Research and analysis   | Resources: using bilingual documents for study | English                | Introductory/Intermediate | CG 11                                   |
| Comprehension and vocabulary                                  | Investigation and coercive measures            | Danish/French          | Introductory/Intermediate | KWR 2                                   |
| Vocabulary  | False cognates                                 | English/Spanish        | Intermediate              | CVG 1                                   |
| Translation of frequent grammatical structures in legal texts | Passive structures                             | English/Romanian       | Intermediate              | TG 1 (cf. Transfer Skills: Translation) |
| Vocabulary  | Legal institutions                             | English/Romanian       | Intermediate              | TG 2 (cf. Knowledge of Legal Systems)   |

The Building Mutual Trust Project

|  |                                      |                  |              |   |
|--|--------------------------------------|------------------|--------------|---|
| Phraseology and grammatical structures   | Translation of prepositions          | English/Romanian | Intermediate | TG 4 (cf. Transfer Skills: Translation) |
| Written translation or oral sight translation: reinforcement exercise for 'boilerplate' language | Judgment in a sexual aggression case | Spanish          | Advanced     | CG 4 (cf. Transfer Skills: Translation) |
| Written translation or oral sight translation: reinforcement exercise for 'boilerplate' language | Sentencing, misdemeanour             | Spanish          | Advanced     | CG 5 (cf. Transfer Skills: Translation) |

### 5.4.ii Transfer Skills

#### a) Translation

| Type of Exercise           | Topic                                      | Language (Combination) | Level                        | Exercise Reference Number                    |
|----------------------------|--|------------------------|------------------------------|--|
| Reformulation of sentences | Varied legal phrases (colloquial register) | English                | Introductory                 | CG 10 (cf. Transfer Skills: Interpreting)    |
| Written translation        | Legal vocabulary and contextualisation     | English/Spanish        | Introductory<br>Intermediate | CG 6 (cf. Specialised Language Competencies) |

The Building Mutual Trust Project

|   |  |                    |                       |  |
|---|--|--------------------|-----------------------|--|
| Written or sight translation                                  | Civil law, divorce waiver                  | English/Spanish    | Intermediate          | CG 7   |
| Sight translation   | Anti-social behavior and ASBOs             | English            | Intermediate          | BT 7   |
| Translation of frequent grammatical structures in legal texts | Passive structures                         | English / Romanian | Intermediate          | TG 1 (cf. Specialised Language Competencies) |
| Phraseology and grammatical structures                        | Translation of prepositions                | English/Romanian   | Intermediate          | TG 4 (cf. Specialised Language Competencies) |
| Translation strategies  | Power of attorney                          | English/Romanian   | Intermediate          | TG 6   |
| Translation   | Deceptive cognates in legal texts          | English/Romanian   | Intermediate          | TG 7   |
| Translation   | Legal documents                            | English            | Intermediate          | TG 8   |
| Sight translation   | Waiver of rights, plea agreement           | English            | Intermediate/Advanced | CG 1 (cf. Knowledge of Legal Systems)        |
| Sight translation   | Reading of rights                          | Spanish            | Intermediate/Advanced | CG 2 (cf. Knowledge of Legal Systems)        |
| Written translation or oral sight translation                 | Notification to parties of judicial ruling | Spanish            | Advanced              | CG 3   |
| Written translation or oral sight translation: reinforcement  | Judgment in a sexual assault case          | Spanish            | Advanced              | CG 4 (cf. Specialised Language Competencies) |

The Building Mutual Trust Project

|  |   |               |          |  |
|--|---|---------------|----------|--|
| exercise for 'boilerplate' language  |   |               |          |  |
| Written translation or oral sight translation: reinforcement exercise for 'boilerplate' language | Sentencing, misdemeanour                    | Spanish       | Advanced | CG 5 (cf. Specialised Language Competencies) |
| Written translation  | Drug trafficking act                        | English       | Advanced | IGH 1  |
| Written translation  | Remand hearing: transcript of court records | Danish        | Advanced | IGH 2  |
| Written translation and self-revision  | Indictment                                  | Danish/French | Advanced | KWR 3  |
| Written translation and other revision   | Judgment: transcript of court records       | Danish/French | Advanced | KWR 4  |

**b) Interpreting**

| <b>Type of Exercise</b>           | <b>Topic</b>                          | <b>Language (Combination)</b> | <b>Level</b> | <b>Exercise Reference Number</b>         |
|-----------------------------------|---------------------------------------|-------------------------------|--------------|--|
| Consecutive dialogue interpreting | Police interrogation: charge on theft | Danish/French                 | Introductory | BM 2                                     |
| Reformulation of sentences        | Varied legal phrases (colloquial      | English                       | Introductory | CG 10 (cf. Transfer Skills: Translation) |

The Building Mutual Trust Project

|  |  |                 |                               |      |
|--|--|-----------------|-------------------------------|------|
|  | register)  |                 |                               |      |
| Group observation and analysis of a professional LIT's performance: whispered interpreting | Pre-trial hearing  | Italian/Spanish | Introductory/<br>Intermediate | AS 1 |
| Observation and analysis of a professional LIT's performance: dialogue interpreting        | Defendant examination in an Italian <i>direttissima</i> trial (fast trial)   | Italian/Spanish | Introductory/<br>Intermediate | AS 2 |
| Simultaneous (whispered) interpreting  | Witness's oath-taking and testimony  | Italian/Spanish | Introductory/<br>Intermediate | AS 3 |
| Observation and analysis of a professional LIT's performance: whispered interpreting       | Trial verdict in an Italian <i>direttissima</i> trial (fast trial)           | Italian/Spanish | Introductory/<br>Intermediate | AS 4 |
| Bilateral interpreting   | Expert witness testimony   | English/Spanish | Intermediate                  | CG 9 |
| Consecutive dialogue interpreting, including sight translation and                         | Defendant examination in a trial on violation of a Police regulation and the | Danish/French   | Intermediate                  | BM 1 |

The Building Mutual Trust Project

|   |   |               |                       |       |
|---|---|---------------|-----------------------|-------|
| whispered interpreting                                    | penal code  |               |                       |       |
| Consecutive dialogue interpreting                         | Statutory hearing: charges on theft and handling stolen goods (fencing)   | Danish/French | Intermediate          | BM 3  |
| Simultaneous interpreting/Text of monologue for recording | Defence statement in Magistrates' Court   | English       | Intermediate/Advanced | BT 1  |
| Dialogue interpreting observation sheet                   | Professional practice   | English       | Intermediate/Advanced | BT 5  |
| Simultaneous interpreting/Text of monologue for recording | Charge and indictment in Magistrates' Court   | English       | Intermediate/Advanced | BT 9  |
| Consecutive dialogue interpreting: vocabulary extension   | Danish statutory preliminary hearing/remand hearing (dialogue 1)<br>Meeting with court-appointed solicitor (dialogue 2) | Danish/German | Intermediate/Advanced | IGH 1 |

**5.4.iii Module 3: Knowledge of Legal Systems**

| <b>Type of Exercise</b>         | <b>Topic</b>                       | <b>Language (Combination)</b> | <b>Level</b>          | <b>Exercise Reference Number</b>  |
|---------------------------------|------------------------------------|-------------------------------|-----------------------|---|
| Court visit observation sheet   | The Magistrates' Court             | English/Other language        | Introductory          | BT 4  |
| Analysis and discussion         | Legal foundations for LITs         | English/Spanish               | Introductory          | CG 8  |
| Analysis of legal text          | Judgment                           | French                        | Introductory          | KWR 1 (cf. Specialised Language Competencies)                           |
| Self-study terminology exercise | Police procedure and personnel     | English/Other language        | Intermediate          | BT 2  |
| Vocabulary                      | Legal institutions                 | English/Romanian              | Intermediate          | TG 2 (cf. Specialised Language Competencies)                            |
| Reading comprehension           | Stages in the criminal proceedings | English                       | Intermediate          | TG 5  |
| Self-assessment                 | Interpreting for the Police        | English                       | Intermediate/Advanced | BT 6 (cf. Professional Code of Conduct and Guidelines to Good Practice) |
| Sight translation               | Waiver of rights, plea agreement   | English                       | Intermediate/Advanced | CG 1 (cf. Transfer Skills: Translation)                                 |
| Sight translation               | Reading of rights                  | Spanish/Other language        | Intermediate/Advanced | CG 2 (cf. Transfer Skills: Translation)                                 |

#### 5.4.iv Module 4: Professional Codes of Conduct and Guidelines to Good Practice

| Type of Exercise        | Topic                                    | Language (Combination) | Level                     | Exercise Reference Number             |
|-------------------------|--|------------------------|---------------------------|---------------------------------------|
| Group self study        | Evidential taped interviews (police)     | English                | Intermediate              | BT 3                                  |
| Quiz                    | Courtroom interpreting                   | English                | Intermediate              | BT 8                                  |
| Case studies and debate | Professional conduct and codes of ethics | English                | Intermediate              | CVG 3                                 |
| Self-assessment         | Interpreting for the Police              | English                | Intermediate/<br>Advanced | BT 6 (cf. Knowledge of Legal Systems) |

#### 5.4.v Module 5: Resources and Information Retrieval

| Type of Exercise       | Topic                                      | Language (Combination) | Level                                      | Exercise Reference Number |
|------------------------|--|------------------------|--|---------------------------|
| Knowledge of resources | Forums, associations, journals and courses | English/Spanish        | Introductory/<br>Intermediate/<br>Advanced | CVG 2                     |
| Evaluating resources   | Online resources                           | English/<br>Romanian   | Intermediate/<br>Advanced                  | TG 3                      |

#### 5.5. Web links

Hyperlinks giving access to websites where trainers may find information on the legal system in each of the 27 EU Member States and national institutions such as the Ministry of Justice, the Courts, the Public Prosecution Office, the Police and the Prison and Probation Services can be found on the Building Mutual Trust project website (<http://www.lr.mdx.ac.uk/mutual-trust/>). These links are all reproduced at the end of this volume. They also give access to the official



legal databases of national legislation and case law. Furthermore, trainers will find links there to national associations of LITs in Member States.

These websites offer a great variety of materials that can be used both by LIT trainers for the development of exercises and by trainees themselves. They include descriptions of the legal systems (structures, procedures, actors and main settings), authentic legal documents, legal vocabularies and dictionaries and existing legislation as well as professional codes of conduct and guidelines to good practice.

## Chapter 6. The Materials Bank

*Compiled by Bodil Martinsen and Kirsten Wølch Rasmussen*

### EXERCISE: AS 1

|                         |   |
|-------------------------|---|
| Module:                 | Transfer Skills   |
| Type of Exercise:       | Group observation and analysis of a professional interpreter's performance - whispered interpreting   |
| Topic:                  | Pre-trial hearing (to confirm custody)  |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• analyse critically an interpreter's performance in an Italian pre-trial hearing</li><li>• provide correct translations of formulaic language used at this stage, after carrying out the necessary research.</li></ul> |
| Language (Combination): | Italian/Spanish   |
| Equipment:              | N/A   |
| Time:                   | Approx. 1 hour  |
| Suitable for:           | Introductory/Intermediate<br>For class use or self-study  |
| Contributed by:         | Annalisa Sandrelli, LUSPIO University, Rome (Italy)   |
| Notes:                  | This text can be used for a number of training purposes. It can be used to teach trainees to observe critically an interpreter's performance. The transcript also contains set phrases typical of   |

pre-trial hearings that trainees can be asked to research, in order to suggest alternative renditions. Consider using it as the basis for a whispered interpreting exercise: all the interpreter's renditions can be deleted and the rest can be recorded to serve as practice material.

This text links with AS 2 (Defendant examination), AS 3 (Witness testimony) and AS 4 (Trial verdict).

*This is a transcript of an actual court case brought before the Rome Criminal Court. All names and other personal references have been deleted to preserve privacy.*

## CASE OUTLINE

An Argentinean woman and her boyfriend have been arrested in Rome for drug dealing. The police found a small greenhouse with marijuana plants in their flat and significant quantities of the drug ready for sale. The girl had been living somewhere else but had left her flat because of problems with her flat mate, another girl. She had only been in her boyfriend's flat for three days when the two were arrested. In the following transcript the girl is the defendant.

Read the following transcript from the pre-trial hearing and analyse the interpreter's renditions.

## TRANSCRIPT

**Giudice:** Allora sentiamo la richiesta del pubblico ministero

**PM:** Convalida d'arresto per entrambi. Custodia cautelare in carcere per entrambi

**Interprete:** *Entonces se está pidiendo...es decir, dice que vale el hecho que los hayan traído ustedes aquí y están pidiendo la cárcel para los dos, para ti y para él también, que vayan a la cárcel, él es el señor fiscal, ahora va a decidir el juez*

**Avvocato:** Per la convalida dell'arresto non lo osservo anche per la “\_” mentre invece mi oppongo alla richiesta di custodia cautelare per la signora, quindi nessuna misura, per il “\_” credo che avendo invece domicilio certo in via “\_” hanno smontato ovviamente sequestrato tutto ecc. forse gli arresti domiciliari potrebbero esser concessi. Grazie

**Interprete:** *Ahora el juez va a decidir donde ustedes se van a quedar, si confirman con arresto, la cárcel a los dos, el fiscal haya ya solicitado que los dos tiene que ir a la cárcel. Cuando diga eso luego no sé si va a terminar hoy día o va a pedir un plazo, otra cita*

**Avvocato:** Sì venerdì prossimo

**Interprete:** *Entonces se va a aplazar la cosa y ahora le van a decir si se queda libre o con firma o con arresto, con cárcel lo que sea para terminar de celebrar el juicio vas a saber cuánto tiempo...el próximo viernes*

**Giudice:** Il tribunale ha rilevato che l'arresto è stato debitamente eseguito, persistono a carico di entrambi gli imputati dei gravi indizi di colpevolezza desumibili dalla relazione del consulente operante da cui risulta che entrambi sono stati trovati all'interno dell'abitazione in cui era stata costruita la serra artificiale per la coltivazione di marijuana e all'interno della quale è stato ritrovato un rilevante quantitativo di droga; che sono entrambi soggetti stranieri con un evidente disagio della situazione lavorativa, per cui hanno rilevato un precedente specifico...in seguito alla

gravità del fatto vige la pena che imprescindibilmente dovrà essere erogata...e per questo non avranno motivi di sospensione o revisione della pena...per questi motivi vaglia l'arresto di entrambi e dispone nei confronti di entrambi l'applicazione della misura di custodia cautelare in carcere.

**Interprete:** *Entonces se está pidiendo que los dos vayan a la cárcel porque hay graves indicios de culpabilidad que parece que usted estaba cultivando drogas, estaban juntos, los encontraron allí, éstos son los motivos*

## EXERCISES

Use the following criteria in your observation of the interpreted interview. Record your observations by placing a tick (✓) in the relevant box.

### 1. FAITHFULNESS OF INTERPRETATION

|  | Yes | No | Partly | Notes |
|--|-----|----|--------|-------|
| 1.1 Looking at the interview as a whole, was the interpretation provided faithful? |     |    |        |       |
| 1.2 Was any message <u>summarised</u> in the interpreter's rendition?              |     |    |        |       |
| 1.3 Were any parts of the message <u>omitted</u> from the interpretation?          |     |    |        |       |
| 1.4 Was anything <u>added</u> in the interpretation?                               |     |    |        |       |
| 1.5 Was anything <u>changed or distorted</u> in the interpretation?                |     |    |        |       |

### 2. LANGUAGE USE

|  | Yes | No | Partly | Notes |
|--|-----|----|--------|-------|
| 2.1 Did the interpreter use correct grammar and syntax in Spanish? |     |    |        |       |
| 2.2 Did the interpreter successfully                               |     |    |        |       |

|   |  |  |  |  |
|---|--|--|--|--|
| translate specialist Italian terms into Spanish?  |  |  |  |  |
| 2.3 Did the interpretation reflect the same register as the original? (i.e. formal, colloquial, conversational etc)             |  |  |  |  |
| 2.4 Did the interpreter consistently use forms of address ( <i>tu-vosotros; Ud - Uds</i> ) when interpreting for the defendant? |  |  |  |  |

### POINTS FOR DISCUSSION

1. Which aspects of the interpreter's professional practice would you change, if any?
2. In each case, explain your reasons for recommending these changes.
3. If you are unhappy with some of the interpreter's translation choices, do some research and come up with suitable alternatives.

## EXERCISE: AS 2

|                         |   |
|-------------------------|---|
| Module:                 | Transfer Skills   |
| Type of Exercise:       | Observation and analysis of a professional interpreter's performance - dialogue interpreting  |
| Topic:                  | Defendant examination in an Italian <i>direttissima</i> trial (fast trial)  |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• analyse the role of the dialogue interpreter</li><li>• identify the main translation challenges</li><li>• identify aspects of good professional practice.</li></ul> |
| Language (Combination): | Italian/Spanish   |
| Equipment:              | N/A   |
| Time:                   | Approx. 1 hour  |
| Suitable for:           | Introductory/Intermediate<br>For class use or self-study  |
| Contributed by:         | Annalisa Sandrelli, LUSPIO University, Rome (Italy)   |
| Notes:                  | Consider using this transcript as a script to be recorded as practice material for dialogue interpreting.<br><br>This text links with AS 1 (Pre-trial), AS 3 (Witness testimony) and AS 4 (Trial verdict).  |

*This is a transcript of an actual court case brought before the Rome Criminal Court. All names and other personal references have been deleted to preserve privacy.*



## CASE OUTLINE

An Argentinean woman and her boyfriend have been arrested in Rome for drug dealing. The police found a small greenhouse with marijuana plants in their flat and significant quantities of the drug ready for sale. The girl had been living somewhere else but had left her flat because of problems with her flat mate, another girl. She had only been in her boyfriend's flat for three days when the two were arrested. In the following transcript the girl is the defendant.

Read the following transcript of the defendant's examination and analyse the interpreter's renditions into both Italian and Spanish. (Please note that the mixture of Italian and Spanish in the defendant's answers reflects what she actually said in court).

## TRANSCRIPT

**Interprete:** Siéntese, señorita. Ahora la van a interrogar enseguida.

**Giudice:** Allora senta, intanto deve essere avvisata dell'obbligo di dire la verità, sull'identità personale, sui suoi precedenti.

**Interprete:** Tiene que decir la verdad sobre sus datos personales y antecedentes judiciales. Si no, es un delito.

**Giudice:** E come si chiama?

**Interprete:** ¿El nombre de usted?

**Imputata:** “\_” “\_” “\_”

**Interprete:** “\_” “\_” “\_”

**Giudice:** Dove è nata?

**Interprete:** ¿Dónde nació, señorita? Ciudad?

**Imputata:** Argentina, Buenos Aires.

**Interprete:** Buenos Aires, Argentina.

**Giudice:** Quando?

**Interprete:** ¿Fecha de nacimiento?

**Imputata:** Dodici dell'otto del setenta y due.

**Interprete:** Dodici otto settantadue

**Giudice:** Dove risiede?

**Interprete:** ¿Dónde vive usted, señorita?

**Imputata:** En Roma.

**Interprete:** Digamos en Roma.

**Imputata:** Sí.

**Interprete:** Roma, Roma.

**Imputata:** Quello giorno me trovava en...

**Interprete:** (?) Espere, primero sobre sus datos personales...

**Giudice:** Allora che via, è sua... l'abitazione, in che via?

**Interprete:** ¿La calle señorita, ¿no tiene un nombre la calle donde usted vive?

**Imputata:** Eh, via “\_” credo che è, non mi ricordo.

**Interprete:** ¿No se acuerda el número?

**Imputata:** No.

**Interprete:** Via di “\_” non ricordo il numero.

**Giudice:** Senta, lei lavora?

**Interprete:** ¿De qué trabaja señorita, tiene un oficio?

**Imputata:** Si, è lavoro no regolare, faccio pulizia de casa

**Interprete:** Saltuaria

**Interprete:** Saltuariamente pulizie di case.

**Giudice:** È mai stata arrestata, processata, condannata?

**Interprete:** ¿Antes de ahora la han detenido, juzgada, condenas?

**Imputata:** No, no. Niente.

**Giudice:** Allora incensurata. Dove elegge il domicilio?

**Interprete:** Si usted sale hoy día y le tienen que avisar de algo de este juicio pa' [para] que usted se entere de algo, usted tiene que dar un correo seguro donde le llega, o donde es el abogado [abogado] suyo, o a una dirección...no sé...donde usted reciba un correo seguro.

**Avvocato:** Presso lo studio.

**Interprete:** Sì.

**Imputata:** Presso lo studio del mio avvocato.

**Interprete:** Presso lo studio dell'avvocato “\_”.

**Giudice:** Piazza “\_”.

**Avvocato:** 52.

**Giudice:** Senta, l'avviso della facoltà di non rispondere visto che ormai procediamo ugualmente, e se risponde quello che dirà potrà essere utilizzato nei suoi confronti. Se dice cose che riguardano la responsabilità di altre persone, ne sarà testimone.

**Interprete:** Es el aviso que le da el juez. Usted ahora en la segunda parte digamos sobre los hechos usted tiene derecho de callarse si lo desea, la facultad de no contestar a las preguntas, el

juicio va a seguir adelante igual conteste usted o no conteste. Si menciona usted otra persona que no está aquí, usted se vuelve testigo en otro eventual juicio. Acuérdesse que todo lo que va decir puede ser utilizado en contra de usted. Éstos son los avisos. Ahora la pregunta es ¿quiere usted contestar a las preguntas y aclarar los hechos o quiere callarse? Le va a hacer unas preguntas sobre los hechos.

**Imputata:** Acepto.

**Interprete:** Intendo risponder.

**Giudice:** Allora senta, intanto ci vuole dire se ha abitato o no a via di “\_” “\_” con “\_”?

**Interprete:** ¿Estaba viviendo en vía de “\_” “\_” con el señor aquí presente?

**Imputata:** De tres días estaba.

**Interprete:** Tre giorni.

**Imputata:** Fermada.

**Interprete:** Sono tre giorni che ero ferma lì.

**Giudice:** E “\_” è il suo..., che rapporto c’ha con “\_”?

**Interprete:** La relación de usted con el señor “\_”, que serán, novio..lo que sea?

**Imputata:** Como si dice?

**Interprete:** Un amiguito..un novio.

**Imputata:** Sí.

**Interprete:** Fidanzato, come si può dire...un mezzo...un amichetto.

**Giudice:** Un mezzo fidanzato.

**Interprete:** Sì.

**Giudice:** Da quanto?

**Interprete:** ¿Hace cuánto tiempo se volvió su novio, su amigo?

**Imputata:** Que lo conozco, un anno y mezzo... qualcosa di più.

**Interprete:** ¿Desde entonces es su novio?

**Imputata:** No, pasó un tiempo.

**Interprete:** Lo conosco da circa un anno e mezzo ma non ero fidanzata da allora...è passato un po’ di tempo. È da poco tempo che sono la sua ragazza.

**Giudice:** Dice lo conosco da un anno e mezzo...però...

**Interprete:** Un anno e mezzo... la relazione è iniziata da poco tempo.

**Giudice:** Ah! Quella da tre giorni.

**Interprete:** No, ha detto da poco tempo. Da tre giorni convivo.

**Giudice:** Da tre giorni convive.

**Imputata:** Ferma.

**Interprete:** Ferma, convivo, non è che convivevo, ferma, nel senso che sostava in quell'abitazione.

**Giudice:** E aveva portato tutti i suoi oggetti personali in quell'abitazione?

**Interprete:** ¿Usted había llevado todas sus cosas donde él?

**Imputata:** Sí, estaban tutti...estaban toda la valija preparada aquí...los documentos, mutandas, tutto non lo so, perchè dice que estaban dispersas.

**Interprete:** Io avevo portato tutto, erano tutti documenti, mutande, tutto dentro una valigia, tutto composto dentro una valigia e non so perché [*unintelligible*].

**Imputata:** Tres valijas eran.

**Interprete:** ¿Cúantas señoritas?

**Imputata:** Tres.

**Interprete:** Tre valigie

**Imputata:** Una valijia rossa, bordeaux, una borsa marrone, una bolsa di documenti, un bolso blu y otro bolso.

**Interprete:** Una rossa, un borsone marrone con mutande e documenti e una borsa blu che un'altra borsa. E aggiungo non so perché dicono che era tutto sparpagliato.

**Giudice:** Lei se n'è accorta che c'era una serra?

**Interprete:** ¿Usted se había dado cuenta que había un invernadero allá, aunque estuviera cubierto, con tienda?

**Imputata:** Sí, he visto cubierto però non è che andato a guardare manco chiesto quisiera rimanere là in stanza.

**Interprete:** Io ho visto che c'era una tenda ma non sono andata lì a guardare, io volevo solo rimanere nella stanza non sono andata lì a guardare...

**Imputata:** Fino a trovare altra stanza.

**Interprete:** Fino a trovare un'altra sistemazione, un'altra stanza. Non era definitivo, diciamo.

**Giudice:** Non ha neanche chiesto che cosa ci fosse dietro?

**Interprete:** ¿No le preguntó al señor que era ese [*unintelligible*]?

**Imputata:** No, no, pensava a cercare...

**Giudice:** Non era incuriosita?

**Interprete:** ¿No tenía la curiosidad de saber lo que podía haber detrás de una cortina?

**Imputata:** Eh no...estaba a cercare lavoro e cercare una stanza para andarmene.

**Interprete:** Nella mia testa c'era solo lo scopo di cercare un lavoro e andarmene...un'abitazione. Non mi è venuto in mente di domandare.

**Giudice:** Non si è mai domandata perché non poteva restare a vivere in quella casa, non ho capito?

**Interprete:** ¿Por qué usted no se hubiera podido quedar ahí en vía de “\_” y estaba buscando otra habitación?

**Imputata:** Porque no es que andavamo...avevamo litigato con la mia amica e ho detto va bene..ora te deajo yo.

**Interprete:** Es decir con la amiga de usted, usted había peleado y había ido donde él a vivir.

**Imputata:** Si, peleado, digamos un cambio de papel.

**Interprete:** Con la amiga tuya?

**Imputata:** Sí.

**Interprete:** ¿Pero tú querías volver ya? No quedarte con él?

**Imputata:** No no, por quello estaba ferma, eran un par de giorni.

**Interprete:** Erano un paio di giorni che ero ferma lì perché avevo litigato, un po' di parole, con la mia amica dunque ero andata da lui ma non era la mia intenzione di rimanere, volevo tornare...

**Interprete:** ¿Con la amiga tuya querías regresar?

**Imputata:** O de la amiga mia o trovare una stanza.

**Interprete:** Tornare dall'amica mia o trovare una stanza alternativa.

**Giudice:** Domande?

**Avvocato:** No grazie.

## EXERCISES

Use the following criteria in your observation of the interpreted interview. Record your observations by placing a tick (✓) in the relevant box.

### 1. FAITHFULNESS OF INTERPRETATION

|   | Yes | No | Partly | Notes |
|---|-----|----|--------|-------|
| 1.1 Was any message <u>summarised</u> in the interpreter's rendition?     |     |    |        |       |
| 1.2 Were any parts of the message <u>omitted</u> from the interpretation? |     |    |        |       |

|   |  |  |  |  |
|---|--|--|--|--|
| 1.3 Was anything <u>added</u> in the interpretation?                  |  |  |  |  |
| 1.4 Was anything <u>changed or distorted</u> in the interpretation?   |  |  |  |  |
| 1.5 Did the interpreter preserve a neutral position in the interview? |  |  |  |  |

## 2. LANGUAGE USE

|   | Yes | No | Partly | Notes |
|---|-----|----|--------|-------|
| 2.1 Did the interpreter use correct grammar and syntax in Spanish?  |     |    |        |       |
| 2.2 Did the interpreter successfully translate specialist Italian terms into Spanish?   |     |    |        |       |
| 2.3 Did the interpretation reflect the same register as the original? (i.e. formal, colloquial, conversational etc)                     |     |    |        |       |
| 2.4 Did the interpreter consistently use forms of address ( <i>tu-vosotros</i> ; <i>Ud - Uds</i> ) when interpreting for the defendant? |     |    |        |       |
| 2.4 Did the interpreter consistently use the first person or the third person throughout the examination?                               |     |    |        |       |

## 3. OVERALL EVALUATION

Read the statements below and indicate your response with a tick (✓) in the relevant column.

|  | Agree | Neither agree nor | Disagree | Notes |
|--|-------|-------------------|----------|-------|
|  |       |                   |          |       |

|  |  |          |  |  |
|--|--|----------|--|--|
|  |  | disagree |  |  |
| 3.1 The interpreter was professional at all times.   |  |          |  |  |
| 3.2 The interpretation accurately reflected the attitude and intentions expressed by the speakers.     |  |          |  |  |
| 3.3 The interpreter successfully managed his/her role in the interview.                                |  |          |  |  |
| 3.4 The interpreter successfully coordinated the interpreted interaction, intervening where necessary. |  |          |  |  |
| 3.5 Looking at the interview as a whole, was the interpretation provided faithful?                     |  |          |  |  |

**POINTS FOR DISCUSSION**

1. Which aspects of the interpreter’s professional practice would you change, if any?
2. In each case, explain your reasons for recommending these changes.
3. If you are unhappy with some of the interpreter’s translation choices, do some research and come up with suitable alternatives.

### EXERCISE: AS 3

|                         |   |
|-------------------------|---|
| Module:                 | Transfer Skills   |
| Type of Exercise:       | Terminology/formulaic language - simultaneous (whispered) interpreting  |
| Topic:                  | Witness's oath-taking and testimony; knowledge of the legal system  |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• analyse the language used by the Public Prosecutor and by the defence lawyer when asking the judge to opt for a shortened procedure trial (<i>rito abbreviato</i>)</li><li>• analyse the formulaic language used in oath-taking and find a suitable target language equivalent.</li></ul> |
| Language (Combination): | Italian/Spanish   |
| Equipment:              | Recording equipment: language laboratory or an MP3 player   |
| Time:                   | Approx. 1 hour  |
| Suitable for:           | Introductory/Intermediate<br>For class use or self-study  |
| Contributed by:         | Annalisa Sandrelli, LUSPIO University, Rome (Italy)   |
| Notes:                  | Trainees read the script first and identify potential translation problems. The script is then recorded as practice material for simultaneous (whispered) interpreting.   |



This text links with A1 (Pre-trial), AS2 (Defendant examination) and AS4 (Trial verdict).

*This is a transcript of an actual court case brought before the Rome Criminal Court. All names and other personal references have been deleted to preserve privacy*

## CASE OUTLINE

An Argentinean woman and her boyfriend have been arrested in Rome for drug dealing. The police found a small greenhouse with marijuana plants in their flat and significant quantities of the drug ready for sale. The girl had been living somewhere else but had left her flat because of problems with her flat mate, another girl. She had only been in her boyfriend's flat for three days when the two were arrested.

Read the following transcript of a witness's oath-taking:

## TRANSCRIPT

**Giudice:** Dunque sentiamo lo stralcio della posizione di “\_” “\_”, una relazione nella quale include la richiesta...

**Avvocato:** La richiesta di rito abbreviato condizionato all'esame di due testi...e inoltre di documenti perché se no [sennò]...

**Giudice:** Due testi “\_” “\_” e “\_” “\_”

**Avvocato:** Sono presenti, li facciamo uscire

**PM:** Allora giudice, testi che ...

**Avvocato:** Sulla circostanza relativa alla condizione della ragazza al momento in cui...

**PM:** Giudice allora riferito all'integrazione necessaria ai fini della decisione, della richiesta necessaria ai fini della decisione, dispone la (xxx) di rito così come richiesto e quindi....Chi sono le due signore?

**Giudice:** Allora una fuori, una si accomodi

**Teste:** Devo leggere?

**Giudice:** Sì

**Teste:** Consapevole delle responsabilità morale e giuridica che assumo con la mia deposizione, mi impegno a dire tutta la verità e a non nascondere nulla di quanto è a mia conoscenza.

**Giudice:** Come si chiama?

**Teste:** “\_”

**Giudice:** Dove e quando è nata?

**Teste:** Ventisei nove sessantasei in Tunisia

**Giudice:** Senta “\_”, lei conosce questa signora, “\_”, da quanto tempo?

**Teste:** Prima di...mettiamo un mese, un mese e mezzo

**Avvocato:** Senta, che cosa sa che le è capitato alla fine del mese di gennaio?

**Teste:** Lei mi ha chiamata

**Avvocato:** Al giudice

**Teste:** Lei mi ha chiamata perché non c'ha dove dormire. Lei voleva che io l'ospitavo, io non posso perché io sto lavorando, lavoro fissa a “\_”, capito? La risposta è stata io non posso ospitarla ma ti trovo una soluzione, qualche amica, paesana mia

**Giudice:** Paesana sua scusi, la signora è argentina

**Avvocato:** No paesana, vabbè amica

**Teste:** No, io trovo qualche sistemazione a lei, d'altre parti, solo per dormire. Perché già mi è capitato a me prima dove dormire, non solo a lei.

**Avvocato:** Senta sa perché non aveva più il posto dove dormire?

**Teste:** Chi lei?

**Avvocato:** Sì

**Teste:** Come saputo perché lei litigava

**Avvocato:** Al giudice

**Teste:** Litigava col suo compagno, marito, non lo so

**Giudice:** Con chi?

**Teste:** Lei mi ha detto che litigava

**Giudice:** Con chi?

**Teste:** Con uno, non lo so

**Avvocato:** Il suo compagno

**Avvocato:** Dove abitava prima se lo ricorda...dove abitava con il suo compagno prima se lo ricorda?

**Teste:** “\_” “\_”

**Avvocato:** Dio mio

**Giudice:** A via “\_”?

**Teste:** “\_”

**Giudice:** Dove abitava lei? La sua amica quindi, mi faccia capire, abitava a via “\_”, “\_” con questo signore qui?

**Teste:** No no...no

**Giudice:** Con un altro uomo? Mi faccia capire, non sia agitata

**Giudice:** Lei ci andava a casa?

**Teste:** Chi, io?

**Giudice:** Lei

**Giudice:** Lei andava a casa a trovare la sua amica?

**Teste:** Io ce l'ho la casa sì

**Giudice:** No, lei andava a trovare la sua amica?

**Teste:** Non è che l'andavo a trovare, io vado a pulire la scala là

**Giudice:** Vede che queste cose non le sappiamo, ce le vuole dire?

**Teste:** Sì

**Giudice:** Allora lei andava a pulire le scala a via “\_”

**Teste:** Sì sì

**Giudice:** Così vi siete conosciute?

**Teste:** Lei mi ha chiamata per chiedere il suo aiuto..solo per aiuto..chiedere aiuto per andare a dormire...non c'ha dove andare a dormire [*unintelligible*]

**Giudice:** Ho capito. Sto cercando risponde [*di rispondere*] a questa domanda conosce la signora “\_” perché andava a pulire le scale a via “\_”?

**Teste:** Sì

**Giudice:** La signora “\_” quindi abitava a via “\_” da un mese, un mese e mezzo, da quanto la conosce lei, con chi abitava?

**Tester:** Non lo so

**Giudice:** Non lo sa

**Tester:** Col suo uomo

**Giudice:** Col suo uomo che non è questo?

**Tester:** No no

**Giudice:** Con un altro uomo

**Teste:** Non è questo

**Giudice:** Non è questo

**Teste:** No no. Lei mi ha chiesto aiuto perché [*unintelligible*]

**Giudice:** Va bene questo l'abbiamo capito

**Teste:** Per dormire, non per lavorare ...solo per dormire ha chiesto aiuto

**Giudice:** E lei non gliel'ha dato questo aiuto, non gliel'ha potuto dare

**Teste:** Non mi ha detto niente di particolare solo un aiuto per dormire poraccia

**Giudice:** Vabbè, Buona giornata

**Avvocato:** Ha capito questo il giudice, risponda alle domande che fa il giudice

**Teste:** E l'ho risposta, che devo fa' [*fare*]

**Giudice:** Non c'è problema guardi...io non è che...tranquilla

**Giudice:** Allora lei non gliel'ha dato l'aiuto, non le ha detto vai a dormire qua vai a dormire là, no?

**Teste:** No

**Giudice:** No, perché non lo sapeva?

**Teste:** Ho detto ti sistemo piano piano

**Giudice:** Va bene e poi non ha saputo dov'è andata la signora “\_”, ma quando questo “\_” è rimasta senza casa?

**Teste:** Prima di portarla prima

**Giudice:** Qualche giorno prima, che lei sappia?

**Teste:** Qualche giorno prima diciamo una settimana nemmeno o prima. Ha chiesto aiuto a me

**Giudice:** Ho capito

## POINTS FOR DISCUSSION

### 1. Formulaic language

Find out the exact meaning of the following expressions used in the dialogue above and consider possible translation strategies:

a) 'sentiamo lo stralcio della posizione di “\_” “\_”'.

b) 'consapevole delle responsabilità morale e giuridica che assumo con la mia deposizione, mi impegno a dire tutta la verità e a non nascondere nulla di quanto è a mia conoscenza [oath].'

### 2. Language register

The witness in the above dialogue is a Tunisian woman who speaks Italian reasonably well but who uses a low language register. Her testimony is expressed in fragmented sentences and characterised by ungrammatical expressions. Discuss how you would reproduce them in the target language.

### 3. Knowledge of legal systems

The lawyer mentions a request for a specific type of trial (*rito abbreviato*). Find out about the different trial options available in Italy and their implications (*direttissima*, *rito abbreviato*, *patteggiamento*, etc).

#### EXERCISE: AS 4

|                         |   |
|-------------------------|---|
| Module:                 | Transfer Skills   |
| Type of Exercise:       | Observation and analysis of a professional interpreter's performance - whispered interpreting   |
| Topic:                  | Trial verdict in an Italian <i>direttissima</i> trial   |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• analyse a professional interpreter's rendition of a verdict and identify the main translation challenges</li><li>• use appropriate formulaic language typical of an Italian trial verdict.</li></ul>  |
| Language (Combination): | Italian/Spanish   |
| Equipment:              | N/A   |
| Time:                   | Approx. 1 hour  |
| Suitable for:           | Introductory/Intermediate<br>For class use or self-study  |
| Contributed by:         | Annalisa Sandrelli, LUSPIO University, Rome (Italy)   |
| Notes:                  | This text can be used for a number of training purposes. Initially, it can be used to teach trainees to observe critically an interpreter's performance. The transcript also contains set phrases typical of trial verdicts that trainees can be asked to research. Consider using it as the basis for a whispered interpreting exercise: all the interpreter's renditions may be deleted and the rest can be recorded to serve as practice material. |

This text links with AS 1 (Pre-trial), AS 2 (Defendant examination) and AS 3 (Witness testimony).

*This is a transcript of an actual court case brought before the Rome Criminal Court. All names and other personal references have been deleted to preserve privacy.*

## CASE OUTLINE

An Argentinean woman and her boyfriend have been arrested in Rome for drug dealing. The police found a small greenhouse with marijuana plants in their flat and significant quantities of the drug ready for sale. The girl had been living somewhere else but had left her flat because of problems with her flat mate, another girl. She had only been in her boyfriend's flat for three days when the two were arrested. In the following transcript the girl is the defendant.

Read the following transcript of a verdict and analyse the interpreter's renditions into Spanish.

## TRANSCRIPT

**Pubblico Ministero:** Eh... allora alla luce dei fatti dichiarati dall'Imputata e agli attestati di convalida nonché per quanto rappresentato oggi dai testimoni che abbiamo sentito non possa pervenirsi con certezza alla pronuncia di grave responsabilità dell'Imputata, posto che dobbiamo dare per accertato il fatto provato comunque in mancanza di elementi contrari che ella vivesse fosse ospite in quella stanza da pochi giorni. La sostanza è stata rinvenuta all'interno di un cofanetto. Parte della sostanza l'aveva indosso l'altro imputato. La disposizione a carico dell'Imputata ha dato esito negativo; è vero c'era questa motivazione che fu celata da un cellofan nero all'interno della stanza ma si trattava di una coltivazione avviata ben ormai da diverso tempo quindi appare assai ardua attribuirne la responsabilità a una persona che alloggiava all'interno di quella stanza da pochi giorni quindi si chiede l'assoluzione della stessa per non avere commesso il fatto.

**Avvocato:** Giudice la richiesta del PM è comunque condivisa da questo difensore. La giurisprudenza che regola il caso sul punto è pacifica quindi mi associo alla richiesta del PM.

**Interprete:** *Están diciendo que tienen que declararte inocente, no tienes nada que ver con los hechos.*

**Interprete:** *El juez acepta lo que acaba de decir el señor fiscal, que van a absolver, que vas a salir hoy día porque...como son tres días que vivías allí, la valija [sic] llena, las plantas dicen ya que era un cultivo viejo, no es que en tres días tu hubiera podido ayudarlo a cultivar...*



**Giudice:** Il Tribunale di Roma visti gli articoli 442, 530 del codice di procedura penale assolve “\_” “\_” per non aver commesso il fatto. Revoca la misura della custodia cautelare in carcere nei confronti dell’Imputata e ne ordina l’immediata liberazione se non detenuta per altra causa

**Interprete:** *Resultaste inocente, te absolvieron, te revocan la custodia en la medida de la cárcel vas a salir y ordenen inmediata liberación. Aclararon que no tienes nada que ver con los hechos del cultivo del señor*

## EXERCISES

Use the following criteria in your observation of the interpreted interview. Record your observations by placing a tick (✓) in the relevant box.

### 1. FAITHFULNESS OF INTERPRETATION

|  | Yes | No | Partly | Notes |
|--|-----|----|--------|-------|
| 1.1 Looking at the interview as a whole, was the interpretation provided faithful? |     |    |        |       |
| 1.2 Was any message <u>summarised</u> in the interpreter’s rendition?              |     |    |        |       |
| 1.3 Were any parts of the message <u>omitted</u> from the interpretation?          |     |    |        |       |
| 1.4 Was anything <u>added</u> in the interpretation?                               |     |    |        |       |
| 1.5 Was anything <u>changed or distorted</u> in the interpretation?                |     |    |        |       |

### POINTS FOR DISCUSSION

1. The interpreter omitted all reference to the relevant articles in the Italian criminal code. Was that an ethically acceptable choice? What other options are available under the circumstances?
2. Ask trainees to identify all the missing bits of information, all additions, all distortions, etc.

## 2. LANGUAGE USE

|   | Yes | No | Partly | Notes |
|---|-----|----|--------|-------|
| 2.1 Did the interpreter use correct grammar and syntax in Spanish?  |     |    |        |       |
| 2.2 Did the interpreter successfully translate specialist Italian terms into Spanish?                               |     |    |        |       |
| 2.3 Did the interpretation reflect the same register as the original? (i.e. formal, colloquial, conversational etc) |     |    |        |       |

### FURTHER POINTS FOR DISCUSSION

1. The interpreter summarised the judge's verdict. What can you say about the interpreter's choices in terms of language register?

## EXERCISE: BM 1

|                         |  |
|-------------------------|--|
| Module:                 | Transfer Skills  |
| Type of Exercise:       | Consecutive dialogue interpreting, including sight translation and whispered interpreting  |
| Topic:                  | Defendant examination in a trial on violation of a police regulation and the penal code  |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• identify the main challenges related to interpreting in court</li><li>• interpret the main idioms used in defendant examinations</li><li>• handle sight translation</li><li>• handle interpreting in the whispered mode.</li></ul> |
| Language (Combination): | Danish/French  |
| Equipment:              | N/A  |
| Time:                   | Approx. 1 hour   |
| Suitable for:           | Intermediate<br>For class use or self-study in groups  |
| Contributed by:         | Bodil Martinsen, Aarhus School of Business, Aarhus University (Denmark)  |
| Notes:                  | The date for a trial is often fixed several weeks beforehand, and normally the interpreter is assigned at the same time. Some courts allow interpreters to acquire, or at least to see, the  |

indictment before the trial takes place, thus permitting them to prepare for the assignment.

This exercise is meant to be as realistic as possible and thus delivers the indictment to the trainees beforehand, to enable them to get an idea of the case (persons involved, type of offence etc) and prepare for the trial/the class.

Normally the course of an examination is as follows:

1. The presiding judge begins by establishing the identity of the defendant and reading her/him her/his rights.
2. The prosecutor reads aloud the indictment to the defendant and asks her/him whether s/he pleads guilty or not guilty (at interpreted examinations the indictment is sight translated).
3. The prosecutor interrogates the defendant.
4. Sometimes reference is made to a police report in order to document statements from e.g. a witness or the defendant her-/himself (at interpreted examinations this documentation is either sight translated, if the interpreter is given a copy of the text, or interpreted in the whispered mode).
5. When the prosecutor has finished the examination, the presiding judge takes over and dictates a resumé of the defendant's statement to be entered in the Records of the Court (at interpreted examinations this dictation is interpreted in the whispered mode).
6. If there are any witnesses to be heard, the defendant will now be asked to move to sit next to her/his counsel. The interpreter will then take a seat next to the defendant and interpret in the whispered mode all that is said in Danish.

## CASE OUTLINE

A French man has been arrested outside a bar for having violated 1) a police regulation of the police district of Aarhus by refusing to comply with the request made by a police officer to leave the place; 2) section 119 of the Danish penal code by headbutting a police officer when he, after his arrest, was transported to the police station in a patrol car.

His case is now being tried before a Danish County Court and an interpreter (i.e. the trainee) has been appointed to interpret the examination.

## TRANSCRIPT

### Afhøring / Interrogatoire / Examination

**D:** Dommer / le juge / the presiding judge

**T:** Tiltalte / le prévenu / the defendant

**A:** Anklager / le procureur général / the prosecutor

---

D: Jeg skal bede dig oplyse dit navn, fødselsdato og bopæl.

T: Je m'appelle Patrick Lagarde, et je suis né le 12 septembre 1966. Ici, au Danemark, j'habite Viborgvej 171, ici à Aarhus.

D: .. og din adresse i Frankrig?

T: En France j'habite à Lyon, 15, rue du Moulin.

D: Hvor længe har du været i Danmark?

T: Je suis arrivé au mois de juin, l'année dernière, pour travailler pour la société française COMTEL.

D: Som du ved, står du som tiltalt i den sag, vi skal behandle ved dette retsmøde.

Inden jeg læser anklageskriftet op for dig, skal jeg gøre dig opmærksom på, at du som tiltalt, i henhold til retsplejeloven, ikke har pligt til at udtale dig og ikke har pligt til at tale sandt.

Og så skal jeg spørge dig, om du er villig til at udtale dig?

T: Mais oui, bien sûr.

D: Udmærket.

Anklageren vil nu læse anklageskriftet op for dig, og tolken vil samtidig oversætte det for dig.

**Anklageren læser anklageskriftet op - tolken prima-vista oversætter det**

(The prosecutor reads out the indictment to the defendant and the interpreter sight translates it):

**Anklageskrift** (indictment)

Patrick Lagarde

cpr.nr. 120966-Frankrig

Viborgvej 171

8210 Aarhus V

tiltales ved retten i Århus til straf for overtrædelse af

1. politivedtægten for Århus Politikreds § 6, ved d. 17.3.2000 kl. 21.50 ved "Sams Bar", Jægergårdsgade 25, Århus, at have undladt at efterkomme politiets anmodning om at forlade stedet.
2. straffelovens § 119, stk. 1, ved d. 17.3.2000 kl. 22.10 i patruljevogn under indtransporten til Politigården i Århus, efter at være blevet anholdt, at have nikket politiassistent Mogens Knudsen en skalle.

Der nedlægges under sagen påstand om erstatning.

For anklagemyndigheden møder politimesteren i Århus.

D: Kan du erklære dig skyldig iht. anklageskriftet?

T: Oui et non: je n'ai pas donné un coup de tête à l'agent de police, mais il est vrai que je n'ai pas voulu m'en aller - seulement, il faut que je vous explique pourquoi.

D: Jamen, du skal nok få lejlighed til at forklare. Jeg vil nemlig nu give ordet til Anklageren, som vil stille dig nogle spørgsmål til hændelsesforløbet den aften.

A: Først vil jeg gerne vide, hvorfor du opholdt dig uden for Sams Bar den aften?

T: Je suis venu pour chercher ma fiancée, Susanne, qui travaille au Sams Bar.

A: Da politiet kom, havde du da allerede været inde på Sams Bar?

T: Oui, mais seulement pendant environ une demi-heure.

A: Hvorfor var du gået ud igen?

T: Dans le bar, j'avais rencontré des types que je connaissais déjà, mais je n'ai pas une bonne opinion d'eux.

A: Hvad skal det sige? Hvorfor?

T: Quand je suis allé au Sams Bar, la première fois, j'ai beaucoup parlé avec Susanne, et ils n'ont pas apprécié du tout. Je crois qu'un des types l'a considérée comme sa copine.

A: Hvordan har de så reageret på, at hun nu er din forlovede?

T: Ils ont toujours cherché à m'embêter quand je suis venu la chercher, et il en a été de même le soir en question.

A: Hvad skete der?

T: J'avais acheté une bière que je voulais boire en attendant que Susanne soit prête à rentrer avec moi.

J'avais vu que les types étaient dans le bar, alors je me suis assis à une table loin d'eux.

A: Hvor mange var der? og hvad gjorde de?

T: Ils étaient trois. Quand ils m'ont vu, ils sont venus vers moi. Ils ont pris ma bière et un d'entre eux en a bu la plupart - ce qui restait, il l'a versé sur mes chaussures.

A: Hvordan reagerede du på det?

T: J'ai réagi comme tout le monde dans la même situation: je me suis énervé et j'ai commencé à me battre avec les trois types.

Mais ils étaient trois, et finalement ils ont réussi à me jeter dehors.

A: Hvor var din forlovede henne, mens alt det skete

T: Il s'est avéré par la suite, qu'elle était dans la cave pour ranger des affaires. Quand elle est montée pour rentrer avec moi la police m'avait déjà emmené avec eux au Commissariat.

A: Ja, politiet kom tilfældigt forbi Sams Bar, og standsede op da de fandt ud af, at der ballade.

Hvorfor ville du ikke forlade stedet?

T: Mais j'ai déjà expliqué: je voulais aller chercher Susanne pour qu'elle ne s'inquiète pas. Je l'ai bien dit à la police.



- A: Men politiet siger, at de ikke forstod, hvad du sagde. Hvilket sprog talte I?
- T: Comme les agents n'ont pas compris le français, j'ai essayé en anglais, mais ils n'ont pas voulu comprendre.
- A: Hvad skete så?
- T: Ils ont voulu me forcer à m'en aller. Ils m'ont pris durement par le bras et, moi, je me suis défendu énergiquement.
- A: Slog du betjentene?
- T: Oui, peut-être, mais j'ai pas fait exprès - seulement j'étais désespéré parce que je n'arrivais pas à me faire comprendre.
- A: Hvad var betjentenes reaktion på det?
- T: Mais ils m'ont arrêté et ils m'ont mis des menottes avant de me mettre avec force dans leur voiture de patrouille.
- A: Hvad skete der i patruljevognen på vej til Politigården?
- T: J'étais allongé sur le siège arrière. Les menottes m'ont blessé aux poignets, alors j'ai demandé à un des agents de me les enlever, mais il a totalement ignoré ma demande.
- A: Skal det forstås sådan, at du ikke har nikket en af betjentene en skalle?
- T: Mais oui, il m'était physiquement impossible – j'étais allongé sur le siège, comme déjà dit.
- A: Dette stemmer ikke overens med den forklaring, som politiassistent Knudsen har givet i politirapporten. Heri har han nemlig bl.a. anført følgende:

**Anklageren oplæser udsnit af politirapporten vedr. politiassistentens forklaring - tolken oversætter prima-vista**

(The prosecutor reads out an extract of the police report regarding the police officer's statement/deposition. The interpreter, who should be given a copy of the extract in question, sight translates it):

“Tilbageholdte blev gentagne gange anmodet om at forlade stedet, hvilket han nægtede at efterkomme. Tilbageholdte var tydeligt spirituspåvirket og gjorde voldsom modstand. Han blev derfor anholdt for overtrædelse af politivedtægten og ilagt håndjern.

Det blev derefter besluttet at tage anholdte med på Politigården. Under indtransporten til Politigården blev anholdte meget ophidset og voldsom, og han nikkede politiassistent Knudsen en skalle og ramte ham på næsen, så næsen brækkede, og der opstod voldsom blødning.”

A: Hvad siger du til det?

T: Il est vrai, que j'étais dans un état assez excité: les menottes me faisaient du mal, je ne savais pas ce qui allait se passer - et ma fiancée avec qui j'aurais tellement bien aimé parler!!

A: Og hvad med skallen - nikkede du betjenten én?

T: Non!! cela n'est pas vrai.

A: Så skal jeg lige til sidst vide, hvor meget du havde fået at drikke den aften?

T: J'avais bu une bière à la maison avant de partir pour chercher Susanne. Après j'ai eu quelques gorgées de la bière que j'avais achetée au Sams Bar. C'est tout.

A: Men betjentene siger, at du var tydeligt spirituspåvirket?

T: J'ai peut-être semblé soûl/ivre à cause de mon excitation.

A: Tak, så er der ikke mere.

D: Jeg vil nu diktere din forklaring til retsbogen; tolken vil oversætte løbende, og du bedes sige til, hvis der er noget du ikke er enig i.

**Dommeren dikterer tiltaltes forklaring til retsbogen – tolken hvisketolker**

(The presiding judge dictates a resumé of the defendant's statement to be entered in the Records of the Court and the interpreter interprets in the whispered mode):

**Diktat til retsbogen**

(Dictation for the Records of the Court)

**Dommer:** "Afhøring d. 21. december 2009 af Patrick Lagarde, tiltalt for overtrædelse af politivedtægten for Århus Politikreds § 6 og straffelovens § 119, stk. 1.

Tiltalte forklarede, at han var gået ind på Sams Bar for at hente sin kæreste, som arbejdede i baren, men at han hurtigt var gået ud igen, fordi han var kommet op at slås med tre fyre, som ikke brød sig om, at han var forlovet med Susanne."

**Tiltalte bryder ind** (the defendant interrupts): J'aimerais préciser que ce n'était pas moi qui ai provoqué les trois gars. Ce sont eux qui m'ont provoqué.

**Dommer:** Godt, så tilføjer jeg det, og så kommer der til at stå følgende:

"men at han hurtigt var gået ud igen, fordi han var kommet op at slås med tre fyre, som ikke brød sig om, at han var forlovet med Susanne, og som derfor havde optrådt provokerende over for ham."

Er det bedre?

**Tiltalte:** Oui, c'est bien mieux.

**Dommeren fortsætter diktatet** (the judge resumes the dictation):

“Tiltalte ventede så udenfor på, at Susanne skulle komme ud. Mens han ventede, kom politiet forbi. Politiet bad ham om at forlade stedet, hvilket han nægtede – de forstod ikke, da han forklarede at han ventede på sin kæreste.

Det endte med, at politiet arresterede tiltalte. De gav ham håndjern på og tvang ham ind i patruljevognen. Tiltalte erkender, at han var ophidset, men han nægter at have nikked betjenten en skalle. Tiltalte nægter ligeledes at han var beruset den aften – han havde kun drukket en enkelt øl derhjemme og havde kun nået at drikke et par mundfulde af den øl, han havde købt på værtshuset.”

D: Kan du godkende dette?

T: Oui, c'est bien correct.

D: Godt. Så var der ikke mere, og du kan sætte dig over ved siden af din forsvarer, medens vi går videre til afhøring af det første vidne.

Tolken vil sætte sig ved siden af dig og hvisketolke vidnernes forklaring for dig.

## EXERCISE: BM 2

|                       |   |
|-----------------------|---|
| Module:               | Transfer Skills   |
| Type of Exercise:     | Consecutive dialogue interpreting   |
| Topic:                | Police interrogation - charge on theft  |
| Learning Outcome(s):  | <p>On completion of this exercise, trainees will be able to:</p> <ul style="list-style-type: none"><li>• identify the main interpreting challenges in connection with a police interrogation</li><li>• interpret the main idioms used in police interrogations</li><li>• interpret terminology relevant to police interrogations.</li></ul> |
| Language Combination: | Danish/French   |
| Equipment:            | N/A   |
| Time:                 | Approx. 2 hours   |
| Suitable for:         | <p>Introductory</p> <p>For class use or self-study in groups</p>  |
| Contributed by:       | Bodil Martinsen, Aarhus School of Business, Aarhus University (Denmark)   |
| Notes:                | <p>When a person has been arrested s/he will be charged with the offence that s/he is alleged to have committed. As soon as possible after the arrest s/he will be interrogated by the police to enable them to:</p> <ul style="list-style-type: none"><li>• establish the identity of the arrested person</li></ul>                        |

- inform the arrested person of her/his rights according to the Danish Administration of Justice Act (e.g. that s/he is not obliged to answer questions)
- get detailed information regarding the alleged offence which will enable the police to decide whether to drop or to proceed with the charges.

NB: A list of most of the terms and fixed phrases occurring in the dialogue is attached. This can be used either to help trainees prepare for the exercise, for discussion afterwards, or separately.

## CASE OUTLINE

A French speaking man, Abdoul Al Maghala, has been arrested and charged with violating the Danish Criminal Code by stealing some photographic equipment from a minibus after having forced open the door.

Abdoul Al Maghala is now being interrogated at the police station by detective inspector Karl Olesen with the assistance of an interpreter.

## TRANSCRIPT

### **Afhøring / Interrogatoire / Interrogation:**

**K:** Kriminalassistent Karl Olesen / Agent de police judiciaire K.O. / Detective Inspector K.O.

**S:** Sigtede Abdoul Al Maghala / Le mis en examen A.A.M. / The person charged with theft A.A.M.

---

K: Hvornår er du født?

S: Le 25 décembre 1985

K: Hvor er du født?

S: Je suis né à Khouribga.

K: Ja, jeg bliver vist nødt til at bede dig stave det for mig.

S: Oui, M. le commissaire: K-H-O-U-R-I-B-G-A

K: Og hvor ligger det?

S: Au Maroc, M. le commissaire, à 100 km au sud-est de Casablanca.

K: Hvad er din stilling?

S: Je suis étudiant, M. le commissaire.

K: Hvad studerer du?

S: C'est-à-dire qu'en ce moment je n'étudie pas.

K: Hvor bor du her i landet?

S: J'habite chez ma fiancée, Mlle Tina Sørensen.

K: Ja, jeg mente, hvad er din adresse?

S: Ah, j'avais pas compris. Mon adresse est Haraldsgade 67, au quatrième. C'est l'appartement de ma fiancée.

K: Tak. Inden vi går videre vil jeg lige gøre dig opmærksom på, at du som sigtet ikke er pligtig til at udtale dig. Er du villig til det?

S: A tout prendre, je suppose qu'il vaut mieux. D'ailleurs, je n'ai rien à cacher. Et même si je l'avais, ça vaudrait pas le coup.

K: Godt. Hvornår kom du til landet?

S: Je suis venu au Danemark en septembre 2008.

K: Hvad var hensigten med din rejse til Danmark?

S: Je suis venu comme touriste, vous savez, le Danemark, c'est très populaire, chez nous, alors je voulais voir comment c'était, et comme ça, je suis venu avec un groupe qui devait visiter Copenhague, le château d'Elsinor et tout ça, n'est-ce pas?

K: Det var altså ikke din hensigt at blive boende her?



S: Non, M. le commissaire. Seulement, l'homme ne connaît jamais son destin. Alors moi, j'ai tout de suite fait la connaissance de ma fiancée, on est tombé amoureux, n'est-ce pas, et comme ça, quand le groupe est reparti, moi, je suis resté.

K: Du må have haft noget at leve af den første tid. Hvor mange penge havde du på dig, da du skiltes fra de andre?

S: J'avais environ 1000 euros.

K: Hvor havde du dem fra?

S: C'était mes économies. J'avais travaillé dans un garage à Marseille pendant quelque temps.

K: Har du arbejdstilladelse i Danmark?

S: Oui, M. le commissaire.

K: Og hvornår udløber din arbejdstilladelse?

S: Justement, M. le commissaire, mon permis de travail et mon permis de séjour expirent le 1<sup>er</sup> avril, dans une dizaine de jours.

K: Har du søgt arbejde?

S: Oui, M. le commissaire, d'abord j'ai vécu de l'argent que j'avais mis de côté, n'est-ce pas, puis j'ai dû chercher du travail, et alors il y a des camarades qui m'ont dit de demander à l'hôtel Colombia, parce qu'ils avaient déjà embauché des gars de mon pays.

K: Du fik altså arbejde der. Hvor længe var du i det job?

S: Jusqu'au 14 février. Puis j'ai été mis à la porte par l'inspecteur. Je voulais pas venir le voir chez lui parce que moi, ces choses-là, ça ne m'intéresse pas. Après, j'ai plus réussi à trouver autre chose.

K: Skal vi så lige høre, hvor du var natten mellem den 17. og d. 18. marts i år?

S: Alors, le 17 mars, il y a des copains qui sont venus me chercher, le soir, on est allés dans une boîte, un café quoi, pour s'amuser un peu.

K: En café, siger du. Mener du ikke en natklub? Klokken må have været ret mange da du gik hjem derfra?

S: Oui, c'était plutôt une boîte de nuit. On a rencontré un type, un monsieur qui nous a offert le whisky et comme ça, on est resté jusqu'à 4 heures du matin, peut-être 4 heures et demie. Moi, j'étais fatigué, je voulais rentrer.

K: Men det gik anderledes end du havde regnet med.

S: Oui.

K: Du er sigtet for at have overtrådt den danske straffelov ved natten mellem d. 17. og d. 18. Marts i år at have begået et tyveri af fotoartikler m.m. til en værdi af 21.000,- kr. fra en minibus efter at have brudt døren op. Erkender du dig skyldig, eller nægter du dig skyldig.

S: Je m'avoue coupable.

K: Havde du fået for meget at drikke den nat?

S: Oui, quatre ou cinq whisky, je crois, et puis de la bière, je ne sais plus combien de bouteilles. J'avais envie de noyer mon chagrin, à cause du travail que je ne trouvais pas, l'argent et puis ma fiancée qui va avoir un enfant.

K: Var du med andre ord beruset da du gik hjem derfra?

S: Oui, j'étais plutôt ivre. Je ne savais pas très bien ce que je faisais.

K: Hvordan fandt du på at stjæle noget fra en bil?

S: Je ne sais pas, monsieur, c'est une idée qui m'est venue comme ça, tout à coup.

K: Rapporten her siger, at du brugte en skruetrækker eller noget lignende til at bryde bilens rude op med. Går du altid rundt med en skruetrækker i lommen?

S: Non, d'habitude je n'ai pas de tournevis sur moi.

K: Hvordan kan det så være, at du havde sådan en på dig netop den nat?

S: Je sais pas, moi, voyez-vous, monsieur, j'étais très nerveux, comme je vous l'ai dit, à cause de ces histoires d'argent et tout le reste. Alors, quand je suis sorti avec les copains, ce soir-là, j'ai fourré un tournevis dans ma poche, comme ça, parce qu'on ne savait jamais, ça pourrait servir.

K: Skal vi ikke sige rent ud, at du tog skruetrækkeren med dig da du gik hjemmefra I den hensigt at begå et tyveri?

S: Oui, si vous voulez, c'est à peu près ça. Mais, c'était pas un plan précis, plutôt une pensée en l'air.

K: Men så kom du forbi den parkerede minibuss og dine planer blev til virkelighed. Hvorfor gjorde du det?

S: Je vous l'ai dit, monsieur, c'était pour me procurer de l'argent. J'avais plus le sou, j'étais complètement fauché.

K: Du brød så en bilrude op og fik fat i en del ting. Og hvad så?

S: J'ai pris un taxi et j'ai ramené les valises chez moi, pour voir ce qu'il y avait dedans.

K: Hjemme, er det din kærestes adresse?

S: Oui, c'est Haraldsgade.

K: Var din kæreste indviet i dine planer?

S: Ahh, non! ça, je vous le jure. Elle ne savait absolument rien!

K: Men hun må have lagt mærke til, at du havde de stjålne kufferter med hjem den nat? Hvad sagde hun til det?

S: Elle n'a rien vu, elle dormait et je ne l'ai pas réveillée.

K: Ja, det må vi jo finde ud af senere. Hvordan kom du til Randers og hvordan fik du den idé at prøve at sælge de stjålne effekter der?

S: On est partis à Randers le 18 mars, justement, parce que les parents de ma fiancée y demeurent et sa mère m'avait trouvé du travail. Seulement moi, je ne le savais pas, c'était une surprise. Sinon, vous pensez bien que je n'aurais pas fait cette connerie.

K: Næh, det havde du vel ikke. Da du kom til Randers, prøvede du så straks at skille dig af med det stjålne ved at sælge det? Og har du solgt noget af det?

S: Non, j'ai attendu quelques jours. J'étais nerveux, aussi parce que maintenant j'avais du travail. Alors comme ça, j'ai rien réussi à vendre.

K: Men der mangler ifølge anmelderen nogle enkelte ting?

S: Oui, c'est vrai, je me suis débarrassé de quelques objets impossibles à vendre en les jetant dans le port. Mais tout le reste le monsieur il l'a de nouveau maintenant.

K: Ja tak, så er vi færdige.

#### **GLOSER / VOCABULAIRE / GLOSSARY**

Politigården: La préfecture de police

Politistation: Commissariat (de police)

|   |  |
|---|--|
| Kriminalassistent:                            | Agent de police judiciaire                             |
| Politiassistent:                              | Agent de police administrative                         |
| Afhøring:                                     | Interrogatoire   |
| Grundlovsforhør:                              | Interrogatoire préliminaire                            |
|   | Interrogatoire de première comparution                 |
| Fastslå ens identitet:                        | établir l'identité de q.                               |
|   | vérifier l'identité de q.                              |
| opgive sin identitet:                         | décliner son identité                                  |
| Anholde:                                      | arrêter  |
| Anholdelse (= handlingen):                    | arrestation  |
| Anholdte:                                     | la personne arrêtée                                    |
| Anholde/tilbageholde:                         | interpeller  |
| Anholdelse/tilbageholdelse:<br>(= handlingen) | interpellation   |
| anholdte/tilbageholdte:                       | la personne interpellée                                |
| Anholdelsesordre:                             | Mandat d'amener<br>(délivrer/décerner un m. contre q.) |
| Anholdelse (= tilstanden)                     | La garde à vue   |
|   | - placer en garde à vue                                |
|   | - mettre en garde à vue                                |
| Pågribe:                                      | appréhender  |
| Pågribelse:                                   | appréhension   |
| Fængslede:                                    | Le détenu  |
| Sidde fængslet:                               | être détenu  |
| Sigtede:                                      | La personne mise en examen                             |
|   | Le mis en examen = le mex                              |
| Sigtelse:                                     | La mise en examen                                      |
| Rejse sigtelse mod én for tyveri :            | Mettre quelqu'un en examen pour vol                    |

Retsplejelov: Le Code de procédure (danois)  
Straffelov: Le Code pénal (danois)  
Overtræde § X i Straffeloven: Enfreindre/violer l'article X du Code pénal danois

Skyldig: Coupable  
Erkende sig skyldig: Plaider coupable/s'avouer coupable  
Nægte sig skyldig: Plaider non coupable

Politirapport: Procès-verbal de la police

Anmelder (= offeret): le plaignant (la victime elle-même)  
Anmelde én: porter plainte contre q.  
Indgive anmeldelse: déposer une plainte  
Anmelde til politiet: déposer (une) plainte au commissariat  
Anmelder (= tredemand): Dénonciateur (un tiers)  
Anmeldelse: Dénonciation (émane d'un tiers; écrite ou verbale, signée ou anonyme)  
Melde én til politiet: Dénoncer q. à la police  
(= angive én til politiet)

**FASTE VENDINGER OG UDTRYK:  
TOURS FIXES – FIXED PHRASES**

DK: være sigtet for overtrædelse af Straffeloven  
være sigtet for at have overtrådt Straffeloven

F: être mis en examen pour infraction au/du Code pénal danois  
être mise en examen pour violation du Code pénal danois  
être mis en examen d'avoir enfreint/violé le Code pénal danois  
être mis en examen pour avoir enfreint/violé le Code pénal danois

DK: Erkender du dig skyldig ?  
Kan du erklære dig skyldig?

F: "Plaidez-vous coupable ou non coupable?"

DK: Du er, som sigtet, ifølge Retsplejeloven ikke pligtig (til) at udtale dig:

F: Selon le Code de procédure danois vous n'êtes pas, en tant que personne mise en examen, obligée de répondre aux questions posées.

DK: Du er sigtet for at have overtrådt Straffelovens § 127 ved natten mellem den 29. og den 30. oktober i år at have begået et tyveri af fotoartikler mm. til en værdi af 22.000 kroner fra en bil efter at have brudt døren op. Erkender du dig skyldig, eller nægter du dig skyldig? :

F: Vous êtes mis(e) en examen pour avoir enfreint l'article 127 du Code pénal danois en ayant, la nuit entre le 29 et le 30 octobre dernier, commis un vol d'articles photographiques etc. d'une valeur de 22.000 CD se trouvant dans une voiture - cela après avoir enfoncé la portière. Plaidez-vous coupable ou non?

### EXERCISE: BM 3

|                       |   |
|-----------------------|---|
| Module:               | Transfer Skills   |
| Type of Exercise:     | Consecutive dialogue interpreting   |
| Topic:                | Statutory hearing - charges on theft and handling stolen goods (fencing)  |
| Learning Outcome(s):  | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• handle the challenges involved in interpreting in statutory hearings</li><li>• use the vocabulary and terminology related to custody.</li></ul>   |
| Language Combination: | Danish/French   |
| Equipment:            | N/A   |
| Time:                 | Approx. 2 hours   |
| Suitable for:         | Intermediate<br>For class use or self-study in groups   |
| Author/Copyright:     | Bodil Martinsen, Aarhus School of Business, Aarhus University (Denmark)   |
| Notes:                | When a person has been arrested s/he will be charged with the offence that s/he is suspected of having committed. As soon as possible after the arrest s/he will be interrogated by the police in order for them to find out whether to drop or proceed with the charges made against her/him. If they drop the charges, the person will be released. If they proceed with the charges, the person will |



be produced before the court in a statutory hearing where a judge will decide whether to:

1. drop the charges and release the person in question
2. proceed with the charges but release the person until the trial takes place
3. proceed with the charges and remand the person in custody.

The decision as to whether or not to remand the person in custody is based on the following sections:

-1. in the Danish Administration of Justice Act: Retsplejelovens kapitel 70, Varetægtsfængsling § 762 (see below, after the dialogue exercise)

-2. in the French Administration of Justice Act: especially the articles 137 and 144 (see below, after the dialogue exercise).

Formatted: Bullets and Numbering

NB: the texts/paragraphs in question can be used for various types of exercises in preparation for or giving feedback after the exercise itself.

## CASE OUTLINE

Yussef Wassim Abdoul from Morocco has been arrested and charged with violating article 273 of the Danish Criminal Code by stealing mobile phones and then selling them (fencing).

He is now produced before the court in a statutory hearing and an interpreter has been hired to assist with the questioning of the defendant.

He is first questioned by the judge, who establishes his identity and his background and tells him his rights as a charged person. Then the judge gives the floor to the prosecutor who asks questions about the theft and the handling of the stolen mobile phones. Finally, the judge takes over and decides whether to remand the person in custody or not. This decision is based on section 762 of the Danish Administration of Justice Act.

## TRANSCRIPT

### **Grundlovsforhør / Interrogatoire préliminaire / Statutory Hearing**

**D:** Dommeren / le juge / the presiding judge

**S:** Sigtede Yussef Wassim Abdoul / le mis en examen Y.W.A. / the person charged with theft etc.

**A:** Anklageren / le procureur général / the prosecutor

---

D: Jeg skal bede dig opgive fulde navn og fødselsdato samt oplyse din bopæl og din stilling.

S: Je m'appelle Yussef Wassim Abdoul et je suis né le 14 mars 1978 à Paris. J'habite Tøushøjvej 20, 3e étage à Viby. Je n'ai pas de travail pour le moment, je suis des cours d'informatique à Datahøjskolen à Århus pour avoir un diplôme en informatique justement parce que je veux avoir un travail fixe.

D: Hvor længe har du boet i Danmark og hvilket statsborgerskab har du?

- S: J'habite au Danemark depuis le mois de juillet cette année. Je suis Marocain du côté de mon père mais comme ma mère est française j'ai aussi la nationalité française.
- D: På hvilke vilkår opholder du dig her i landet?
- S: J'habite avec ma fiancée danoise, Susanne Jensen, que j'ai rencontrée à Nice l'année dernière. J'habite donc avec elle dans son appartement depuis le mois de juillet 2002. Elle avait d'abord été jeune fille au pair mais comme elle ne s'entendait pas bien avec sa famille elle a changé de travail et on s'est rencontré dans un bar à Nice où nous avons travaillé tous les deux comme serveurs.
- D: Inden vi går videre skal jeg oplyse dig om dine rettigheder som sigtet. I henhold til den danske retsplejelov har du ikke er pligt til at udtale dig og heller ikke til at tale sandt – hverken til politiet eller retten. Du kan med andre ord som sigtet ikke straffes for afgivelse af falsk forklaring.
- S: Je comprends.
- D: Udmærket – inden vi går videre skal du også vide, at retten har beskikket advokat Skovgaard som din forsvarer. Jeg går ud fra, at du har haft lejlighed til at tale med ham inden dette grundlovsforhør. Hvis det ikke er tilfældet, kan du anmode om en kort pause.
- S: J'ai parlé avec mon avocat.
- D: Jeg skal så spørge dig, om du er villig til at udtale dig I sagen? Retten håber naturligvis, at du er villig til at samarbejde, så vi kan få det overstået... så vi kan få sagen opklaret.
- S: Oui, il vaut mieux, je veux sortir d'ici aussi vite que possible et mon avocat m'a conseillé de répondre aux questions posées, alors je suis prêt à coopérer et à faire une déclaration.
- D: Godt. Jeg giver så ordet til anklagemyndigheden her repræsenteret ved politifuldmægtig Ib Larsen.

- A: Ifølge politirapporten blev du i går eftermiddag d. 6. september kl. 17:15 anholdt i Tele Danmark-butikken i Søndergade på strøget i Århus. Er det korrekt?
- S: Oui.
- A: Som du ved, er du sigtet for overtrædelse af straffelovens § 276, der omhandler tyveri, ved den 6. september 2002 sammen med en bekendt at have tilegnet dig mobiltelefoner til en foreløbig opgjort værdi af 30.000 kr. Kan du erkende dig skyldig heri?
- S: Oui, comme j'ai été pris en flagrant délit avec les effets volés sur moi, il n'y a pas de peine à nier cela. Seulement, je ne savais pas qu'ils représentaient une telle somme.
- A: De stjålne mobiltelefoner var af mærkerne Siemens og Nokia men kun de mest avancerede og dyreste telefoner, hvilket tyder på bestillingsarbejde. Havde du modtaget bestilling på tyveri af telefonerne og havde du til hensigt at sælge dem videre? Med andre ord: har du en fast aftager?
- S: Mais pas du tout!! Je n'ai pas du tout volé les téléphones dans le but de les revendre, Et je n'ai absolument pas de preneur.
- A: Det forekommer mig unægtelig lidt underligt, ja, rettere sagt usandsynligt, da det jo fremgår af politirapporten, at du har stjålet 25 telefoner.
- S: Mon copain et moi, nous ne sommes pas entrés dans le magasin dans le but de voler tous ces téléphones, seulement l'occasion s'est présentée par hasard et nous en avons profité, oui, c'est ça, et je le regrette beaucoup maintenant.
- A: Ifølge politiets arkiver, er det nu ikke første gang, du har været i kontakt med retten, faktisk har du allerede én dom for tyveri med videresalg for øje.
- S: Je n'ai pas de commentaires.
- A: Nuvel, du erkender dig altså skyldig i det forhold, der omhandler tyveri, men ikke i tyveri med videresalg for øje.

S: Oui, c'est vrai.

A: To ekspedienter har forklaret, at der var to om tyveriet. Den ene, din kammerat, foregav at være interesseret i køb af netop et eksemplar af de dyre telefoner, hvorfor han fik ekspedienten til først at låse skabet op, og siden lykkedes det ham på behændig vis at få afledt hans opmærksomhed, så du kunne tømme skabet for telefoner. Hvorfor var I to om tyveriet, og hvorfor stjal I så mange telefoner, hvis ikke det var med videresalg for øje?

S: Je l'ai déjà dit, je me déclare (ou : je plaide) coupable et je n'ai plus envie d'en parler.

A: Godt, jeg har ikke flere spørgsmål og giver ordet til dommeren.

D: Da fængslingsbetingelserne i henhold til § 762, stk. 1, nr. 2, ifølge hvilke man kan begære fængsling, såfremt der består frygt for tilbagefald, (eller: såfremt der er bestemte grunde til at frygte, at sigtede på fri fod vil begå ny lovovertrædelse,) findes opfyldt, afsiger retten hermed kendelse om, at sigtede varetægtsfængsles i 10 dage.

S: Et qu'est-ce qui va se passer maintenant?

D: Du vil nu blive ført tilbage til Arresten og anbragt dér, mens sagen kører videre. Der vil blive foretaget yderligere afhøringer og undersøgelser i sagen, og du kan forvente at blive fremstillet for retten om senest 10 dage. Ved dette retsmøde vil der så blive taget endelig stilling til skyldsspørgsmålet. Såfremt du kendes skyldig, vil der ske strafudmåling ved samme lejlighed.

Retten er hævet.

## EXERCISES

Below, you will find two parallel texts regarding custody (i.e. the conditions for when and why to remand in custody):

**-1.** Chapter 70, section 762, in the Danish Administration of Justice Act: Retsplejelovens kapitel 70, Varetægtsfængsling § 762

Formatted: Bullets and Numbering

-2- Sections 137 and 144 in the French Administration of Justice Act: La détention provisoire.

NB: Depending on which languages you are dealing with, the two texts can be replaced by texts in other languages but on the same subject.

The texts can be used for various purposes and in various ways. Here some examples:

- to improve trainees' knowledge of legal systems: discussion in class; presentations in class
- to enhance trainees' language competencies: vocabulary exercises; translation exercises
- to develop trainees' use of resources and information: illustrate how to retrieve information, and where from
- to enhance trainees' transfer skills: comprehension exercises; memory exercises; terminology exercises; note-taking practice; sight translation; written translation.

### **Retsplejelovens kapitel 70 (Chapter 70, the Danish Administration of Justice Act)**

#### Varetægtsfængsling (Custody)

§ 762. En sigtet kan varetægtsfængsles, når der er begrundet mistanke om, at han har begået en lovovertrædelse, som er undergivet offentlig påtale, såfremt lovovertrædelsen efter loven kan medføre fængsel i 1 år og 6 måneder eller derover, og

- 1) der efter det om sigtedes forhold oplyste er bestemte grunde til at antage, at han vil unddrage sig forfølgningen eller fuldbyrdelsen, eller
- 2) der efter det om sigtedes forhold oplyste er bestemte grunde til at frygte, at han på fri fod vil begå ny lovovertrædelse af den foran nævnte beskaffenhed, eller
- 3) der efter sagens omstændigheder er bestemte grunde til at antage, at sigtede vil vanskeliggøre forfølgningen i sagen, navnlig ved at fjerne spor eller advare eller påvirke andre.

*Stk. 2.* En sigtet kan endvidere varetægtsfængsles, når der foreligger en særligt bestyrket mistanke om, at han har begået

- 1) en lovovertrædelse, som er undergivet offentlig påtale, og som efter loven kan medføre fængsel i 6 år eller derover, og hensynet til retshåndhævelsen efter oplysningerne om forholdets grovhed skønnes at kræve, at sigtede ikke er på fri fod, eller
- 2) en overtrædelse af straffelovens § 119, stk. 1, § 123, § 134 a, § 192 a, stk. 2, § 218, stk. 1, § 222, §§ 224 eller 225, jf. § 218, stk. 1, eller § 222, § 235, stk. 1, §§ 244-246, § 250 eller § 252 eller en overtrædelse af straffelovens § 232 over for et barn under 15 år, såfremt

lovovertrædelsen efter oplysningerne om forholdets grovhed kan ventes at ville medføre en ubetinget dom på fængsel i mindst 60 dage og hensynet til retshåndhævelsen skønnes at kræve, at sigtede ikke er på fri fod.

*Stk. 3.* Varetægtsfængsling kan ikke anvendes, hvis lovovertrædelsen kan ventes at ville medføre straf af bøde eller fængsel i højst 30 dage, eller hvis frihedsberøvelsen vil stå i misforhold til den herved forvoldte forstyrrelse af sigtedes forhold, sagens betydning og den retsfølge, som kan ventes, hvis sigtede findes skyldig.

Etc.....

### **Le Code de procédure pénal français (The French Administration of Justice Act)**

Article 137 [En savoir plus sur cet article...](#)

Modifié par [Loi n°2000-516 du 15 juin 2000 - art. 46 JORF 16 juin 2000](#)

La personne mise en examen, présumée innocente, reste libre. Toutefois, en raison des nécessités de l'instruction ou à titre de mesure de sûreté, elle peut être astreinte à une ou plusieurs obligations du contrôle judiciaire. Lorsque celles-ci se révèlent insuffisantes au regard de ces objectifs, elle peut, à titre exceptionnel, être placée en détention provisoire.

Article 144 [En savoir plus sur cet article...](#)

Modifié par [Loi n°2007-291 du 5 mars 2007 - art. 9 JORF 6 mars 2007 en vigueur le 1er juillet 2007](#)

La détention provisoire ne peut être ordonnée ou prolongée que s'il est démontré, au regard des éléments précis et circonstanciés résultant de la procédure, qu'elle constitue l'unique moyen de parvenir à l'un ou plusieurs des objectifs suivants et que ceux-ci ne sauraient être atteints en cas de placement sous contrôle judiciaire:

- 1° Conserver les preuves ou les indices matériels qui sont nécessaires à la manifestation de la vérité;
- 2° Empêcher une pression sur les témoins ou les victimes ainsi que sur leur famille;
- 3° Empêcher une concertation frauduleuse entre la personne mise en examen et ses coauteurs ou complices;
- 4° Protéger la personne mise en examen;
- 5° Garantir le maintien de la personne mise en examen à la disposition de la justice;
- 6° Mettre fin à l'infraction ou prévenir son renouvellement;

7° Mettre fin au trouble exceptionnel et persistant à l'ordre public provoqué par la gravité de l'infraction, les circonstances de sa commission ou l'importance du préjudice qu'elle a causé. Ce trouble ne peut résulter du seul retentissement médiatique de l'affaire. Toutefois, le présent alinéa n'est pas applicable en matière correctionnelle.



## EXERCISE: BT 1

|                       |   |
|-----------------------|---|
| Module:               | Transfer Skills   |
| Type of Exercise:     | Text of monologue for recording for simultaneous interpreting practice  |
| Topic:                | Defence statement in Magistrates' Court   |
| Learning Outcome(s):  | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• deliver a simultaneous interpretation of 2 minutes (approx) of legal discourse</li><li>• identify and process legalese</li><li>• manage specialised terminology and phraseology.</li></ul>  |
| Language Combination: | English/Other language  |
| Equipment:            | Language laboratory/digital or analogue recording and playback equipment  |
| Time:                 | 30 minutes  |
| Suitable for:         | Intermediate/Advanced   |
| Contributed by:       | Brooke Townsley, Middlesex University, London (UK)  |
| Notes:                | <p>This exercise could comprise one part of a lesson on simultaneous mode interpreting. It is recommended that it is used along with pre-teaching of the terminology found in the text, for mapping of the courtroom environment and with follow-up exercises.</p> <p>This exercise links to BT 9 (Charge and indictment exercise).</p> |

## TRANSCRIPT

“Your worships, I appear as the defence for Mr. Weston. First of all, my client would like to say that he is sincerely sorry for the distress he has caused and for the damage to property, and that he is ready to make full financial restitution to the victims of his behaviour.

The background to this matter is that Mr Weston has been unemployed for some 2 years since being made redundant from his job at the Toyota car plant near Gobowen. During this time, he has suffered repeated bouts of depression, for which he is taking medication and he has a drinking problem. On the night previous to the commission of both offences, namely the night of the 21<sup>st</sup> September, Mr Weston had been drinking all night with his girlfriend and a group of other young men and had not slept at all. He has told me that when he is drunk he often becomes aggressive and behaves in a way that he would not normally do. It was while under the influence of alcohol that he caused the damage to the shop, caused the graffiti to be written on the walls and exhibited the notice outside the Primary School. Mr Weston says that he now recognises that he has a drinking problem and that he is going to seek professional help.

Mr Weston would like to state that he is not a racist and that he does not hold racist views. He has indicated to me that he is surprised and shocked by what he did on the 22<sup>nd</sup> September and that it is not in anyway a reflection of his true feelings. Since that incident, he has separated from his girl friend, Miss Shona West, and he states that he believes she was a bad influence on his behaviour. In short, your worships, I would like to indicate that Mr Weston’s actions are out of character. In this respect I would draw your attention to the fact that Mr Weston has no previous record of criminal behaviour and that this is the first time that he has come to the attention of the Magistrates’ Court for a serious offence.

In considering your sentence I would also ask you to bear in mind Mr Weston’s early guilty plea and to give him credit for this in your sentencing decision. Your worships, unless there is any further way in which I can assist the Bench, that is the testimony for the defence.

## **EXERCISE: BT 2**

|                       |  |
|-----------------------|--|
| Module:               | Knowledge of Legal Systems   |
| Type of Exercise:     | Self-study terminology exercise  |
| Topic:                | Police procedure and personnel   |
| Learning Outcome(s):  | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• match terms and concepts with their definitions</li><li>• demonstrate understanding of police custody suite terminology.</li></ul> |
| Language Combination: | English/Other language   |
| Equipment:            | N/A  |
| Time:                 | 30 minutes   |
| Suitable for:         | Intermediate/Advanced  |
| Contributed by:       | Brooke Townsley, Middlesex University, London (UK)   |

**ARREST & DETENTION: MIX & MATCH**

Match the following terms with their definitions.

|                            |   |
|----------------------------|---|
| 1. Custody Sergeant        | a. The codes of practice covering police powers and procedures  |
| 2. Civilian staff          | b. The written statement made by the victim of a crime stating the impact the crime has had on him or her   |
| 3. A caution               | c. To be released from Police Custody on condition that you surrender to custody at a later date  |
| 4. SOCA                    | d. A document stating what basic rights a suspect has while in custody and how s/he can expect to be treated  |
| 5. The caution             | e. An independent solicitor either present or on call to attend the Police Station to provide legal representation to arrested persons free of charge |
| 6. Rights and entitlements | f. Staff who carry out clerical and other tasks in the Police Station   |
| 7. The PACE codes          | g. A warning issued by Police in lieu of a charge   |
| 8. Duty solicitor          | h. The Police Officer responsible for the Custody Suite on any particular shift   |
| 9. Appropriate adult       | i. A person arrested on suspicion of having committed an offence  |
| 10. Police bail            | j. The Serious Organised Crime Agency   |
| 11. Remand in custody      | k. The official protocol read out to any arrested person at the time of their arrest and also in the Custody Suite                                    |

|                                     |   |
|-------------------------------------|---|
| 12. Suspect                         | l. An adult companion whose presence is required during the detention and interview of vulnerable persons   |
| 13. Victim Personal Statement (VPS) | m. To be denied bail and held in the Police Station until being produced in front of the Magistrates' Court at the earliest available opportunity |
| 14. Witness statement               | n. A written statement taken from the witness to an offence by a Police Officer   |

#### **EXTENSION EXERCISE**

1. Translate terms 1 to 14 into your target language and enter both the original terms and the translations into your term bank.

### **EXERCISE: BT 3**

|                       |  |
|-----------------------|--|
| Module:               | Professional Conduct and Guidelines to Good Practice   |
| Type of Exercise:     | Group self-study   |
| Topic:                | Evidential taped interviews (police)   |
| Learning Outcome(s):  | On completion of this exercise, trainees will be able to <ul style="list-style-type: none"><li>• formulate appropriate responses to challenges in the work place</li><li>• exchange and evaluate ideas with other practitioners.</li></ul> |
| Language Combination: | English/Other language   |
| Equipment:            | N/A  |
| Time:                 | 30 minutes   |
| Suitable for:         | Intermediate   |
| Contributed by:       | Brooke Townsley, Middlesex University, London (UK)   |

### **CASE STUDIES**

In small discussion groups (4 to 5 trainees), consider and discuss the following situations you might face as an interpreter. Try to consider more than one possible course of action in each case. Evaluate the consequences of a course of action, bearing in mind your professional role, the impact on the other parties to the interpreted event and any other difficulties. Try to agree on the best course of action in each case.

1. You are called to a police station to assist in the recording of a witness statement from a non-English speaking witness. On commencement of the process, the police officer invites *you*, the interpreter, to take the statement from the witness detailing what they remember seeing, while the Police Officer completes some paperwork. What would be the correct course of action in this situation? Discuss.
2. During a tape-recorded interview, the non-English-speaking interviewee interrupts your interpretation and says in English, “No, that’s not what I said.” What would you do in this case? Discuss.
3. While interpreting during an evidential taped interview, you realise that you have misinterpreted some items of speech. What should you do? Discuss.
4. In the custody suite, the interviewee and his/her solicitor insist on having their own interpreter present during the tape-recorded interview, to monitor your interpretation. How would you negotiate this situation? Discuss.
5. On reading through a witness statement that has been recorded in the witness’s own language, he points out a number of places where he wants the statement to be changed. What should you do? Discuss.
6. You are called by the police to take a statement from a non-English-speaking witness regarding a sexual assault. As the taking of the statement progresses, you become aware that the assailant being described (and now under arrest) is your brother-in-law. What would you do? Discuss.

#### **FOLLOW-UP EXERCISE**

1. Consider other ethical dilemmas you might encounter in the course of working in a police station and consider solutions.

#### **EXERCISE: BT 4**

|                       |   |
|-----------------------|---|
| Module:               | Knowledge of Legal Systems  |
| Type of Exercise:     | Court observation visit   |
| Topic:                | The Magistrates' Court  |
| Learning Outcome(s):  | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• identify key court personnel</li><li>• use appropriate forms of address for different court personnel</li><li>• identify the main challenges for the interpreter of the courtroom setting</li><li>• comment on court protocols.</li></ul> |
| Language Combination: | English/Other language  |
| Equipment:            | N/A   |
| Time:                 | N/A   |
| Suitable for:         | All levels  |
| Contributed by:       | Brooke Townsley, Middlesex University, London (UK)  |



## MAGISTRATES' COURT VISIT – OBSERVATION SHEET

1. Identify the following court personnel during your visit:
  - a) Legal Advisor
  - b) Crown Prosecutor
  - c) Representative for the Defence
  - d) The Bench
  - e) Chair of the Bench
  - f) The Usher
  - g) The Dock
  - h) The Witness Stand
  
2. Find the answers to the following questions:
  - a) Are microphones provided, or other special arrangements made, for interpreters in the court?
  - b) Where does an interpreter stand when interpreting in court?
  - c) To whom should the interpreter address his or her interpretation?
  - d) What information can an interpreter get about the case in advance of appearing in court?
  - e) What should an interpreter wear in court? Is there a dress code?
  - f) How should an interpreter address the Bench?
  
3. Which of the following adjectives best describes the atmosphere in the court building?
  - a) Calm and peaceful
  - b) Noisy
  - c) Busy and well-organised
  - d) Total chaos
  - e) Menacing
  - f) Dangerous

4. What are the main challenges you can foresee in delivering a successful interpretation in court? (List at least two)
  
5. Which one of the following statements is true?
  - a) The interpreter is an employee of the court.
  - b) The interpreter is a visitor to the court.
  - c) The interpreter is an officer of the court.
  - d) The interpreter is an independent member of the public with no responsibility to the court.

## EXERCISE: BT 5

|                       |  |
|-----------------------|--|
| Module:               | Transfer Skills  |
| Type of Exercise:     | Dialogue interpreting observation sheet  |
| Topic:                | Professional practice  |
| Learning Outcome(s):  | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• identify aspects of good professional practice</li><li>• analyse the role of the dialogue interpreter</li><li>• provide feedback on an interpreter's performance.</li></ul>  |
| Language Combination: | English/Other language   |
| Equipment:            | N/A  |
| Time:                 | N/A  |
| Suitable for:         | Intermediate/Advanced  |
| Contributed by:       | Brooke Townsley, Middlesex University, London (UK)   |
| Notes:                | This observation sheet can be used to analyse professional practice in a face-to-face interpreted encounter. The observation criteria concentrate on the use of professional behaviours by the interpreter. The objective of the exercise is to promote discussion of features of the interpreted encounter and to encourage trainees to generate their own suggestions for good practice. |

## OBSERVATION CRITERIA

Use the following criteria in your observation of the interpreted event and record your observations by placing a tick (✓) in the relevant box.

### 1. PROFESSIONAL SKILLS

During the interview did the interpreter:

|  | Yes | No | Partly | Notes |
|--|-----|----|--------|-------|
| 1.1 Introduce him/herself appropriately to both speakers and explain his/her role as interpreter <b>in both languages?</b>             |     |    |        |       |
| 1.2 Take brief notes during the interpretation to aid recall?  |     |    |        |       |
| 1.3 Intervene at any point to ask for clarification or repetition? (If NO, go to question 1.5)   |     |    |        |       |
| 1.4 When the interpreter intervened, did s/he explain the intervention to both speakers?   |     |    |        |       |
| 1.5 Did the interpreter preserve a neutral position in the interview?  |     |    |        |       |
| 1.6 Looking at the interview as a whole, did the interpreter's presence help the two speakers to communicate directly with each other? |     |    |        |       |
| 1.7 Did the interpreter consistently interpret in the first person (using 'I'/'we')?   |     |    |        |       |
| 1.8 Looking at the interview as a whole, did the interpreter's manner  |     |    |        |       |

|  |  |  |  |  |
|--|--|--|--|--|
| suggest a clear understanding of the interpreter's role? |  |  |  |  |
|--|--|--|--|--|

## 2. FAITHFULNESS OF INTERPRETATION

|  | Yes | No | Partly | Notes |
|--|-----|----|--------|-------|
| 2.1 Looking at the interview as a whole, was the interpretation provided faithful to the speech of both speakers? (If YES, go to question 2.6) |     |    |        |       |
| 2.2 Were any of the messages of either speaker <u>summarised</u> in the interpreter's rendition?   |     |    |        |       |
| 2.3 Were any parts of the messages of either speaker <u>omitted</u> from the interpretation?   |     |    |        |       |
| 2.4 Was anything <u>added</u> to the messages of either speaker in the interpretation?   |     |    |        |       |
| 2.5 Was anything that was said by either speaker <u>changed or distorted</u> in the interpretation?  |     |    |        |       |
| 2.6 Did the interpreter reflect the tone of voice, attitude and state of mind of the speakers in the interpretation?                           |     |    |        |       |

## 3. LANGUAGE USE

|   | Yes | No | Partly | Notes |
|---|-----|----|--------|-------|
| 3.1 Did the interpreter use correct grammar and syntax in both languages? |     |    |        |       |
| 3.2 Did the interpreter successfully                                      |     |    |        |       |

|   |  |  |  |  |
|---|--|--|--|--|
| translate specialist English terms into the other language?   |  |  |  |  |
| 3.3 Did the interpretation reflect the same register as the original (e.g. formal, colloquial, conversational etc)? |  |  |  |  |

#### 4. STATEMENTS

Read the statements below and indicate your response with a tick (✓) in the relevant column.

|  | Agree | Neither agree nor disagree | Disagree | Notes |
|--|-------|----------------------------|----------|-------|
| 4.1 The interpreter was professional at all times.   |       |                            |          |       |
| 4.2 The interpreter's manner helped the parties to express themselves freely and directly to each other. |       |                            |          |       |
| 4.3 The interpretation accurately reflected the attitude and intentions expressed by the speakers.       |       |                            |          |       |
| 4.4 The interpreter successfully managed his/her role in the interview.                                  |       |                            |          |       |
| 4.5 The interpreter successfully coordinated the interpreted interaction, intervening where necessary.   |       |                            |          |       |
| 4.5 If I needed an interpreter, I would feel comfortable using the services of this interpreter myself.  |       |                            |          |       |

## **POINTS FOR DISCUSSION**

1. Based on your responses to the questions in the tables above, which aspects of the interpreter's professional practice would you change, if any?
2. In each case, explain your reasons for recommending these changes.

## **EXERCISE: BT 6**

Module: Knowledge of Legal Systems

Type of Exercise: Self-assessment

Topic: Interpreting for the Police

Learning Outcome(s): On completion of this exercise, trainees will be able to:

- update bilingual terminology for the police custody suite environment
- measure their understanding of systems and personnel in the police custody suite environment.

Language Combination: English/Other language

Equipment: N/A

Time: 1 hour

Suitable for: Intermediate/Advanced

Contributed by: Brooke Townsley, Middlesex University, London (UK)



## SELF-ASSESSMENT: INTERPRETING FOR THE POLICE

Answer the following questions:

1. Which of the following interpreting skills might you expect to employ when working in a custody suite on behalf of the Police?
  - a) gist summary
  - b) sight translation
  - c) whispered simultaneous interpreting
  - d) short consecutive interpreting
  - e) booth simultaneous interpreting
  - f) written translation
  
2. When accepting a booking from a police station, what information should you ask for before setting out to attend?
  
3. In the event that you find you know the non-English speaker for whom you are asked to interpret, what should you do?
  - a) decide whether or not it is significant enough to inform the police
  - b) have a private chat with the non-English speaker and check that they have no objection to you interpreting for them
  - c) inform the police officer responsible for the case that you know the suspect/witness
  - d) decline to interpret and leave immediately
  
4. Before setting out to attend a booking for the police, which of the following items should you have with you?
  - a) a notepad and pen
  - b) your identification badge
  - c) a copy of the PACE codes
  - d) a bilingual dictionary and/or term bank

- e) details of the police station, the name and collar number of the officer, details of how to get into the custody block if the front desk is closed
- f) clean socks for the suspect
- g) a fully-charged mobile phone

5. When assisting a police officer in taking an evidential witness statement from a non-English speaker, which language should you record the original statement in?
6. Describe the process by which an evidential witness statement is taken from a non-English speaker.
7. What is a VPS?

**TERMINOLOGY CHECK**

Find equivalences in your other language for the following English terms and phrases:

| <b>Term</b>                | <b>Definition</b> | <b>Translation</b> |
|----------------------------|-------------------|--------------------|
| 1. PCSO                    |                   |                    |
| 2. Custody                 |                   |                    |
| 3. Detainee                |                   |                    |
| 4. Custody Sergeant        |                   |                    |
| 5. Rights and entitlements |                   |                    |
| 6. The official caution    |                   |                    |
| 7. Legal representation    |                   |                    |
| 8. To have someone         |                   |                    |

|   |  |  |
|---|--|--|
| informed of your arrest   |  |  |
| 9. Consult a copy of the codes of practice covering police powers   |  |  |
| 10. PACE codes  |  |  |
| 11. Footwear impression   |  |  |
| 12. Duty Solicitor  |  |  |
| 13. You have been arrested on suspicion of the offences shown below |  |  |
| 14. Taped interview   |  |  |
| 15. Bail  |  |  |
| 16. Charge  |  |  |
| 17. TICs  |  |  |

## EXERCISE: BT 7

|                       |   |
|-----------------------|---|
| Module:               | Transfer Skills   |
| Type of Exercise:     | Oral sight translation  |
| Topic:                | Anti-social behaviour and ASBOs   |
| Learning Outcome(s):  | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• sight translate informational text from English into the other language</li><li>• identify translation difficulties</li><li>• use context to deal with terminology</li><li>• paraphrase text appropriately.</li></ul> |
| Language Combination: | English/Other language  |
| Equipment:            | Voice recording facility (digital voice recorder, language laboratory)  |
| Time:                 | Preparation: 5 minutes; rendition: 5 minutes  |
| Suitable for:         | Intermediate  |
| Contributed by:       | Brooke Townsley, Middlesex University, London (UK)  |
| Notes:                | This text can be used as a stand-alone timed sight translation activity. Alternatively it can be used in a workshop or seminar on sight translation skills.   |

## ORAL SIGHT TRANSLATION

### English source text (ST) to other language target text (TT)

1. Study the text below for **5 minutes**. Do not mark or annotate the text in any way.
2. Record your sight translation on to your digital recording device.
3. Now listen to your sight translation and evaluate your performance using the self-assessment sheet that follows the text.
4. Complete your learning log.

#### **Anti-social behaviour (ASB)**

##### **What is ASB?**

Anti-social behaviour (ASB) includes a variety of behaviours, covering a whole complex of selfish and unacceptable activity that can blight the quality of community life. Examples include:

- nuisance neighbours
- rowdy and nuisance behaviour
- yobbish behaviour and intimidating groups taking over public spaces
- vandalism, graffiti and fly posting
- people dealing and buying drugs on the street
- people dumping rubbish and abandoning cars
- begging and anti-social drinking
- the misuse of fireworks

Anti-social behaviour doesn't just make life unpleasant. It holds back the regeneration of disadvantaged areas and creates an environment where more serious crime can take hold.

On any measure of polling or survey, anti-social behaviour matters - it has a negative effect on far too many people's quality of life. We are committed to tackling this problem.

##### **Why does anti-social behaviour happen?**

Many factors have been identified that, while they do not cause anti-social behaviour, do increase the risk of it happening.

*Source: UK Home Office*

## **EXERCISE: BT 8**

Module: Professional Codes of Conduct and Guidelines to Good Practice

Type of Exercise: Quiz

Topic: Courtroom interpreting

Learning Outcome(s): On completion of this exercise, trainees will be able to:

- formulate responses to practical dilemmas occurring in the courtroom interpreting setting
- apply guidelines to good practice to resolving practical dilemmas.

Language (Combination): English

Equipment: Designed for Powerpoint presentation

Time: N/A

Suitable for: Intermediate

Contributed by: Brooke Townsley, Middlesex University, London (UK)

## EXERCISES

### Powerpoint slide 1.

What would you do if...?

- The defendant or witness uses terms or phrases that you have difficulty interpreting?
- The witness utters obscenities or threats?
- You find you are out of your depth and cannot provide a safe interpretation?
- You are having difficulty concentrating?
- You are having difficulty hearing?

### Powerpoint slide 2.

What would you do if...?

- You believe that the defendant or witness is lying to the court?
- You feel that the defendant is not understanding what is being said to them?
- You feel that the defendant is being poorly defended?
- You feel that the defendant is being discriminated against?

## EXERCISE: BT 9

|                         |   |
|-------------------------|---|
| Module:                 | Transfer Skills   |
| Type of Exercise:       | Simultaneous interpreting; text of monologue for recording  |
| Topic:                  | Charge and indictment, Magistrates' Court   |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• deliver a simultaneous interpretation of 4 minutes (approx) of legal discourse</li><li>• identify and process legalese</li><li>• manage specialised terminology and phraseology.</li></ul>  |
| Language (Combination): | English/Other language  |
| Equipment:              | Language laboratory, digital or analogue recording and playback equipment   |
| Time:                   | Monologue: 4 minutes (approx); full exercise: 30 minutes  |
| Suitable for:           | Intermediate/Advanced   |
| Contributed by:         | Brooke Townsley, Middlesex University, London (UK)  |
| Notes:                  | <p>This text can be used for a number of training purposes in addition to simultaneous interpreting practice. Consider using it as the basis for a gap-fill exercise, terminology processing, or as a reading comprehension. Some suggested follow-up exercises are included at the end of this template and the text could be used as the basis for more of your own design.</p> <p>This text links with exercise BT 1 (Defence statement exercise).</p> |



*Any resemblances to persons living or dead or to real cases are coincidental. Please note the laws and offences mentioned, although based on reality, are fictional.*

## SAMPLE CHARGE AND INDICTMENT

Mr. Weston, **you are charged with two counts** of Aggravated Criminal Damage and one count of Racial Abuse. It is stated that on the 22<sup>nd</sup> of September of this year, at 22 Welsh Walls Road in Gobowen, **you did without lawful excuse** write graffiti on the wall of the A.J.'s News and Convenience Store causing damage to the said wall in the amount of £180 **contrary to Section 18 of the Criminal Damage Act 1988**. It is also stated that on the same day, at the same place, you did **without lawful excuse** cause damage to a plate glass window at the same premises **in the amount of £205**, also contrary to the Criminal Damage Act 1988.

It is also charged that on the 22<sup>nd</sup> of September of this year, you did **without lawful excuse** cause graffiti to be written on the walls of the house at 24 Welsh Walls Road, belonging to Mr. Shaheed Malik, the owner of the aforementioned A.J.'s News and Convenience Store, **so as to cause disturbance, distress and alarm** to Mr Malik. It is also charged that later, on the same day, in the company of your girlfriend Miss Shona West, you exhibited a sign outside the entrance to the Gobowen C of E Primary School in such a way as to cause distress and alarm to the persons entering that premises, **contrary to section 12 of the Racially Aggravated Abuse Act 1997**.

Now, before we proceed to **Plea before Venue**, I must tell you that all of these offences can be tried either here before the Magistrates or before a Jury in the Crown Court. In the event that you plead 'not guilty' to any or all of these offences, a decision on whether this case should be **committed for trial at the Crown Court** will be taken later by the Magistrates' Bench. Your solicitor will also have informed you that you may indicate a preference yourself. If you choose to plead guilty in this court, if the Magistrates decide that they do not have sufficient powers to punish you for the offences committed, they may still transfer your case to the Crown Court for sentence.

I must ask you now to indicate your pleas. To the charge of Aggravated Criminal Damage to a wall, how do you plead?

*Guilty*

To the charge of Aggravated Criminal Damage to a plate glass window, how do you plead?

*Guilty*

And to the charge of Racially Aggravated Abuse, how do you plead?

*Guilty*

Your worships, the defendant has pleaded guilty to all three counts.

*Crown Prosecution Service*

I will now explain the details of the offences.

It is stated that on the 22<sup>nd</sup> of September of this year at around 20.30, the defendant, in the company of his girl friend Miss West, entered the A.J.'s News and Convenience Store to purchase a bottle of milk. There was a dispute of some sort over the change tendered by the shop owner, Mr. Malik, for the item purchased by Mr Weston. At this point, the defendant tried to grab Mr. Malik by the neck over the counter of the shop but, on failing to do so, he punched a glass pane to the left side of the till with his fist in a single blow, causing it to break. The defendant then left the store, shouting angrily that he would "get the cheating bastard", referring to the owner Mr. Malik. That night, it is alleged that the defendant returned to the premises, now closed, belonging to Mr. Malik and spray painted the words 'Paki's Go Home' and underneath this the words 'Blacks Fuck Off Out of Our Country' in large green letters onto the wall of the shop.

It is further stated that in the small hours of the following day at around 05.00, the defendant, again in the company of his girlfriend Miss West, exhibited a piece of A3 size paper on a lamp post directly outside of the Gobowen C of E Primary School in such a way as to be in clear view of any persons entering the school premises. The paper carried a drawing of a man hanging by the neck by a piece of rope from a tree and underneath the words, written in black felt pen, "Blacks Fuck Off Home". Underneath this, in a different pen, was written "Klu Klux KLAN". This sign was fully in view at 08.30 later that morning as the children arrived for school and was torn down by some parents delivering their children to the school and given to the Head Teacher, who called the Police.

When Mr. Weston was arrested later that day at his home in Gobowen he initially denied any knowledge of the incidents or the racist graffiti but later, in the Police Station, he admitted during questioning that he had broken the window at the convenience store, that he had written the graffiti on the walls of the store and that he had drawn and exhibited the sign outside the Primary School. He went on to state that he had been drinking heavily that night and had continued to do so at home into the small hours of the following day, the 23<sup>rd</sup>. He stated that at around 03.00 in the morning he went round to Miss Shona West's house and asked her to give him the pad of A3 size drawing paper that he had left there some days before. He used this to make the sign that he exhibited outside the Primary School gates. He states that he is not a racist and that he is ashamed of what he did.

The Prosecution will be applying for costs in the sum of £45 for each of the three offences making a total of £135 and shall further request that an order be made for compensation to Mr. Malik for the damage caused to his premises in the sum of £385. This was the cost of the repairs. Your Worships, that is the case for the Prosecution.

### **FOLLOW-UP EXERCISES**

1. Read the text of the charge and indictment. Find terms and phrases in the text that mean the following:
  - a. Two criminal charges
  - b. Without legal or moral justification
  - c. To upset, disturb or negatively affect
  - d. To give your answer to the allegations
  - e. To be sent for trial at a higher court
  
2. Listen to the text again. If your interpretation fails at a particular point, stop the recording and make a written note of where your interpretation failed. Now analyse why your interpretation failed at that point. Was it one or more of the following factors:
  - a. Unfamiliar terminology

- b. Inability to understand the source text
- c. Unfamiliar clause structure or grammatical form
- d. Other external interference?

Having identified the cause of the failure of interpretation, consider strategies for overcoming this challenge. Discuss with your fellow trainees and/or refer to your trainer for suggestions.

## EXERCISE: CG 1

|                         |   |
|-------------------------|---|
| Module:                 | Transfer Skills<br>Knowledge of Legal Systems   |
| Type of Exercise:       | Sight translation   |
| Topic:                  | Waiver of rights; plea agreement  |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• produce a complete and correct version of this document in the target language, respecting register and terms of art</li><li>• understand the concept of a plea agreement and ascertain if there is a legal equivalent in their country's legal system</li><li>• compare basic procedural rights as reflected in this document to those that exist in their country's legal system</li><li>• correctly reproduce terminology related to procedural rights in English, when required to do so.</li></ul> |
| Language (Combination): | English/Other language  |
| Equipment:              | Language laboratory, digital or analogue recording and playback equipment are recommended, but not essential  |
| Time:                   | 1 hour  |
| Suitable for:           | Intermediate/Advanced   |
| Contributed by:         | Cynthia Giambruno, University of Alicante (Spain)   |

**TEXT**

The following are the terms and conditions for the plea bargain offered by the State Attorney to \_\_\_\_\_ (name of Defendant) \_\_\_\_\_. This agreement is conditional upon the defendant's representation that this document bears his true name and that he has no felony convictions other than those described in the terms of this agreement.

Unless the plea is rejected or withdrawn, the defendant hereby gives up any and all trials and appeals to which he may be entitled if he were not to enter into this agreement. Furthermore, the defendant understands the following rights and understands that he waives such rights by pleading guilty:

1. his right to a jury trial;
2. his right to confront the witnesses against him and cross-examine them;
3. his right to present evidence and call witnesses in his defence, knowing that the State will compel witnesses to appear and testify;
4. his right to be represented by counsel (appointed free of charge, if he cannot afford to hire his own);
5. his right to remain silent, to refuse to be a witness against himself, and to be presumed innocent until proven guilty beyond a reasonable doubt.

This written document contains all the terms and condition of this plea agreement, and the defendant understands that any promises made by anyone, including his lawyer, that are not contained within this written plea agreement, are without force and effect, and are null and void.

I, \_\_\_\_\_ (name of Defendant) \_\_\_\_\_, am not on or under the influence of any drug, medication, liquor, or other intoxicant, and I, \_\_\_\_\_ (name of Defendant) \_\_\_\_\_, am at this time fully capable of understanding the terms and conditions of this agreement, and my agreement and plea are not the result of force, threats, assurances, or promises other than those which are contained in writing in this agreement. I have read this agreement with the assistance of counsel, understand its terms, understand the rights I give up by pleading guilty in this matter, and agree to be bound according to the provisions herein.

Signed: \_\_\_\_\_

(Defendant)

Date: \_\_\_\_\_

## METHODOLOGY

1. Ask trainees to read the text. Briefly discuss text type, register, tone and purpose. Clarify any doubts trainees may have about meaning.
2. Ask trainees to predict possible translation problems based on their first reading. Without solving these problems for the trainees, give them a short time (limit to just a few minutes) to think of options. Tell them they may not write any solutions or ideas on the text itself.
3. Have trainees record their first attempt at sight reading this document into the target language. Then ask them to listen to their recording and to identify any problem areas they had not anticipated.
4. Conduct a group session to share strategies and solutions for each of the difficulties encountered. Remind trainees not to write words or notes on the text itself.
5. Have trainees tape a second attempt at sight reading the text after the group discussion. Listen and compare to the first rendition.

## TEACHING POINTS

1. Encourage careful reading of the document, with emphasis on meaning, not form. Encourage avoidance of literal translations.
  - a. Example: “This agreement is **conditional upon** the **defendant’s representation** that this document **bears** his **true** name” simply means “This agreement **will not be valid** unless the defendant **states** that the written document **includes** his **real** name.”
  - b. Example: “... or promises **other than those which are contained in writing** in this agreement” simply means “or promises **not included in this written** agreement”.



2. Encourage trainees to anticipate structural changes in their translated version.
  - a. Example: “**that this document bears his true name**” could also be stated as “**that the name found on this document is his real name.**” This may help students find an appropriate version in the target language.
  - b. Example: “**the Defendant hereby gives up any and all trials and appeals to which he may be entitled if he were not to enter into this agreement**” could also be rendered “**By accepting this agreement, the Defendant gives up his right to any and all trials and appeals that he may otherwise have.**”
  
3. Focus on lexis: register, legal terminology and terms of art. Some examples:
  - a. to waive a right
  - b. without force and effect
  - c. null and void
  - d. plea, to enter a plea
  - e. hereby, herein
  - f. to be bound by the provisions of the agreement
  
4. Knowledge of the legal system. Determine if each of the procedural rights included in this document has an equivalent in your legal system. If it does, how is that right stated in your other language?
  - a. the right to a jury trial
  - b. the right of a defendant to confront witnesses against him and cross-examine them
  - c. the right of a defendant to present evidence and call witnesses in his defence
  - d. the right to be represented by counsel
  - e. the right to remain silent
  - f. the right to be presumed innocent until proven guilty.

## EXERCISE: CG 2

|                         |  |
|-------------------------|--|
| Module:                 | Transfer Skills<br>Knowledge of Legal Systems  |
| Type of Exercise:       | Sight translation  |
| Topic:                  | Reading of rights/lectura de derechos  |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• produce a complete and correct version of this document in the target language, respecting register and terms of art</li><li>• compare basic procedural rights as reflected in this document to those that exist in their country's legal system</li><li>• correctly produce terminology related to procedural rights in Spanish when required to do so.</li></ul> |
| Language (Combination): | Spanish  |
| Equipment:              | Language laboratory, digital or analogue recording and playback equipment are recommended, but not essential   |
| Time:                   | 45 minutes   |
| Suitable for:           | Intermediate/Advanced  |
| Contributed by:         | Cynthia Giambruno, University of Alicante (Spain)  |

## TEXT

### Lectura de Derechos

- a. Derecho a guardar silencio no declarando si no quiere, a no contestar alguna o algunas de las preguntas que le formulen, o a manifestar que sólo declarará ante el Juez.
- b. Derecho a no declarar contra sí mismo y a no confesarse culpable.
- c. Derecho a designar Abogado y a solicitar su presencia para que asista a las diligencias policiales y judiciales de declaración e intervenga en todo reconocimiento de identidad de que sea objeto. Si el detenido o preso no designara Abogado, se procederá a la designación de oficio.
- d. Derecho a que se ponga en conocimiento del familiar o persona que desee, el hecho de la detención y el lugar de custodia en que se halle en cada momento. Los extranjeros tendrán derecho a que las circunstancias anteriores se comuniquen a la Oficina Consular de su país.
- e. Derecho a ser asistido gratuitamente por un intérprete, cuando se trate de extranjero que no comprenda o no hable el castellano.
- f. Derecho a ser reconocido por el Médico forense o su sustituto legal y, en su defecto, por el de la Institución en que se encuentre, o por cualquier otro dependiente del Estado o de otras Administraciones Públicas.

## METHODOLOGY

1. Present the document to trainees and ask them to read it. Briefly discuss text type, register, tone and purpose. Clarify any doubts trainees may have about meaning.
2. Ask trainees to predict possible translation problems based on their first reading. Without solving these problems for the trainees, give them a short time (limit to just a few minutes) to think of options. Tell them they may not write any solutions or ideas on the text itself.

3. Have trainees tape their first attempt at sight reading this document into the target language. Then ask them to listen and identify any problem areas they had not anticipated.
4. Conduct a group session to share strategies and solutions for each of the difficulties encountered. Remind trainees not to write words or notes on the text itself.
5. Have trainees tape a second attempt at sight reading the text after the group discussion. Listen and compare to the first rendition.

### TEACHING POINTS

1. Lexis: take note of the special collocations and word combinations that are customary in legal language. Examples:
  - a. **Formular preguntas** (rather than “*preguntar*”): “las preguntas que le formulen”.
  - b. **Manifestar** (rather than “*decir*”) “o a manifestar que sólo declarará ante el Juez.”
  - c. **Designar** abogado (rather than “*nombrar*” or “*contratar*”): “Derecho a designar Abogado” y “se procederá a la designación de oficio”.
2. Knowledge of the legal system. Take special note of rights **d.** and **e.** as they pertain specifically to the rights of foreign individuals who are detained. Do similar rights exist in other countries? Are they specifically and explicitly stated as they are in this document?

### EXERCISE: CG 3

|                         |  |
|-------------------------|--|
| Module:                 | Transfer Skills  |
| Type of Exercise:       | Written translation or oral sight translation  |
| Topic:                  | Notificación de sentencia/Notification to parties of judicial ruling   |
| Learning Outcome(s):    | <p>On completion of this exercise, trainees will be able to:</p> <ul style="list-style-type: none"><li>• produce a complete and correct version of this document in the target language, respecting register and terms of art</li><li>• recognise the structure and components of a judicial sentence as produced in the Spanish judicial system</li><li>• identify and reproduce ‘boilerplate’ (formulaic) language as found in this document in the source language (Spanish)</li><li>• correctly render ‘boilerplate’ language into the target language, in a written translation or an oral sight translation.</li></ul> |
| Language (Combination): | Spanish  |
| Equipment:              | Language laboratory, digital or analogue recording and playback equipment are recommended, but not essential   |
| Time:                   | 2 hours  |
| Suitable for:           | Advanced   |
| Contributed by:         | Cynthia Giambruno, University of Alicante (Spain)  |

## TEXT

### JUZGADO DE PRIMERA INSTANCIA E INSTRUCCIÓN NÚMERO CINCO DE VALENCIA

Notificación de sentencia en autos de diligencias urgentes juicio rápido, número 726/07.

Doña Isabel Fernández Martínez, secretaria del Juzgado de Instrucción Número Cinco de los de Valencia,

Por el presente, hago constar: Que en los autos de diligencias urgentes juicio rápido número 726/2007, ha re-caído sentencia con el siguiente fallo:

«Que debo condenar y condeno a don **John Smith** como autor responsable de un delito de maltrato familiar a la pena de seis meses de prisión y la privación del derecho a la tenencia y porte de armas durante dieciséis meses e inhabilitación especial para el derecho de sufragio pasivo durante el tiempo de la condena, y por el delito del artículo 173.2.º la pena de prisión de un año y privación del derecho a la tenencia y porte de armas durante dieciséis meses, así como la accesoria de inhabilitación especial para el derecho de sufragio pasivo durante el tiempo de la condena, y la prohibición de acercarse a la víctima y a su domicilio a un radio no inferior a 200 metros, así como la prohibición de comunicar con ella por cualquier vía, incluyendo telefónica, durante el plazo de dos años, y costas.

Se hace constar que esta sentencia es firme, al haber sido notificada a las partes verbalmente, manifestando su voluntad de no recurrirla.»

Y para que así conste, y para que sirva de notificación a doña **Mary Smith**, extiendo y firmo el presente edicto, en Valencia, 17 de marzo de 2007.– La secretaria, Isabel Fernández Martínez.

## METHODOLOGY

1. Present the document to trainees and ask them to read it. Briefly discuss text type, register, tone and purpose. Clarify any doubts trainees may have about meaning.

2. Discuss the concept of 'boilerplate' or formulaic language, its use in legal texts, the difficulties involved in rendering it in another language, and the importance of developing skills to deal with this type of language.
3. Identify the 'boilerplate' language found in this document.
4. Have trainees prepare a written translation and then try an oral sight translation of the document.
5. Discuss strategies, techniques and specific outcomes using an interactive approach in class.

### TEXT WITH 'BOILERPLATE' ITEMS HIGHLIGHTED

JUZGADO DE PRIMERA INSTANCIA E INSTRUCCIÓN NÚMERO CINCO DE VALENCIA

Notificación de sentencia en autos de diligencias urgentes juicio rápido, número 726/07.

Doña Isabel Fernández Martínez, secretaria del Juzgado de Instrucción Número Cinco de los de Valencia,

Por el presente, hago constar: Que en los autos de diligencias urgentes juicio rápido número 726/2007, ha re-caído sentencia con el siguiente fallo:

«Que debo condenar y condeno a don John Smith como autor responsable de un delito de maltrato familiar a la pena de seis meses de prisión y la privación del derecho a la tenencia y porte de armas durante dieciséis meses e inhabilitación especial para el derecho de sufragio pasivo durante el tiempo de la condena, y por el delito del artículo 173.2.º la pena de prisión de un año y privación del derecho a la tenencia y porte de armas durante dieciséis meses, así como la accesoria de inhabilitación especial para el derecho de sufragio pasivo durante el tiempo de la condena, y la prohibición de acercarse a la víctima y a su domicilio a un radio no inferior a 200 metros, así como la prohibición de comunicar con ella por cualquier vía, incluyendo telefónica, durante el plazo de dos años, y costas.

Se hace constar que esta sentencia es firme, al haber sido notificada a las partes verbalmente, manifestando su voluntad de no recurrirla.»

Y para que así conste, y para que sirva de notificación a doña Mary Smith, extiendo y firmo el presente edicto, en Valencia, 17 de marzo de 2007.– La secretaria, Isabel Fernández Martínez.



#### **EXERCISE: CG 4**

|                         |  |
|-------------------------|--|
| Module:                 | Transfer Skills  |
| Type of Exercise:       | Written translation or oral sight translation; reinforcement exercise for 'boilerplate' language   |
| Topic:                  | Fallo por agresion sexual  |
| Learning Outcome(s):    | <p>On completion of this exercise, trainees will be able to:</p> <ul style="list-style-type: none"><li>• produce a complete and correct version of this document in the target language, respecting register and terms of art</li><li>• recognise the structure and components of a judicial sentence as produced in the Spanish judicial system</li><li>• identify and reproduce 'boilerplate' (formulaic) language as found in this document in the source language (Spanish)</li><li>• correctly render 'boilerplate' language into the target language, be it in a written translation or an oral sight translation.</li></ul> |
| Language (Combination): | Spanish  |
| Equipment:              | Language laboratory, digital or analogue recording and playback equipment are recommended, but not essential   |
| Time:                   | 2 hours  |
| Suitable for:           | Advanced   |
| Contributed by:         | Cynthia Giambruno, University of Alicante (Spain)  |

## TEXT

Condenamos al acusado (John Doe) como autor criminalmente responsable de dos delitos continuados de Agresión Sexual con penetración, sin la concurrencia de circunstancias modificativas de la responsabilidad criminal, a la pena de 14 años de prisión por cada uno de ellos, como autor responsable de un delito continuado de agresión sexual sin acceso carnal a la pena de 7 años de prisión, y como autor de un delito de abuso sexual sin acceso carnal a la pena de dos años de prisión, con la accesoria de inhabilitación especial para el derecho de sufragio pasivo durante los tiempos de la condena, y prohibición de aproximarse o comunicar en cualquier forma con las víctimas durante el plazo de 5 años.

Asimismo en concepto de responsabilidad civil, el acusado indemnizará a Jane Doe en la cantidad de 12.000 euros, a Susan Doe en la cantidad de 12.000 euros, a Sally Doe en la cantidad de 6.000 euros y a Alice Doe en la cantidad de 3.000 euros, por los daños morales causados a todas ellas, cantidades que se incrementaran conforme previene el artículo 576 de la Ley.

## METHODOLOGY

1. Present the document to trainees and ask them to read it. Briefly discuss text type, register, tone and purpose. Clarify any doubts trainees may have about meaning.
2. Discuss the concept of 'boilerplate' or formulaic language, its use in legal texts, the difficulties involved in rendering it in another language, and the importance of developing skills to deal with this type of language.
3. Identify the 'boilerplate' language found in this document.
4. Have trainees prepare a written translation and then try an oral sight translation of the document.
5. Discuss strategies, techniques and specific outcomes using an interactive approach in class.

## TEACHING POINTS

1. Text to reinforce work with 'boilerplate' or formulaic language (see exercise CG 3 - "Notificación de sentencia" for introductory work).
2. Names of crimes or offences. It is important to know the exact wording of the charge and how they are rendered in the target language.

- a. Example: Agresión Sexual con penetración
- b. Example: Agresión sexual sin acceso carnal
- c. Other examples not found in this text
  - i. Hurto
  - ii. Robo con fuerza en las cosas
  - iii. Robo con violencia o intimidación sobre las personas

#### TEXT WITH 'BOILERPLATE' ITEMS HIGHLIGHTED

Condenamos al acusado (John Doe) como autor criminalmente responsable de dos delitos continuados de Agresión Sexual con penetración, sin la concurrencia de circunstancias modificativas de la responsabilidad criminal, a la pena de 14 años de prisión por cada uno de ellos, como autor responsable de un delito continuado de agresión sexual sin acceso carnal a la pena de 7 años de prisión, y como autor de un delito de abuso sexual sin acceso carnal a la pena de dos años de prisión, con la accesoria de inhabilitación especial para el derecho de sufragio pasivo durante los tiempos de la condena, y prohibición de aproximarse o comunicar en cualquier forma con las víctimas durante el plazo de 5 años.

Asimismo en concepto de responsabilidad civil, el acusado indemnizará a Jane Doe en la cantidad de 12.000 euros, a Susan Doe en la cantidad de 12.000 euros, a Sally Doe en la cantidad de 6.000 euros y a Alice Doe en la cantidad de 3.000 euros, por los daños morales causados a todas ellas, cantidades que se incrementarán conforme previene el artículo 576 de la Ley.

## EXERCISE: CG 5

|                         |  |
|-------------------------|--|
| Module:                 | Transfer Skills<br>Specialised Language Competencies   |
| Type of Exercise:       | Written translation or oral sight translation; reinforcement exercise for 'boilerplate' language   |
| Topic:                  | Sentencing, misdemeanour   |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• produce a complete and correct version of this document in the target language, respecting register and terms of art</li><li>• recognise the structure and components of a judicial sentence as produced in the Spanish judicial system.</li><li>• identify and reproduce 'boilerplate' (formulaic) language as found in this document in the source language (Spanish)</li><li>• correctly render 'boilerplate' language into the target language, be it in a written translation or an oral sight translation.</li></ul> |
| Language (Combination): | Spanish  |
| Equipment:              | Language laboratory, digital or analogue recording and playback equipment are recommended, but not essential   |
| Time:                   | 1 hour   |
| Suitable for:           | Advanced   |
| Contributed by:         | Cynthia Giambruno, University of Alicante (Spain)  |

## **TEXT**

Imposición de condena (juicio de faltas)

Que debemos condenar y condenamos a \_\_\_\_\_, como autor de una falta de lesiones del art. 617.1 CP a la pena de multa de dos meses, con una cuota diaria de 50 euros, lo cual da un importe total de 3000 euros, con responsabilidad personal subsidiaria (arresto sustitutorio) de treinta días en caso de impago y al abono de las costas correspondiente a un juicio de faltas. Que debemos condenar y condenamos a \_\_\_\_\_, como autor de un delito de lesiones del art. 147.2 CP a la pena de multa de cinco meses, con una cuota diaria de 50 euros, lo cual da un importe de 7.500 euros, con responsabilidad personal subsidiaria (arresto sustitutorio) setenta y cinco días para el caso de impago, a abonar a \_\_\_\_\_ la cantidad de 1.200 euros en concepto de responsabilidad civil y al abono de todas las restantes costas de primera instancia.”

## **METHODOLOGY**

1. Present document to trainees and ask them to read it. Briefly discuss text type, register, tone and purpose. Clarify any doubts trainees may have about meaning.
2. Discuss the concept of ‘boilerplate’ or formulaic language, its use in legal texts, the difficulties involved in rendering it in another language, and the importance of developing skills to deal with this type of language.
3. Identify the ‘boilerplate’ language found in this document.
4. Have trainees prepare a written translation and then try an oral sight translation of the document.
5. Discuss strategies, techniques and specific outcomes using an interactive approach in class.

## EXERCISE: CG 6

|                         |  |
|-------------------------|--|
| Module:                 | Transfer Skills<br>Specialised Language Competencies   |
| Type of Exercise:       | Written translation  |
| Topic:                  | Legal vocabulary and contextualisation   |
| Learning Outcome(s):    | On completion of this exercise, trainees will: <ul style="list-style-type: none"><li>• understand the importance of context when choosing specific lexical items for use in legal and quasi-legal language</li><li>• be able to divorce themselves from form (specific term or phrase) and focus on meaning when searching for appropriate terminology</li><li>• look to their own knowledge to find an appropriate term rather than immediately going to a dictionary or internet search, using these as a second level resource or a tool to confirm options selected</li><li>• have learned several specific legal terms in Spanish and their equivalents in the target language.</li></ul> |
| Language (Combination): | Spanish/English  |
| Equipment:              | N/A  |
| Time:                   | 30-45 minutes  |
| Suitable for:           | Introductory/Intermediate  |
| Contributed by:         | Cynthia Giambruno, University of Alicante (Spain)  |

## EXERCISES

The following sentences and phrases are taken from actual legal documents. Look at the words highlighted **in bold** and come up with an equivalent in the target language. Then look at the words highlighted *in italics* and research the equivalent in the target language.

1. Con fecha 4 de abril de 2007 **tuvo entrada** en este Juzgado un *recurso promovido* por D. .... contra la **Dirección General de Trafico**.
2. Ud., como *Letrado encargado de la dirección técnica* del procedimiento, se ocupaba de dar las instrucciones específicas al *Procurador actuante* en el mismo ...
3. Rogamos se le exhiba al **confesante** el documento no. 2 aportado junto al *escrito de demanda*.
4. Mi **mandante**, el procurador D. .... **procedió** el 18 de noviembre a presentar *escrito de interposición* de recurso de apelación.
5. **No se aprecian** las circunstancias previstas en el art. 139 de la **Ley reguladora** para justificar **expresa imposición de las costas**.
6. Que acto seguido **se ha desplazado** hasta el **depósito** de vehículos de Policía Local y al ver su vehículo **ha apreciado** lo siguiente:
7. **Archívense los autos** sin ulterior trámite, previa nota en **los libros** del Juzgado ...
8. Toda persona detenida o presa será informada de modo que le sea comprensible y de forma inmediata de los *hechos que se le imputan* y las razones de su *privación de libertad*, así como de los derechos que le **asisten**
9. ... previa **instrucción** de sus derechos y en presencia de Letrado ...
10. Manifiesta que desea ser **reconocido** por el Médico forense.

11. El día 7 de marzo de 1998, se llevó a cabo **el registro** del domicilio de Ana Estrella ... **autorizado judicialmente** y estando presente **la titular** del domicilio
12. El día 7 de marzo de 1998, **se llevó a cabo la inscripción del nacimiento** de la **mujer** en el **registro correspondiente**.

### KEY

1. Con fecha 4 de abril de 2001 **tuvo entrada** (filed) en este Juzgado un *recurso* (appeal) **promovido** (brought) por *D* (abbreviation for “don”, translate Mr. or omit). ..... contra la **Dirección General** (here “Department” but in some contexts it could be “agency” or “division”, etc.) de Tráfico.
2. Ud, como *Letrado* (attorney, counsel, solicitor, barrister) **encargado de la dirección técnica** (in charge of the case) del procedimiento, se ocupaba de dar las instrucciones específicas al *Procurador* (solicitor’s agent, legal representative) **actuante** (omit) en el mismo ...
3. Rogamos se le exhiba al **confesante** (defendant, respondent, witness, deposed) el documento no. 2 aportado junto al *escrito de demanda*. (complaint, suit)
4. Mi **mandante** (colleague, assistant, associate), el procurador D. .... procedió el 18 de noviembre a presentar escrito de interposición de recurso de apelación.
5. **No se aprecian** (found) las circunstancias previstas en el art. 139 de la *Ley reguladora* (applicable law) para justificar **expresa** (omit, explicit, specific) *imposición de las costas* (assignment of court costs).
6. Que acto seguido **se ha desplazado** (went) hasta el **depósito** (impound lot) de vehículos de Policía Local y al ver su vehículo **ha apreciado** (he noted, he found) lo siguiente:
7. **Archívense los autos** (file the record) sin ulterior trámite, previa nota en **los libros** (records) del Juzgado ...



8. Toda persona detenida o presa sera informada de modo que le sea comprensible y de forma inmediata de *los hechos que se le imputan* (charges against him, crimes or offences for which he has been indicted) y las razones de su *privación de libertad* (to be held in custody or taken into custody), así como de los derechos que le **asisten** (to which he is entitled)....
9. ... previa **instrucción** (reading, been informed) de sus derechos y en presencia de Letrado ...
10. Manifiesta que desea ser **reconocido** (seen, examined) por el Médico forense.
11. El día 7 de marzo de 1998, se llevó a cabo **el registro** (search) del domicilio de Ana Estrella ... **autorizado judicialmente** (court ordered) y estando presente **la titular** (homeowner) del domicilio
12. El día 7 de marzo de 1998, **se llevó a cabo la inscripción del nacimiento** (the birth was recorded or registered) de la **mujer** (female child) en el **registro correspondiente** (appropriate record book).

## EXERCISE: CG 7

|                         |  |
|-------------------------|--|
| Module:                 | Transfer Skills  |
| Type of Exercise:       | Written or sight translation   |
| Topic:                  | Civil law - divorce waiver   |
| Learning Outcome(s):    | On completion of this exercise, trainees will have: <ul style="list-style-type: none"><li>• reviewed both the Spanish and English versions of a legal document</li><li>• carried out contrastive analysis exercises to ascertain examples of well-rendered items as well as examples of translation that could be improved</li><li>• had the opportunity to translate in writing or orally, these texts in either direction.</li></ul> |
| Language (Combination): | English/Spanish  |
| Equipment:              | None required, although audio-recording equipment would allow students to tape, review and evaluate their own performance  |
| Time:                   | 60 minutes   |
| Suitable for:           | Intermediate   |
| Contributed by:         | Cynthia Giambruno, University of Alicante (Spain)  |

## TEXTS

### Standard Sample Divorce Waiver Form (English)

I \_\_\_\_\_ do hereby state that:

I have retained the attorneys of Cunningham-Webber Legal Services to file a lawsuit or counter lawsuit to try to obtain a divorce for me. I understand that a court may award me any or even all of the five additional items listed below if I ask for such item(s) in my lawsuit and if I can prove in court that I have a legal right to such item(s). In addition to a divorce, I authorize my attorney to seek each of the checked items below and understand that any items *not* checked will *not* be asked for from the court.

I understand that by *not* asking for each of the items specifically I am waiving my rights and that this might prevent me from getting the items *not* checked in the future as well as the present.

- Alimony (money from my spouse for my own support)
- Child Support (money from my spouse for our children's support)
- Custody and/or Visitation (the right to have my children live with me or the right to have them visit me.)
- Equitable Distribution (having the court divide the property owned by myself and my spouse between us)
- Resumption of former name (the right to use the name I had before I got married)

### *Formulario de Renuncia de Derechos en el Divorcio (Spanish)*

Yo, \_\_\_\_\_, por la presente declaro que:

he contratado a los abogados del bufete de abogados Cunningham-Weber para presentar una demanda o contrademanda de divorcio. Entiendo que el tribunal me puede adjudicar cualquiera o todas las opciones mencionadas abajo si solicito las mismas y si puedo demostrar ante el tribunal que tengo el derecho legal a ellas. Además de presentar la demanda de divorcio, autorizo a mi abogado solicitar cada una de las opciones indicadas abajo y entiendo que cualquier opción no indicada no se solicitará al Juez.

Entiendo que, al no solicitar alguna opción, renuncio mi derecho a ella y que esto me impide conseguirla tanto en el futuro como en el presente.

- ( ) Pensión alimenticia (dinero de mi espos(o, a) para mi propia manutención)
- ( ) Mantenimiento de hijos (dinero de mis espos(o, a) para la manutención de nuestros hijos)
- ( ) Custodia, patria potestad y/o régimen de visitas (el derecho a que mis hijos vivan conmigo o el derecho a que me visiten regularmente)
- ( ) Distribución equitativa (que el tribunal divida entre nosotros los bienes poseídos por mi espos(o, a) y por mí)
- ( ) Recuperación del apellido de soltera (el derecho a usar el apellido que tenía antes de casarme)

#### **SUGGESTED USES OF TEXTS**

- 1) As a contrastive analysis exercise to identify translations that are well achieved and those that could be improved. Also to examine possible alternative translations and their implications.
- 2) As a standard written translation exercise, from English to Spanish.
- 3) As a sight translation exercise, from English to Spanish.
- 4) As a back translation exercise from Spanish to English.
- 5) As a reverse sight translation exercise from Spanish to English.

## EXERCISE: CG 8

|                         |  |
|-------------------------|--|
| Module:                 | Knowledge of Legal Systems   |
| Type of Exercise:       | Analysis and discussion  |
| Topic:                  | Legal foundations for legal interpreting and translation   |
| Learning Outcome(s):    | <p>On completion of this exercise, trainees will be familiar with:</p> <ul style="list-style-type: none"><li>• the international documents that provide indirect foundational support for the use of legal translators and interpreters</li><li>• European documents that provide direct and indirect foundational support for the use of legal interpreters and translators</li><li>• case law that has contributed to current practices in legal interpreting and translation</li><li>• Spanish legislation and case law on legal interpreting and translation as a specific country example of the development of broader European and international foundations.</li></ul> |
| Language (Combination): | English/Spanish  |
| Equipment:              | N/A  |
| Time:                   | 60 minutes   |
| Suitable for:           | Introductory   |
| Contributed by:         | Cynthia Giambruno, University of Alicante (Spain)  |

## DOCUMENTS

- 1) The International Declaration of Human Rights (indirect)
- 2) The European Convention on Human Rights (indirect and direct)
- 3) International Covenant on Civil and Political Rights (indirect and direct)
- 4) Spanish foundations
- 5) International Case Law

### 1. The International Declaration of Human Rights, 1948

#### **Preamble**

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Now, Therefore The General Assembly proclaims this Universal Declaration Of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

#### **Article 2**

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

#### **Article 8**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**2. The European Convention on Human Rights, 1950****(Article 5, Section 2)**

Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and the charge against him.

Everyone charged with a criminal offence has the following minimum rights:

- (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
- (b) to have adequate time and the facilities for the preparation of his defence;
- (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.” (Article 6)

**3. International Covenant on Civil and Political Rights 1966****Article 14**

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. ...

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

#### **4. Spanish Law**

##### **Constitución Española 1978**

###### Artículo 24.1

Todas las personas tienen derecho a obtener la tutela efectiva de los jueces y tribunales en el ejercicio de sus derechos e intereses legítimos, sin que en ningún caso, pueda producirse indefensión.

###### Artículo 24.2

Asimismo, todos tienen derecho al Juez ordinario predeterminado por la ley, a la defensa y a la asistencia de letrado, a ser informados de la acusación formulada contra ellos, a un proceso público sin dilaciones indebidas y con todas las garantías, a utilizar los medios de prueba pertinentes para su defensa, a no declarar contra sí mismos, a no confesarse culpables y a la presunción de inocencia.



## **Ley de Enjuiciamiento Criminal**

Toda persona detenida o presa será informada, de modo que le sea comprensible y de forma inmediata, de los hechos que se le imputan y las razones motivadores de su privación de libertad, así como de los derechos que le asisten y especialmente de los siguientes: ...

E) Derecho a ser asistido gratuitamente por un intérprete, cuando se trate de extranjero que no comprenda o no hable el castellano. (Sección 2, artículo 520)

---

Si el testigo no entendiere o no hablare el idioma español, se nombrará un intérprete, que prestará a su presencia juramento de conducirse bien y fielmente en el desempeño de su cargo. Por este medio se harán al testigo las preguntas y se recibirán sus contestaciones, que éste podrá dictar por su conducto. En este caso, la declaración deberá consignarse en el proceso en el idioma empeado por el testigo y traducido a continuación al español (artículo 440)

El intérprete será elegido entre los que tengan títulos de tales, si los hubiere en el pueblo. En su defecto, será nombrado un maestro del correspondiente idioma, y si tampoco lo hubiere, cualquier persona que lo sepa.

Si ni aún de esta manera pudiera obtenerse la traducción, y las revelaciones que se esperasen del testigo fueran importantes, se redactará el pliego de preguntas que hayan de dirigírsele y se remitirá a la oficina de Interpretación de Lenguas del Ministerio del Estado, para que con preferencia a todo otro trabajo, sean traducidas al idioma que hable el testigo.

El interrogatorio ya traducido se entregará al testigo para que, a presencia del Juez, se entere de su contenido y redacte por escrito en su idioma, las oportunas contestaciones, las cuales se remitirán del mismo modo que las preguntas a la interpretación de Lenguas. (artículo 441)

## **CASE LAW**

### **European Court of Human Rights Case Law**

Luedicke v. Germany (ECHR 28.11.1978) A. 29

Right to free assistance of an interpreter for the translation of all relevant documents.

Brozicek v. Italy (ECHR 19.12.1980) A67

Judicial notifications were sent in Italian even though he had informed the Court he couldn't speak this language.

Kamasenski v. Austria (ECHR 19.12.1989) A 168

Art. 6-3e not only applies to oral statements but also to documentary material but not all items of written evidence or information have to be translated.

Cuscani v. UK (ECHR 24.9.2002) no. 32771/96

Verification of the defendant's need for interpretation is a matter for the judge to determine in consultation with the defendant.

## **SPANISH CASE LAW**

Sentencia 30/1989 7 febrero Tribunal Constitucional

Recurso de amparo:

3. El derecho a ser informado de la acusación, instrumental e indispensable para ejercer la propia defensa, es reconocido en el art. 24.2 C.E. sin señalar las formas y solemnidades con que la información ha de llevarse a cabo, ...

4. La exigencia de intérprete en el proceso penal, según ha declarado este Tribunal en las SSTC 5/1984, 74/1987 y 71/1988, deriva en cualquier caso directamente de la Constitución y no requiere para su efectividad y ejercicio una configuración legal, aunque ésta pueda ser conveniente para su eficacia. No obstante, es de destacar que, si bien en el juicio de faltas no se regula expresamente el interrogatorio y declaración del acusado sordomudo o en general del que no entienda o no hable el idioma español, los arts. 969 L.E. Crim. Y 7 de l Decreto de 21 de noviembre de 1952 disponen que en la audiencia del acusado se observarán las prescripciones de la Ley procesal penal en cuanto sean aplicables. Y esta Ley establece para los casos en que el procesado o inculpado se encuentre en tales circunstancias, tanto en el procedimiento ordinario como en el de urgencia, la necesidad de efectuar el nombramiento de un intérprete por medio del cual se harán las preguntas y se recibirán las respuestas.

Fundamentos jurídicos:

“No cabe desconocer, por lo demás, que de acuerdo con el art. 10.2 de la CE han de ser tenidos en cuenta el Convenio Europeo para la Protección de los Derechos Humanos y de las Libertades Fundamentales, así como el Pacto Internacional de Derechos Civiles y Políticos, para interpretar las normas relativas a los derechos fundamentales y libertades en ella reconocidos. Pues bien, los art. 6.2 e) y 14.3 F) respectivamente, de los referidos Acuerdos internacionales establecen como una de las garantías mínimas que deberán respetarse en todo proceso penal, el derecho a ser asistido gratuitamente de un intérprete en el caso de que no se comprenda o no se hable la lengua utilizada en el proceso, habiendo tenido el Tribunal Europeo de Derechos Humanos ocasión de pronunciarse sobre el alcance de dicha garantía en Sentencias de 26 de abril de 1978 (Luedicke, Belkacem y Koc) y de 21 febrero 1984 (caso Orturk).

4: Teniendo en cuenta las consideraciones anteriores ha de concluirse que, en el caso que nos ocupa, la falta del preceptivo nombramiento de intérprete se ha traducido en manifiesta indefensión, ya que ha impedido incluso que se pudiera recibir la declaración de la recurrente, que fue, por lo tanto, condenada sin una efectiva audiencia. En efecto examinadas las actuaciones se constata que, tanto en las diligencias previas como en el propio juicio oral, la circunstancia de la sordomudez de la actora determinó el que declarase su esposo, don A. R. L. Quien ... hubiera podido intervenir como auténtico intérprete – tal como señala el ministerio Fiscal – no fue habilitado ni ejerció como tal, sino que ... efectuó en realidad sus propias manifestaciones, en sustitución de la acusada, la cual no pudo dar su versión de los hechos, contestar personalmente a las preguntas que se le formularon, ni hacer las alegaciones de descargo que hubiera considerado oportunas.

5. La estimación del presente recurso por el motivo examinado ... supone la anulación de las Sentencias de ambas instancias y el reconocimiento el derecho de la actora a ser informada de modo que le sea posible tener conocimiento de la acusación y declarar oportunamente en el juicio mediante intérprete, hace innecesario cualquier pronunciamiento sobre los otros dos motivos de la demanda de amparo, referidos a una supuesta vulneración de los derechos a la presunción de inocencia y a la tutela judicial efectiva.

---

Sentencia 31/1989 13 febrero 1989

1. Como reiteradamente ha expresado este Tribunal [la Constitucional], la indefensión que se proscribe en el art. 24.1 de la Constitución no nace de la sola y simple infracción por los órganos

judiciales de las reglas procesales ... La indefensión surge, justamente, de la privación del derecho a alegar y a demostrar en el proceso los propios derechos, y tiene su manifestación más trascendente cuando el órgano judicial impide a una parte el ejercicio de este derecho a la defensa, privándole de ejercitar su potestad de alegar y, en su caso, de justificar sus derechos e intereses para que les sean reconocidos o para replicar dialécticamente las posiciones contrarias.

---

Sentencia 188/1991 3 octubre 1991

4. La exigencia de intérprete en el proceso penal para todas aquellas personas que desconozcan el idioma castellano, según ha declarado este Tribunal, deriva directamente de la Constitución, que reconoce y garantiza los derechos a no sufrir indefensión (art. 24.1) y a la defensa (art. 24.2). Tal exigencia es, asimismo, reconocida tanto en el art. 6.3 c) del Convenio para la Protección de los Derechos Humanos y Libertades Fundamentales, como en el art. 14.3 f) del Pacto Internacional de los derechos Civiles y Políticos, que garantizan el derecho de toda persona a ser asistida gratuitamente de un intérprete si no comprende o no habla la lengua empleada en la audiencia [art. 6.3c)] o en el Tribunal (art. 14.3)

5. El nombramiento de intérprete, además de ser una medida necesaria para la comunicación entre el Tribunal y el inculpado, es ante todo un derecho constitucional reconocido a los inculpados para evitar su indefensión y supone además una garantía de objetividad en el cumplimiento de la función, a cuyo fin la Ley exige que el intérprete preste juramento en presencia del inculpado.

Caso: recurso de amparo contra Autos en los que se confirmó la prolongación de la prisión provisional del recurrente.

2. “El recurso de amparo se basa, en síntesis, en los siguientes hechos:

... b) Contra dicha resolución interpuso la representación del recurrente recurso de súplica, alegando, entre otros motivos, indefensión por falta de asistencia letrada y de intérprete en el trámite de audiencia al procesado previo a acordar la prolongación de la prisión provisional ... dicho trámite de audiencia se había hecho sin presencia de intérprete porque el inculpado fue oído en inglés, idioma en el que se expresa, dado que uno de los miembros del Tribunal conocía perfectamente la lengua inglesa.

1. ... razona que no puede aceptarse la argumentación de los Autos impugnados de que uno de los miembros del Tribunal, que ni tan siquiera se identifica, conoce perfectamente la lengua inglesa, puesto que ni ese era su cometido como miembro del Tribunal ni prestó juramento previo para actuar como intérprete

“En segundo término, por lo que se refiere a la falta de intérprete y a la indefensión que ello habría causado al procesado, el Fiscal estima que si bien es cierto que el sistema seguido no es exactamente el previsto en la Ley de Enjuiciamiento Criminal, no puede afirmarse que es completamente anómalo, ni menos que produzca indefensión. En efecto, art. 440 de la Ley de Enjuiciamiento Criminal – al que se remite el 398 de la misma -- establece tres posibilidades de intérprete: el titulado, en primer lugar; un maestro en el idioma, ante la carencia del primero; y subsidiariamente, cualquier persona que sepa el idioma. En este caso se han obviado las dos primeras posibilidades, y – quizá en aras a la economía procesal – se ha acudido directamente a la tercera, con la particularidad que la persona que conocía el idioma en este caso era uno de los propios Magistrados de la Sala. Dado que el procedimiento penal español no es inquisitivo, hay que suponer a los miembros de la Sala la máxima imparcialidad, y por tanto no se acierta a atender dónde radica la indefensión. Si el mecanismo empleado para traducir las expresiones del procesado, del Fiscal y las preguntas del Presidente fuera tachado de irregular, habría que recordar la reiterada doctrina de este Tribunal según la cual no toda irregularidad procesal tiene trascendencia constitucional. Y en el presente caso entiende el Fiscal que ningún derecho fundamental se ha vulnerado al demandante. Por lo demás, la STC 71/1988, que entiende aplicable la asistencia de intérprete no solo en el juicio oral, sino también en los llamados “aledaños del proceso”, hace referencia específica a la necesidad de dotar de intérprete al inculcado en sus relaciones con el Letrado. En este caso, el Letrado no ha tenido necesidad de intérprete, y ha interpuesto recurso de súplica a los dos días de dictada la resolución recurrida.”

Fallo: En el presente caso, según se hace constar expresamente en el Auto de 9 de noviembre de 1987, la Audiencia no procedió a designar intérprete, “pues uno de los miembros del Tribunal conoce perfectamente la lengua inglesa y llevó a cabo sin problema la labor de traducción, tanto sobre lo que el Presidente del Tribunal les preguntaba como las contestaciones de los inculcados” y rechazó la alegada indefensión porque “los inculcados fueron oídos en el idioma en que se expresaron y perfectamente entendidos.” Este criterio mantenido por la Audiencia para rechazar la procedencia del nombramiento de intérprete al hoy recurrente carece ciertamente de fundamento y no se adecua estrictamente a las exigencias constitucionales antes expuestas, pues

el nombramiento de intérprete, además de ser una medida necesaria para la comunicación entre el Tribunal y el inculcado, es ante todo un derecho constitucional reconocido a los inculcados para evitar su indefensión y supone además una garantía de objetividad en el cumplimiento de la función, a cuyo fin la Ley exige que el intérprete preste juramento en presencia del inculcado (art. 398 en relación con el 440, ambos de la L.E. Crim).

No obstante todo ello, en el presente caso ha de rechazarse el amparo que se nos pide, pues el solo hecho de la irregularidad procesal advertida en los términos dichos, con ser ciertamente criticable, no ha comportado en sí mismo indefensión con relevancia constitucional. En efecto, en la demanda de amparo no se acredita ni se dice cuáles han sido los perjuicios que, en el plano de su derecho de defensa, el recurrente ha sufrido por no haber sido asistido de intérprete nombrado al efecto, y ni siquiera se declara que en el trámite de audiencia, pese a la labor de traducción realizada por uno de los Magistrados de la Sala, el recurrente no comprendiera su significado, alcance y finalidad, o que no pudiera formular, por dificultades del idioma, las alegaciones que estimaba pertinentes, o que en la decisión de prolongar la situación provisional hubiera influido, directa o indirectamente, la conducta pasiva o errónea del inculcado. La Audiencia cometió, pues, una irregularidad procesal, pero de la misma no se deduce, ni desde luego se acredita en la demanda, que el recurrente haya sufrido indefensión alguna, máxime cuando, como antes se dijo, en el presente recurso no se discute la legalidad de la prolongación de la prisión preventiva adoptada.

## TEACHING POINTS

- 1) Introduce the importance of knowing and understanding the institutional, legislative and jurisprudential underpinnings of the use of qualified legal interpreters and translators.
- 2) Explain the difference between direct and indirect foundations
  - a. Direct: a specific mention of translating or interpreting is made
  - b. Indirect: language mediation services are implicit in the wording of the document or legislation
- 3) Present trainees with pertinent documents for their discussion.
- 4) Give trainees links to the legal cases and ask them to read the decisions and discuss the implications.
- 5) Present trainees with, or have them look for, legislation and case law in their country that supports the use of legal interpreters and translators.

## EXERCISE: CG 9

|                         |  |
|-------------------------|--|
| Module:                 | Transfer Skills  |
| Type of Exercise:       | Bilateral interpreting   |
| Topic:                  | Expert witness testimony   |
| Learning Outcome(s):    | <p>On completion of this exercise, trainees will:</p> <ul style="list-style-type: none"><li>• be familiar with the way a bullet shot is described by a medical doctor as part of a court case</li><li>• be able to produce a correct rendering of the testimony presented in this exercise</li><li>• have improved their bilateral interpretation skills, especially the ability to retain information in short term memory and reproduce it accurately</li><li>• have practiced the techniques of bilateral interpretation, especially the ability to alternate continually between the two languages in use.</li></ul> |
| Language (Combination): | English/Spanish  |
| Equipment:              | None required, although audio-recording equipment would allow students to tape, review and evaluate their own performance.   |
| Time:                   | 60 minutes   |
| Suitable for:           | Intermediate   |
| Contributed by:         | Cynthia Giambruno, University of Alicante (Spain)  |

## TEXT TO BE INTERPRETED

Q: Dr. Quinto, would you please, in general terms, describe the subject of your examination?

A: Sí, claro. La víctima es un hombre asiático, de 42 años de edad. Mide 1,8 metros y pesa unos 63 kilos.

Q: What was the apparent cause of death?

A: Homicidio por herida de arma de fuego.

Q: How many bullets did you recover from the victim's body, and what type of bullets were they?

A: Una sola bala, de calibre .45, del tipo que se conoce como bala encamisada de cobre.

Q: What was done with the .45 slug that was recovered from the victim's body?

A: Se envió al departamento de balística de la comisaría de policía.

Q: What part of the victim's body received the impact of that bullet?

A: La nuca.

Q: Did you note any other injuries to the subject, and if so, did they contribute to the subject's demise?

A: Bueno, sí había otras heridas. La víctima tenía múltiples hematomas en el pecho pero en mi opinión no fueron un factor en su fallecimiento.

Q: In your opinion, could these injuries have been the result of a struggle with an assailant or were they unrelated to the events which led to his death?

A: Sin evaluar estas heridas más cuidadosamente, no puedo decir con certeza si fueron el resultado de una lucha o no. Pero, la naturaleza de los hematomas indica que la víctima estaba vivo cuando recibió los golpes que los produjeron. Como dije antes, no creo que estas heridas contribuyeron de manera significativa a la muerte de la víctima.

Q: So, there were multiple bruises or hematomas on the victim's body. Were there other injuries, such as broken bones, for example?

A: Sí, la víctima tenía varios dientes rotos como resultado de la herida de bala.

Q: Can you please describe the path of the bullet as it impacted the victim?

A: Al impactar la nuca de la víctima, la bala llevaba una dirección de fuera a dentro, de izquierda a derecha, de atrás a adelante y oblicua de abajo hacia arriba.

Q: What damage was noted which you would say resulted directly from the bullet?

A: Había, desde luego, la herida de entrada, y daño al tejido blando del cuello y a los huesos de la parte izquierda de la cara. Cuando la bala penetró la cavidad bucal, varios dientes fueron destrozados. Tamb



## EXERCISE: CVG 1

Module: Specialised Language Competencies

Type of exercise: Vocabulary

Topic: False cognates

Learning Outcome(s): On completion of this exercise, trainees will:

- understand what a cognate is
- be aware that false cognates can produce serious errors when interpreting or translating in the legal field
- be able to identify false cognates and find appropriate equivalents for these terms.

Language (Combination): English/Spanish

Equipment: N/A

Time: 30 minutes

Suitable for: Intermediate

Contributed by: Carmen Valero-Garcés, University of Alcala (Spain)

Notes: “False cognates” are words or expressions that have the same form but a different meaning. They can occur within the same language (intra-linguistic) or between two or more languages (extra-linguistic). They have very diverse origins and can even be due to changes in meaning throughout time. Although translators should not be worried about literally translating words that seem to mean the same thing in both languages, it is necessary to know when a

"false cognate" appears in order to handle them correctly when translating.

Extra-linguistic false cognates are interferences that contaminate the language and can give rise to totally erroneous translations.

## BACKGROUND

Some examples in the English/Spanish language pair include:

- A *peculiar* situation = Situación *especial* (*rara, insólita*).
- I cannot *resist* ice-cream. = *Me encantan* los helados.
- This food is very *rich*= Esta comida es muy *pesada*.
- I do really sympathize = *Lo siento* de verdad.
- A sensible answer = Una respuesta *sensata* (*razonable*).

In the legal field, and for the Spanish/English language pair, some of the most common false cognates are:

- Sentence/*sentencia*
  - o “To sentence” in Spanish is *imposición de condena*)
  - o “*Sentencia*” in English is judgment or ruling
- Evidence/*evidencia*
  - o “Evidence” in legal contexts in Spanish is *prueba*.
- Court/*corte*
  - o “Court” in Spanish is *tribunal* but could also be *juzgado* (the physical place, courthouse) or *juez* (judge) depending upon the context
- Violator/*violador*
  - o “Violator” in English is someone who infringes a law. In Spanish this would be *infractor, transgresor*, or even *autor de un delito*
  - o *Violar* in Spanish in legal contexts usually refers to the crime of rape and so using *violador* could be misconstrued as “rapist.”
- Crime/*crimen*
  - o “Crime” should be translated into Spanish as *delito*.
  - o *Crimen* is a term used only for very serious crimes in Spanish, such as murder or assassination.

## EXERCISES

With the previous explanations in mind:

1. Translate the following phrases to another language and analyse the possibility that they are false cognates.

1. A **simple** person.
2. A **simple** question.
3. The **relevant** documents.
4. A birth **certificate**.
5. He has some **outstanding qualities**.
6. They gave the impression of being very **candid** in their replies.
7. The actual **value** of an object.
8. The money I have is **adequate** for this trip.
9. El hombre **adecuado** para el trabajo.
10. El procedimiento es **adecuado** para esta finalidad.
11. They **eventually** decided to leave.
12. No usaba sombrero más que **eventualmente**.
13. A **consistent** worker.
14. Un argumento **consecuente**.
15. Her contribution was more **substantial** than mine.
16. A **regular** customer.
17. De estatura **regular**.
18. Una casa bastante regular.
19. **Regular** hours of work.
20. The financial **implications**.

2. Look for 10 examples of false cognates in the languages that you know, especially in the legal realm.

## **EXERCISE: CVG 2**

|                         |  |
|-------------------------|--|
| Module:                 | Resources and Information Retrieval  |
| Type of exercise:       | Knowledge of resources   |
| Topic:                  | Forums, associations, journals and courses   |
| Learning Outcome(s):    | On completion of this exercise, trainees will: <ul style="list-style-type: none"><li>• be aware of different types of resources useful to LITs</li><li>• have looked at several web pages related to forums, specialised journals, associations, courses, etc</li><li>• have acquired experience looking for information of interest to LITs related to professional issues, research and practice in the field.</li></ul> |
| Language (Combination): | English/Spanish  |
| Equipment:              | Internet   |
| Time:                   | Minimum 30 minutes   |
| Suitable for:           | All levels   |
| Contributed by:         | Carmen Valero-Garcés, University of Alcala (Spain)   |

## **EXERCISES**

The Internet is an excellent means by which to access resources to maintain contacts and obtain information. On the Internet you can find forums, specialised journals, information about

professional associations, announcements for short courses, etc. Here is a little information to help you get started:

### **Forums**

Forums enable translators to exchange opinions, express what they are thinking, or ask for help from other colleagues or professionals. Forums are a meeting point on the Internet that serve as a point of reference and are very helpful. Here are a few. Can you find more?

[www.wordreference.com/forum](http://www.wordreference.com/forum)

<http://www.proz.com/forum>

[www.translatorscafe.com](http://www.translatorscafe.com)

[www.foreignword.com/forum](http://www.foreignword.com/forum)

[www.cvc.cervantes.es/foros](http://www.cvc.cervantes.es/foros)

### **Journals**

Journals are a source of information for the professionals in the sector and a way to disseminate their work and research. They are also useful for staying informed about the latest news and developments related to translating and interpreting. Here are just a few:

Babel (electronic version) <http://www.ingentaconnect.com/content/jbp/bab>

Target (electronic version) <http://www.ingentaconnect.com/content/jbp/targ>

Meta [www.erudit.org/erudit/meta](http://www.erudit.org/erudit/meta)

The Interpreter and Translator Trainer <http://www.stjerome.co.uk/periodicals/>

Punto y Coma <http://ec.europa.eu/translation/bulletins/puntoycoma/numeros.html>

The Translator [www.stjerome.co.uk/periodicals](http://www.stjerome.co.uk/periodicals)

Translation Journal [www.translationjournal.net/journal/](http://www.translationjournal.net/journal/)

### **Associations**

Associations are institutions that seek to provide professional interpreters and translators with the very best working conditions, as well as the possibility to share experiences and talk with colleagues. These associations organise conferences, forums, debates, and they also offer internships at businesses. There are a large number of both national and international associations. For example:

*EULITA – The European Legal Interpreters and Translators Association*

Website: [www.eulita.eu](http://www.eulita.eu)

*FIT - Fédération Internationale de Traducteurs/International Federation of Translators* Website : [www.fit-ift.org](http://www.fit-ift.org)

*AIIC - Asociación Internacional de Intérpretes de Conferencias (International Association of Conference Interpreters)*

Website: [www.aiic.net](http://www.aiic.net)

*IATIS - International Association of Translation and Intercultural Studies*

Website : [www.aitis.org](http://www.aitis.org)

*AIETI - Asociación Ibérica de Estudios de Traducción e Interpretación (The Iberian Association of Translation and Interpretation Studies)*

Website: [www.aieti.net](http://www.aieti.net)

*APTIJ - Asociación Profesional de Traductores e Intérpretes Judiciales (Professional Association of Judicial Translators and Interpreters) SPAIN*

Website : [www.aptij.es](http://www.aptij.es)

*Asociación Española de Traductores, Correctores e Intérpretes (The Spanish Association of Translators, Copy-Editors and Interpreters)*

Website: [www.aestrاد.org](http://www.aestrاد.org)

*APETI - Asociación Profesional de Española de Traductores e Intérpretes (The Spanish Professional Association of Translators and Interpreters)*

Website: [www.apeti.org.es](http://www.apeti.org.es)

## **COURSES**

Apart from degree level programmes in interpreting and translation, there are many other types of training programmes. The Internet is a good source of information.

Distance learning and online courses are clearly expanding. There are more and more options to learn to translate and interpret without having to go to class. Do regular Internet searches to see what is currently available in your area or as a distance course online.

### **EXERCISE: CVG 3**

Module: Professional Code of Conduct and Guidelines to Good Practice

Type of exercise: Case studies and debate

Topic: Professional conduct and codes of ethics.

Learning Outcome(s): On completion of this exercise, trainees will:

- be familiar with several aspects of a judicial interpreter's code of ethics
- have learned to synthesise information
- be aware of the tools they have at their disposal to deal with real world situations.

Language (Combination): English

Equipment: N/A

Time: 1 hour minimum

Suitable for: Intermediate

Contributed by: Carmen Valero-Garcés, University of Alcalá (Spain)



## EXERCISES

1. Look for professional codes of ethics for public service and judicial interpreters and translators on the Internet. There are several.
2. Ascertain if there is a code of ethics or guidelines for good practice in your country or area.
3. Read the descriptions of different situations confronted by interpreters provided below. Then complete the following steps as indicated:
  - a. Identify the ethical dilemma presented.
  - b. Examine the interpreter's conduct as presented in each case. Do you agree with how the interpreter handled the situation? Why or why not?
  - c. Compare the way the interpreter handled the situation with the code of ethics and guidelines to good practice you are familiar with. Has the interpreter followed the code and/or guidelines?
  - d. Try to determine how you would have handled this situation.
  - e. Consider the difficulties involved in always adhering closely to the code of ethics and guidelines to good practice.

### CASE #1:

I was interpreting in a political asylum case. The petitioner asked to never be returned to his home country because he feared he would be executed. Three days later, I had to translate the denial of his asylum request to him. He was stunned and in a shaky voice asked me if I had translated his request to the asylum board correctly. I got upset with him and told him he had no right to question the quality of my work.

### CASE #2:

I am Iranian by birth, but I am married to a Dutch woman and we live in Holland. A while back, my wife was attacked by skinheads who were trying to break into our house. They left spray paint on the wall saying that Iranians were not welcome in their country. The racial insults were very difficult for me and my wife. Since then I have had to interpret frequently for people who

suffer from the same kind of discrimination. I find I really want to help these people because I understand what they have been through, so sometimes I alter their answers a little because I know they don't understand the system as much as I do.

**CASE #3:**

I was once interpreting for a doctor who was performing a medical examination on some people who were applying for a disability grant. The doctor said that the people did not have any type of disability. When I interpreted this decision, I tried to be very diplomatic, but one of the men there got very angry and attacked the doctor. Now I am very scared and sometimes refuse to interpret for people who look suspicious to me.

**CASE #4:**

I was born in X and lived there until I was 21. I know my culture well. I feel very close to my people. It's a nation that for years has been oppressed, tortured and subdued. I know exactly what it means when a woman from X says that she has been raped. My hair stands on end and I get goose bumps. Now I live in a town here in this country where there are many people from my country. I know that there are many misconceptions about our culture and that lies are told that affect the people who live there. This makes the people there very angry and they are psychologically burnt out. Therapists who are not from X cannot understand these people; they have not gone through the same things and cannot understand how they feel. Unfortunately, I am in the wrong profession. Although I have worked as an interpreter for a long time, I think that I am in a position in which I could sometimes be a better therapist than the real ones, so sometimes I just combine both and give the people some advice while I am interpreting based on everything I have seen and learned over the last several years working as an interpreter.

**CASE #5:**

I was interpreting for a Russian man in a police station. I noticed that he was very nervous and agitated. I felt very uncomfortable and I told the police to be careful. After the interview, they escorted the Russian man to the van to take him to prison. He was behind the bars in the van and the two policemen were in front. He managed to get one of his hands through the bars and grabbed one of the policemen by the neck. He pulled out a penknife and cut his neck. The policeman died. I had to continue interpreting for this Russian man even after these events and I felt very upset. I wasn't sure I could be impartial because I really hated that man.

## **EXERCISE: IGH 1**

|                         |  |
|-------------------------|--|
| Module:                 | Transfer Skills  |
| Type of Exercise:       | Consecutive dialogue interpreting and vocabulary extension   |
| Topic:                  | Danish statutory preliminary hearing - remand hearing<br>(dialogue 1); meeting with court-appointed attorney (dialogue 2)  |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• identify the main dialogue interpreting challenges</li><li>• analyse the role of the court interpreter</li><li>• identify specialised terms and phrases</li><li>• practice oral translation of the case specific vocabulary.</li></ul> |
| Language (Combination): | Danish/German  |
| Equipment:              | PC for recording trainee output is recommended but not essential   |
| Time:                   | Approx. 2-3 hours  |
| Suitable for:           | Intermediate/Advanced<br>For class use or self-study in groups   |
| Contributed by:         | Inge Gorm Hansen and Doris Hansen, Copenhagen Business School (Denmark)  |

### **SITUATION OUTLINE (ENGLISH)**

Philip Grantz (from Zürich) and four other young Swiss men were arrested last night at Høje Taastrup after being caught vandalising seven train carriages with graffiti. Philip Grantz is charged with violation of section 291 of the Danish Penal Code. Philip Grantz was found in possession of 5g of marijuana and is charged with violation of section 191 of the Danish Penal Code.

Grantz is questioned by the prosecution, and the hearing is interpreted by the trainee interpreter (dialogue 1). Grantz is remanded in custody for 9 days and meets with his court-appointed attorney. The student interpreter accompanies the attorney to the prison and interprets the conversation (dialogue 2).

### **SITUATION OUTLINE (DANISH)**

Philip Grantz fra Zürich blev anholdt sammen med 4 andre unge mænd fra Schweiz natten til i dag i Høje Taastrup, da de var i færd med at begå graffitihærværk mod 3 nye S-togstammer. De havde nået at overmale i alt 7 vogne. Philip Grantz er sigtet for overtrædelse af straffelovens § 291, stk. 2, for hærværk, jvf. § 23 (medvirken). Philip Grantz havde også 5 g marihuana på sig, derfor sigtes han også for overtrædelse af straffelovens § 191, stk. 2, for ulovlig besiddelse af euforiserende stoffer.

Han fremstilles i Dommervagten i dag, og efter at dommeren har fået opgivet hans navn og øvrige personlige data, afhøres han af anklageren. Det er denne afhøring, som skal tolkes (dialog 1). Da han blev fremstillet i Dommervagten, blev han varetægtsfængslet for 9 dage. I denne periode får han besøg i fængslet af sin beskikkede forsvarer. Det er samtalen under dette besøg, som skal tolkes (dialog 2).

### **DIALOGUE 1**

1. Du er sigtet for overtrædelse af straffelovens § 291, stk. 2, for graffitihærværk samt for overtrædelse af straffelovens § 191, stk. 2, for ulovlig besiddelse af euforiserende stoffer. Kan du erklære dig skyldig?

2. Unter keinen Umständen. Ich kann nicht verstehen, wie man mir so etwas vorwerfen kann, denn ich habe doch überhaupt nicht gesprüht.
3. Det er korrekt, at **du** ikke blev taget på fersk gerning ligesom dine kammerater. Men du var da taget ud til baneområdet sammen med dine venner, og du vidste uden tvivl, hvad de havde for. Det er også derfor, du i første omgang kun vil blive sigtet for medvirken til hærværket, det er i henhold til straffelovens § 23.
4. Und was hat das mit dem Drogengesetz auf sich? Ich dachte, in Dänemark ist es erlaubt, ein bisschen Gras zu rauchen, so wie in Holland. Ich wollte doch nicht damit handeln, ich wollte es doch nur für mich selbst haben.
5. Det tror jeg gerne, men i Danmark er det altså i strid med lovgivningen om euforiserende stoffer, hvis man indfører, udfører, køber, udleverer, modtager, fremstiller, forarbejder eller besidder sådanne stoffer. Det er også derfor vi har været tvunget til at konfiskere den lille klump marihuana du havde på dig ved anholdelsen.
6. Ich verstehe nur nicht, wieso man dann in diesem Stadtteil in Kopenhagen, Christiania heißt der glaube ich, so etwas frei kaufen kann. Da wirkt es nicht, als ob so etwas in Dänemark verboten wäre.
7. Christiania kommer vi tilbage til. Men måske skulle du starte med at fortælle retten hele historien forfra. Hvornår kom du til Danmark og hvor kom du fra?
8. Ich bin zusammen mit meinen Freunden vorgestern mit dem Zug von Zürich abgefahren, wir sind dann in Hamburg in den Zug nach Kopenhagen umgestiegen. Angekommen sind wir in Kopenhagen gestern Mittag so gegen 14 Uhr.
9. Og hvad gjorde I så, da I ankom til Hovedbanen i København?
10. Der Bernd fragte einen jungen Mann auf dem Bahnhof, ob er wüsste, wo man hier in Kopenhagen Spraydosen und verschiedene Sachen für Graffiti kaufen könnte. Dieser junge Mann hat uns ein Geschäft empfohlen, wo wir dann mit der S-Bahn hingefahren sind.

11. Jeg tror dig ikke over en dørtærskel. Efter min mening var det hele planlagt hjemmefra. I skulle på Interrail i Europa, og i den forbindelse skulle I efterlade jeres „tags“ i København, Amsterdam og i Rom. Vi har jo fundet sedler med håndskrevne adresser fra disse byer. For eksempel står der på den ene af sedlerne, at et bestemt baneområde i Rom kunne anbefales. Og så synes jeg du skal fortælle retten, hvad den anbefaling går ud på. Jeg tror det er et sted i Rom, som er særlig velegnet til at overmale tog. Kender du en graffitigruppe, som kalder sig FTP?
12. Ich weiß nichts von einer solchen Gruppe.
13. Ved du hvad denne forkortelse betyder?
14. Ich weiß schon, was diese Abkürzung bedeutet.
15. Ja, og det ved vi nemlig også: Det står for „Fuck the Police“. Og et meget prominent medlem af denne gruppe bor tilfældigvis i Danmark. Han er landets bedst kendte hærværksmand og en legende i det danske graffitimiljø. Kender du en dansker ved navn Bates?
16. Nein, ich kenne niemanden in Dänemark. Wir wollten uns bloß einmal Kopenhagen ansehen.
17. Og det første, I gør, når I kommer til København, det er, at I styrter hen til den omtalte butik, som vi forresten også kender. Den ligger ved Østerport og er meget kendt blandt graffitientusiaster. Købte du noget i den butik?
18. Nein, aber ich war dabei, als meine Freunde die verschiedenen Sachen kauften.
19. Vil du påstå, at alt det vi fandt på hotelværelset er købt i København? Jeg vil godt tro, at spraydåserne, de sorte elefanthuer og gummihandskerne er fra den pågældende forretning. Men de to iltmasker, som vi fandt på jeres hotelværelse, så ikke nye ud, så dem har I da sikkert haft med hjemmefra? Og det er for mig et bevis på, at det hele var planlagt fra første færd. Og jeg tror, at du er bagmanden bag det hele, for du er jo tidligere straffet for graffitihærværk i Schweiz. (485 TE)

20. Ja, ich bin vorbestraft, aber ich habe das Bußgeld bezahlt. Und jetzt habe ich eine Lehrstelle angenommen, spiele Handball und will mit dieser Art Kriminalität nichts mehr zu tun haben.

21. Vi fortsætter efterforskningen. Jeg vil begære, at du i henhold til rpl. § 762, stk. 1, skal varetægtsfængsles, foreløbigt for 9 dage. Og så vil jeg også begære at du bliver udvist fra Danmark med indrejseforbud i 3 år.

#### TERMS AND PHRASES (DANISH AND GERMAN)

du er sigtet

for overtrædelse af straffelovens § 291, stk. 2,

for graffitihærværk samt for

overtrædelse af straffelovens § 191, stk. 2,

for ulovlig besiddelse af euforiserende stoffer

Kan du erklære dig skyldig?

taget på fersk gerning

medvirken til hærværket

Drogengesetz

i strid med lovgivningen om euforiserende stoffer

konfiskere

anholdelsen

hærværksmand

bagmanden bag det hele

tidligere straffet for graffitihærværk

vorbestraft

Bußgeld bezahlt

efterforskningen

begære varetægtsfængsling

rpl. § 762, stk. 1

udvist fra Danmark med indrejseforbud i 3 år.

## DIALOGUE 2

1. Hvordan har du det, bliver du behandlet ordentligt?
2. Ja, ich kann nicht klagen. Ich verstehe nur nicht, warum wir getrennt untergebracht worden sind, wir sind doch nicht in Einzelhaft, oder?
3. Det ved jeg faktisk heller ikke. Men selvfølgelig er I ikke varetægtsfængslet i isolation, det ville da virkelig være proportionsforvridning.
4. Ich muss ganz ehrlich sagen, dass wir uns alle wundern, wieso wir hier im Gefängnis gelandet sind, bloß wegen dieser Sprühereien. Was mich persönlich betrifft, so finde ich es völlig absurd, wo ich doch überhaupt nicht gesprüht habe. Ich habe überhaupt keine Sprayflasche in der Hand gehabt.
5. Nej, du sigtes jo også kun for medvirken. Og det gør du, fordi du har båret en stor taske for dine venner, og den var fyldt med forskellige ting, som skulle bruges til det pågældende graffitihærværk.
6. Das stimmt allerdings. Das leugne ich ja auch gar nicht. Aber dass man dafür in den Knast muss, finde ich übertrieben.
7. Der hænger sammen med to ting: For det første, så er man i Danmark træt af, at unge mennesker kommer fra udlandet og begår hærværk her. Derfor giver man ikke bare en bøde. Og efter straffelovens bestemmelser vedrørende hærværk, er der ved hærværk af betydeligt omfang en strafferamme på helt op til 4 år, så derfor er der mulighed for varetægtsfængsling. Og for det andet er der i henhold til den danske retsplejelov mulighed for at varetægtsfængsle folk, som ikke har fast bopæl i Danmark.
8. Sie machen mich ja direkt bange. So streng wird man in der Schweiz nicht bestraft. Ich habe Ihnen ja schon gesagt, dass ich ein paarmal vorbestraft bin wegen dieser Graffiti-Kunstwerke. Und da musste ich bloß Bußgeld bezahlen, zwar ziemlich viel, aber ich wurde zu keiner Freiheitsstrafe verurteilt.



9. Det minder mig om, at jeg også ville fortælle dig, at I nok skal regne med at blive dømt til at betale erstatning. De Danske Statsbaner har varslet, at de ville rejse erstatningskrav over for jer, når skaden er gjort op. Og det kan godt blive en bekostelig affære.
10. Haben Sie eine Vorstellung davon, von welchen Summen wir hier reden?
11. Nej, ikke noget præcist, jeg kan kun sige, at der er ved at blive skabt præcedens med hensyn til hårdere straffe for graffiti og store erstatningskrav fra de skadelidte. Vi har lige haft en gruppe unge mennesker fra Norge, som også blev dømt for graffitihærværk, og de blev idømt fra 30 til 40 dages hæfte og de skulle tilsammen betale en erstatning på 120.000 kroner.
12. Na, das kann ja heiter werden. Aber wie geht es denn jetzt weiter?
13. Når nu de 9 dages varetægtsfængsling er ved at være overstået, så skal I jo fremstilles i retten igen til en fristforlængelse.
14. Werden wir dann alle mit der grünen Minna abgeholt und zum Gericht gefahren, bloß um vom Richter zu hören, dass die U-Haft verlängert wird?
15. Nej, der er mulighed for at indgå et frivilligt forlig. Det betyder, at I alle afstår fra at møde i retten. Jeg skal nok være der, men jeg tror, at varetægtsfængslingen vil blive forlænget. Hvis politiet fx har brug for en uge mere til efterforskningen, så kan det tænkes, at fristen bliver forlænget med en uge. Og det kan jeg nok ikke gøre noget ved.
16. Und ansonsten passiert nichts bei dieser Gerichtsverhandlung? Dann ist das wohl so wie bei uns ein ganz normaler Haftprüfungstermin.
17. Nu kender jeg jo ikke systemet i Schweiz, men det vil jeg tro.
18. Und wie ist das dann mit der Hauptverhandlung? Wird unser Fall da im Rahmen derselben Hauptverhandlung vor dem Gericht verhandelt – also als ein Prozess?

19. Det vil jeg netop meget gerne tale med dig om. Jeg mener nemlig, at det ville lette hele sagen, hvis du ville tilstå. Dine 4 kammerater blev jo taget på færsk gerning, og de har alle aflagt en tilståelse. Det vil sige, at deres sag behandles som en tilståelsessag, som ikke kræver tilstedeværelse af domsmænd. Men så længe du nægter dig skyldig, skal der faktisk indkaldes domsmænd – og det vil sige, at der er tale om to forskellige sammensætninger af retten og dermed også to domsforhandlinger. (498)

20. Aber ich kann doch kein Geständnis ablegen, wenn ich nichts verbochen habe?

21. Nej, du skal heller ikke tilstå, at du har begået hærværk, men der er jo ingen tvivl om, at du har opholdt dig i nærheden. Så det er kun medvirken du skal tilstå.

22. Ok, wenn Sie meinen, dass mir das nicht schaden kann.

#### TERMS AND PHRASES (DANISH AND GERMAN)

|                                  |                                      |
|----------------------------------|--------------------------------------|
|                                  | Einzelhaft                           |
| varetægtsfængslet i isolation    |                                      |
| medvirken                        | leugne ich ja auch gar nicht         |
| en bøde                          |                                      |
| straffelovens bestemmelser       |                                      |
| hærværk                          |                                      |
| hærværk af betydeligt omfang     |                                      |
| strafferamme på helt op til 4 år |                                      |
| varetægtsfængsling               |                                      |
| danske retsplejelov              |                                      |
| fast bopæl i Danmark             |                                      |
|                                  | vorbestraft                          |
|                                  | zu keiner Freiheitsstrafe verurteilt |
| dømt til at betale erstatning    |                                      |
| rejse erstatningskrav            |                                      |
| skabe præcedens                  | Präzedenzfall                        |

skadelidte  
blev dømt for  
graffitihærværk  
blev idømt ..hæfte  
betale erstatning  
fremstilles i retten  
fristforlængelse

Haftprüfungstermin

frivilligt forlig  
afstå fra at møde i retten  
efterforskningen  
forlænge fængslingen  
fersk gerning  
aflægge en tilståelse  
tilståelsessag  
domsmænd  
nægter dig skyldig  
domsforhandlinger

Geständnis ablegen

## EXERCISE: IGH 2

|                         |   |
|-------------------------|---|
| Module:                 | Transfer Skills   |
| Type of Exercise:       | Written translation   |
| Topic:                  | Drug Trafficking Act  |
| Learning Outcome(s):    | <p>On completion of this exercise, trainees will be able to:</p> <ul style="list-style-type: none"><li>• produce a complete and correct version of this text in the target language</li><li>• compare legislation reflected in this text with the legislation that exists in the country of the target language</li><li>• identify formulaic language and specialised terms and reproduce them in the source and target languages when required to do so.</li></ul> |
| Language (Combination): | English/Other language  |
| Equipment:              | Internet, dictionaries, databases   |
| Time:                   | Approx. 3 hours   |
| Suitable for:           | Advanced<br>For class use or self-study (individual/pair work/group translation)  |
| Contributed by:         | Inge Gorm Hansen, Copenhagen Business School (Denmark)  |

## **SITUATION OUTLINE**

In connection with a criminal case involving a British citizen the police need a translation into your other language of s. 51 of the English Drug Trafficking Act 1994.

## **TEXT: DRUG TRAFFICKING ACT**

51. (1) A person is guilty of an offence if, knowing that any property is, or in whole or in part directly or indirectly represents, another person's proceeds of drug trafficking, he acquires or uses that property or has possession of it.

(2) It is a defence to a charge of committing an offence under this section that the person charged acquired or used the property or had possession of it for adequate consideration.

(3) For the purposes of subsection (2) above:

(a) a person acquires property for inadequate consideration if the value of the consideration is significantly less than the value of the property; and

(b) a person uses or has possession of property for inadequate consideration if the value of the consideration is significantly less than the value of his use or possession of the property.

(4) The provision for any person of services or goods which are of assistance to him in drug trafficking shall not be treated as consideration for the purposes of subsection (2) above.

(5) Where a person discloses to a constable a suspicion or belief that any property is, or in whole or in part directly or indirectly represents, another person's proceeds of drug trafficking, or discloses to a constable any matter on which such a suspicion or belief is based:

(a) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by statute or otherwise; and

(b) if he does any act in relation to the property in contravention of subsection (1) above, he does not commit an offence under this section if:

(i) the disclosure is made before he does the act concerned and the act is done with the consent of the constable; or

(ii) the disclosure is made after he does the act, but is made on his initiative and as soon as it is reasonable for him to make it.

(6) For the purposes of this section, having possession of any property shall be taken to be doing an act in relation to it.

(7) In proceedings against a person for an offence under this section, it is a defence to prove that:

(a) he intended to disclose to a constable such a suspicion, belief or matter as is mentioned in subsection (5) above, but

(b) there is reasonable excuse for his failure to make any such disclosure in the manner mentioned in paragraph (b)(i) or (ii) of that subsection.

(8) In the case of a person who was in employment at the time in question, subsections (5) and (7) above shall have effect in relation to disclosures, and intended disclosures, to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures as they have effect in relation to disclosures, and intended disclosures, to a constable.

(9) No constable or other person shall be guilty of an offence under this section in respect of anything done by him in the course of acting in connection with the enforcement, or intended enforcement, of any provision of this Act or of any other enactment relating to drug trafficking or the proceeds of drug trafficking.

## **METHODOLOGY**

- Give trainees a copy of the text and ask them to prepare and submit a written translation of the text into the relevant target language (individual/pair work/group translation).
- Ask trainees to retrieve parallel information and texts about drug trafficking legislation in the country of the target language and compare legal terminology reflected in the source

text with terms and phrases used in their retrieved legal texts in the target language in order to find adequate translation equivalents.

- Correct the translation assignments and discuss difficulties, solutions, strategies and techniques in class.

### EXERCISE: IGH 3

|                         |  |
|-------------------------|--|
| Module:                 | Transfer Skills  |
| Type of Exercise:       | Written translation  |
| Topic:                  | Remand hearing – transcript of court records   |
| Learning Outcome(s):    | <p>On completion of this exercise, trainees will be able to:</p> <ul style="list-style-type: none"><li>• produce a complete and correct version of this text in the target language</li><li>• compare basic procedure in connection with a criminal case (remand hearing) reflected in the text with the procedure that exists in the country of the target language</li><li>• identify formulaic language and specialised terms and phrases and reproduce them in the source and target languages when required to do so.</li></ul> |
| Language (Combination): | Danish/Other language  |
| Equipment:              | Internet, dictionaries, databases  |
| Time:                   | Approx. 3 hours  |
| Suitable for:           | Advanced<br>For class use or self-study in groups<br>(individual/pair work/group translation)  |
| Contributed by:         | Inge Gorm Hansen, Copenhagen Business School (Denmark)   |



**TEXT: DANISH REMAND HEARING – TRANSCRIPT OF COURT RECORDS**

Udskrift af retsbogen  
for  
Københavns Byrets Afdeling for Grundlovsforhør m.m.

År 20XX, den 1 oktober, kl. 10.00 sattes retten i offentligt møde i byrettens lokale, politigården, og beklædtes af byretsdommer Karen Olsen.

Protokolfører var Else Adamsen

Der foretoges  
sag nr. 500  
mod  
anholdte John Smith

For anklagemyndigheden mødte kriminalkommissær Jørgen Olsen, der fremlagde rapport og bilag.

Som tolk fungerede Patricia Jensen.

Kl. 10.04 fremstilledes anholdte, der bekræftede at være anholdt gårts dato kl. 23.10, og at være født den 1.7.1973.

Dommeren beskikkede advokat Bertramsen, der var mødt, som forsvarer for anholdte.

Retsplejelovens § 754, stk. 1, jf. § 752, stk. 1, samt § 764, stk. 3, blev iagttaget.

Anholdte blev gjort bekendt med, at han sigtes for overtrædelse af straffelovens § 191.

Anklageren begærede dørene lukket.

Forsvareren vil ikke protestere herimod.

Der afsagdes sålydende

K E N D E L S E:

Da det af hensyn til sagens efterforskning skønnes rigtigst, at sagens behandling foregår for lukkede døre, tages den fremsatte begæring til følge i medfør af retsplejelovens § 29, stk. 4.

T h i b e s t e m m e s:

Denne sag behandles for lukkede døre.

Dørene lukkes kl. 10.06.

Anklageren uddyber sigtelsen og gjorde anholdte bekendt med, at han sigtes for overtrædelse af straffelovens § 191, ved tirsdag den 30.9.20XX ved ankomsten til Københavns Lufthavn i Kastrup kl. ca. 20.45 fra Amsterdam at have indført ca. 2 kilo heroin, fordelt i en vest han bar på kroppen og 2 løse pakker klæbet fast til benet.

Anklageren redegjorde for sagen.

Anholdte nægtede sig skyldig. Han forklarer, at .....

Dikteret. Oversat. Vedstået.

Anholdte afgav forklaring om sine personlige forhold.

Anklageren begærede anholdte fængslet i 26 dage i medfør af retsplejelovens § 762, stk. 1, nr. 1 og nr. 3.

Endvidere begærede anklageren isolation i 10 dage i medfør af retsplejelovens § 770 a.

Forsvareren havde ingen bemærkninger hertil.

Der afsagdes sålydende

K E N D E L S E:

Efter de foreliggende oplysninger er der begrundet mistanke om, at anholdte John Smith har gjort sig skyldig i overtrædelse af straffelovens § 191.

Under hensyn til anholdtes manglende tilknytning her til landet, og da der må antages at være medgerningsmænd på fri fod, er der bestemte grunde til at frygte, at anholdte på fri fod vil søge at unddrage sig forfølgningen og vanskeliggøre efterforskningen.

Herefter er betingelserne i retsplejelovens § 762, stk. 1, nr. 1 og nr. 3, opfyldt.

Endvidere findes det under hensyn til øjemedet med varetægtsfængslingen påkrævet, at anholdte i medfør af retsplejelovens § 770 a isoleres som nedenfor bestemt.

T h i b e s t e m m e s:

Anholdte John Smith fængsles.

Fristen efter retsplejelovens § 767, stk. 1, fastsættes til 26 dage, således at den udløber den ....., 20XX.

Arrestanten isoleres i 12 dage, således at fristen udløber den ....., 20XX.

Arrestanten og forsvareren er **ikke** indforstået med, at arrestanten afhøres af politiet uden forsvarerens tilstedeværelse.

Der tillægges tolken honorar.

Dørene åbnes.

Retten hævet.

Karen Hansen

/Lone Jensen

Udskriftens rigtighed bekræftes  
KØBENHAVNS BYRETS JUSTITSKONTOR, den 1.10.XX  
P.j.v.

## **METHODOLOGY**

- Give trainees a copy of the text and ask them to prepare and submit a written translation of the text into the relevant target language (individual/pair work/group translation)
- Ask trainees to retrieve parallel information and texts about legal procedure in the country of the target language and compare legal terminology reflected in the source text with terms and phrases used in retrieved parallel texts in the target language in order to find adequate translation equivalents
- Correct the translation assignments and discuss difficulties, solutions, strategies and techniques in class.

## EXERCISE: KWR 1

|                         |  |
|-------------------------|--|
| Module:                 | Knowledge of Legal Systems<br>Language Competencies  |
| Type of Exercise:       | Analysis of legal text   |
| Topic:                  | Judgment   |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• recognise the logical components and grammatical structures of a judgment as produced in the French judicial system</li><li>• understand a typical French judgment (procedures, charge, argumentation, decision)</li><li>• understand the meaning of some typical formulaic expressions found in a French judgment and be able to reproduce them in the target language.</li></ul> |
| Language (Combination): | French/Other language  |
| Equipment:              | N/A  |
| Time:                   | N/A  |
| Suitable for:           | Introductory   |
| Contributed by:         | Kirsten Wølch Rasmussen, Aarhus School of Business,<br>Aarhus University (Denmark)   |
| Notes:                  | <i>Any resemblances to persons living or dead or to real cases are coincidental. Please note the offences mentioned, although based on reality, are fictional.</i>   |

**TEXT**

Tribunal de Police de Paris  
5ème classe

**JUGEMENT AU FOND**

Audience du neuf octobre DEUX MIL DIX à TREIZE HEURES ET TRENTE MINUTES ainsi constituée:

**Président:** Mme Louise ADNET  
**Greffier:** Mme Madelaine BILLARD adjoint administratif assermenté faisant  
fonction de greffier  
**Ministère Public:** M. Pierre LEVIEUX

**L'affaire a été mise en délibéré** à ce jour suite à **l'audience au fond** du 05/09/2010;

Lors de l'audience au fond, le Tribunal de Police était composé comme suit:

Président: Mme Louise ADNET  
Greffier: Mme Madelaine BILLARD adjoint administratif assermenté faisant  
fonction de greffier  
Ministère Public: M. Alain DURANT

Le jugement suivant a été rendu:

ENTRE

LE MINISTÈRE PUBLIC,

D'UNE PART;

ET

PREVENU

Nom: DUCROT  
Prénom: Michel  
Date de naissance: 16/02/1957  
Lieu de naissance: RIVESALTES  
Filiation: de DUCROT Alain et de COLIN Jeanne  
Nationalité: FRANCAISE  
Demeurant: 22 RUE ARAGO, PARIS  
Situation familiale: marié  
Profession: commerçant

Comparant et assisté de Maître AUGUET, Avocat au Barreau près le Tribunal de Grande Instance de Paris

Prévenu de :

EXCES DE VITESSE D'AU MOINS 50 KM/H PAR CONDUCTEUR DE VEHICULE A MOTEUR

D'AUTRE PART;

PROCEDURE D'AUDIENCE

Monsieur DUCROT a été convoqué à l'audience du 7 juin 2010 par convocation remise le 01/05/2010 par l'officier de police judiciaire: l'affaire a été renvoyée au 5 septembre 2010.

A cette audience, l'huissier a fait l'appel de la cause, l'instruction a eu lieu dans les formes prescrites par les articles 535 et suivants du code de procédure pénale;

Le Ministère Public a été entendu en ses réquisitions;

L'avocat du prévenu a été entendu en sa plaidoirie pour Monsieur DUCROT

Monsieur DUCROT, prévenu, a eu la parole en dernier;

Le greffier a tenu note du déroulement des débats;

Le Tribunal, après avoir mis l'affaire en délibéré, a statué ce jour en ces termes;

LE TRIBUNAL

Attendu que Monsieur DUCROT est poursuivi pour avoir à:

- PARIS, en tout cas sur le territoire national, le 01/05/2010, et depuis temps non prescrit, commis l'infraction de:
  - EXCES DE VITESSE D'AU MOINS DE 50 KM/H PAR CONDUCTEUR DE VEHICULE A MOTEUR (Vitesse limite autorisée: 90 km/h – Vitesse mesurée: 170 km/h – Vitesse retenue: 162 km/h),  
Faits prévus et réprimés par ART.R. 413-14-1 §I C. ROUTE, ART. R. 413-14-1 C.ROUTE.

Monsieur DUCROT a conclu à sa relaxe, en invoquant notamment le fait que le procès-verbal ne fait pas mention des essais préalables de l'appareil de contrôle, ce qui ne permet pas de démontrer la réalité de la vitesse relevée à son encontre.

Aux termes de l'article 14 de l'arrêté du 7/1/91 relatif aux modalités d'utilisation des appareils de contrôle, il est prévu que ceux-ci doivent être installés conformément aux dispositions prescrites par la décision d'approbation du modèle, parmi lesquelles figure la nécessité de procéder à un test de mise au point, préalablement à tout contrôle effectif.

En l'espèce, force est de constater que le procès-verbal ne mentionne pas que l'appareil de contrôle a fait l'objet d'un test préalable, conformément aux prescriptions de la décision d'approbation du modèle.

Dès lors, la fiabilité de mesure n'étant pas établie, il convient de renvoyer le prévenu des fins de la poursuite.



PAR CES MOTIFS

Statuant en audience publique, en premier ressort et par jugement contradictoire à l'encontre de  
Monsieur DUCROT, prévenu;

DECLARE Monsieur DUCROT non coupable pour l'ensemble des faits qui lui sont reprochés;

Prononce la RELAXE au bénéfice du doute pour non fiabilité du contrôle.

Ainsi jugé et prononcé en audience publique, les jour, mois et an susdits, par Madame Louise ADNET, Présidente, assistée de Madame Madelaine BILLARD, greffier, présent à l'audience et lors du prononcé du jugement.

La présente decision a été signée par la Présidente et le Greffier.

Le Greffier

La Présidente

## **EXERCISES**

En français: Demandez aux étudiants de lire le jugement français et de faire le travail suivant pour préparer une discussion en classe:

- 1) Répondez aux questions suivantes:
  - Quel tribunal a rendu le jugement et quelle est la date du jugement?
  - Quelle est la composition du tribunal?
  - Qui est la personne poursuivie?
  - Quelle est la prévention?
  - Décrivez la procédure suivie.
  - Quel est l'argument invoqué par la défense?
  - Résumez l'argumentation du tribunal.
  - Quelle est la décision rendue

2) Identifiez les composants suivants du jugement:

L'en-tête

La procédure

Les motifs (l'argumentation du tribunal)

Le dispositif (la décision rendue).

3) Analysez la structure grammaticale du jugement

(par ex., la relation entre "le Tribunal" au milieu de la page 2 et les verbes à la page 3).

4) Expliquez et traduisez en danois les termes et expressions soulignés.

In English: Ask trainees to read the French ruling and do the following work to prepare for a discussion in class:

1) Answer the following questions:

Which court issued the ruling and what is the date of the decision?

What is the composition of the court?

Who is the defendant?

What are the charges?

Describe the procedure.

What is the argument put forward by the defence?

Summarize the arguments of the court.

What is the decision?

2) Distinguish between the following components of the judgment:

The heading

The procedure

The grounds (the arguments of the court)

The decision.

1) Analyse the grammatical structure of the judgment

(e.g. the relationship between "le Tribunal" in the middle of p. 2 and the verbs on p. 3).

2) Explain and translate the underlined terms and expressions into Danish.

## EXERCISE: KWR 2

|                         |  |
|-------------------------|--|
| Module:                 | Specialised Language Competencies  |
| Type of Exercise:       | Comprehension and vocabulary   |
| Topic:                  | Investigation and coercive measures  |
| Learning Outcome(s):    | <p>On completion of this exercise, trainees will have learned:</p> <ul style="list-style-type: none"><li>• several specific legal terms and expressions in Danish and their equivalents in French</li><li>• to take notice of legal terms and expressions when reading legal texts.</li></ul>  |
| Language (Combination): | Danish/French  |
| Equipment:              | N/A  |
| Time:                   | 5-10 minutes   |
| Suitable for:           | Introductory/Intermediate  |
| Contributed by:         | Kirsten Wølch Rasmussen, Aarhus School of Business,<br>Aarhus University (Denmark)   |
| Notes:                  | <p>To check that trainees take notice of legal terms and expressions when they read texts on different legal topics (which are possibly also discussed in class), you may use a cloze exercise of the following type. The exercise may also be used to repeat a text already studied in class.</p> <p>The exercise may be used in class or for self-study.</p> |

## EXERCISES

*En français:*

Exercices de traduction et de vocabulaire.

Les phrases ci-dessous ont été relevées d'un texte discuté en classe.

Retraduisez les mots et expressions indiqués en italiques en français.

*In English:*

Translation and vocabulary exercise.

The following sentences are taken from a text that has been discussed in class.

Retranslate the words and expressions indicated in italics into French.

1. Le juge d'instruction se trouve saisi, le plus souvent, par \_\_\_\_\_  
(*forundersøgelsesbegæring*) émanant du \_\_\_\_\_ (*den offentlige anklager*).
2. \_\_\_\_\_ (*Anklagemyndigheden*) fait généralement précéder son réquisitoire d'une \_\_\_\_\_ (*efterforskning*).
3. Le juge d'instruction peut \_\_\_\_\_ (*foretage afhøring*) de la partie civile ou de témoins, \_\_\_\_\_ (*afhøring*) de la personne mise en examen, une confrontation, \_\_\_\_\_ (*besigtigelse af gerningsstedet*), une expertise, etc.
4. Le Procureur de la République peut, au cas de crime flagrant, \_\_\_\_\_ (*afsigte en fremstillingskendelse*) contre toute personne soupçonnée d'avoir participé à l'infraction.
5. Quand le juge d'instruction le croit nécessaire, il \_\_\_\_\_ (*sigter*) la personne et \_\_\_\_\_ (*afsiger kendelse om varetægtsfængsling*) de la personne mise en examen.
6. La détention provisoire consiste dans l'incarcération de \_\_\_\_\_ (*sigtede*).

7. Le juge d'instruction peut faire procéder à \_\_\_\_\_  
(*personundersøgelse*) de la personne mise en examen.
8. \_\_\_\_\_ (*Beslaglæggelser*) opérées à la suite de  
\_\_\_\_\_ (*ransagninger*) obéissent à des règles protectrices des droits  
individuels.
9. Le juge d'instruction peut \_\_\_\_\_ (*foretage telefonaflytning*).
10. La personne mise en examen peut être \_\_\_\_\_ (*sættes under retsligt  
tilsyn*), voire en détention provisoire.
11. L'audition du témoin banal donne lieu à procès-verbal, dicté par le juge d'instruction au  
greffier. Le témoin relit \_\_\_\_\_ (*sin vidneforklaring*), et la signe.

**KEY:**

1. Le juge d'instruction se trouve saisi, le plus souvent, par \_\_\_\_\_  
(*forundersøgelsesbegæring/un réquisitoire à fin d'informer*) émanant du  
\_\_\_\_\_ (*den offentlige anklager/Procureur de la  
République*).
2. \_\_\_\_\_ (*Anklagemyndigheden/Le Parquet*) fait généralement précéder  
son réquisitoire d'une \_\_\_\_\_ (*efterforskning/enquête*).
3. Le juge d'instruction peut \_\_\_\_\_ (*foretage afhøring/procéder à une audition*) de  
la partie civile ou de témoins, \_\_\_\_\_ (*afhøring/un interrogatoire*) de la  
personne mise en examen, une confrontation, \_\_\_\_\_ (*besigtigelse af  
gerningsstedet/un transport sur les lieux*), une expertise, etc.
4. Le Procureur de la République peut, au cas de crime flagrant,  
\_\_\_\_\_ (*afsige en fremstillingskendelse/décerner un mandat  
d'amener*) contre toute personne soupçonnée d'avoir participé à l'infraction.

5. Quand le juge d'instruction le croit nécessaire, il \_\_\_\_\_ (*sigter/met en examen*) la personne et \_\_\_\_\_ (*afsiger kendelse om varetagtsfængsling/prend une ordonnance à fin de placement en détention provisoire*) de la personne mise en examen.
6. La détention provisoire consiste dans l'incarcération de \_\_\_\_\_ (*sigtede/la personne mise en examen*).
7. Le juge d'instruction peut faire procéder à \_\_\_\_\_ (*personundersøgelse/une enquête sur la personnalité*) de la personne mise en examen.
8. \_\_\_\_\_ (*Beslaglæggelser/Les saisies*) opérées à la suite de \_\_\_\_\_ (*ransagninger/perquisitions*) obéissent à des règles protectrices des droits individuels.
9. Le juge d'instruction peut \_\_\_\_\_ (*foretage telefonaflytning/pratiquer des écoutes téléphoniques*).
10. La personne mise en examen peut être \_\_\_\_\_ (*sættes under retsligt tilsyn/placée sous contrôle judiciaire*), voire en détention provisoire.
11. L'audition du témoin banal donne lieu à procès-verbal, dicté par le juge d'instruction au greffier. Le témoin relit \_\_\_\_\_ (*sin vidneforklaring/sa deposition*), et la signe.

### EXERCISE: KWR 3

|                         |   |
|-------------------------|---|
| Module:                 | Transfer skills   |
| Type of Exercise:       | Written translation and self-revision   |
| Topic:                  | Indictment  |
| Learning Outcome(s):    | On completion of this exercise, trainees will: <ul style="list-style-type: none"><li>• be able to produce a complete and correct version of this document in the target language, respecting register and legal terminology</li><li>• be familiar with self-revision as an integral part of the translation process</li><li>• be able to use appropriate resources and methodology</li><li>• be aware of individual translation problems (to be worked with).</li></ul> |
| Language (Combination): | Danish/French   |
| Equipment:              | N/A   |
| Time:                   | N/A   |
| Suitable for:           | Advanced  |
| Contributed by:         | Kirsten Wølch Rasmussen, Aarhus School of Business, Aarhus University (Denmark)   |
| Notes:                  | <i>Any resemblances to persons living or dead or to real cases are coincidental. Please note the offences mentioned, although based on reality, are fictional.</i>  |

## METHODOLOGY

1. Have trainees prepare a written translation of the text and submit a first version electronically.
2. Mark the text using the programme Markin: [www.cict.co.uk/markin/index.php](http://www.cict.co.uk/markin/index.php)
3. Insert annotations (using the buttons that you define yourself for marking specific errors or giving praise) and comments (which you can use when no pre-defined annotation can explain the problem) to guide the trainees, but do not indicate solutions to the translation problems encountered by the trainees.
4. Save the marked texts and return them to the trainees.
5. Have trainees submit a second version of the translation electronically.
6. Mark the second version and return it to the trainees electronically before the next class.
7. Discuss the following aspects of the translations in class:
  - a) resources used by the trainees and their methodology
  - b) specific translation problems that have not been successfully solved and the methodology used for solving them
  - c) frequent translation problems (Markin provides statistics of the annotations used).

## SOURCE TEXT

### **ANKLAGESKRIFT**

Irène Duval  
cpr. Nr. 230348-  
15, rue du Moulin, Lyon, Frankrig,



tiltales herefter ved retten i Århus til straf for overtrædelse af

1.

færdselslovens § 53, stk. 2, spirituskørsel, ved fredag den 27. marts 20XX at have ført fransk indregistreret personbil 5742 SF 54 fra Magasins Parkeringshus ad Åboulevarden, Thorvaldsensgade og Viborgvej til krydset ved Hasle Ringvej/Åby Ringvej efter at have indtaget spiritus i et sådant omfang at alkoholkoncentrationen i blodet under eller efter kørslen lå på 1,18 0/00.

2.

færdselslovens § 3, stk. 1, § 16, stk. 1, og § 26, stk. 6, ved på ovennævnte tid og sted som fører af fransk indregistreret personbil 5742 SF 54 at have undladt at udvise fornøden agtpågivenhed, idet hun, i krydset ved Viborgvej – Hasle Ringvej/Åby Ringvej påbegyndte svingning til venstre uden at placere sig i den dertil indrettede vognbane og uden at sikre sig, at manøvreren kunne foretages uden fare for modkørende, hvilket havde til følge, at tiltalte stødte sammen med den i modsat retning kørende personbil, en taxa, EY 97 341, hvorved der skete skade.

Der nedlægges i medfør af færdselslovens § 125 og § 126, stk. 1, jfr. § 128, påstand om betinget frakendelse af førerretten.

Endvidere nedlægges der i medfør af færdselslovens § 118, stk. 1 og 2, påstand om, at tiltalte idømmes en bøde på 3.000,00 kr.

Da tiltalte ikke forstår og taler dansk, skønnes en fransk tolk nødvendig.

Til rettens brug vedlægges sagens akter.

Politimesteren i Århus, den 16. april 20XX.

Jens Christiansen  
Vicepolitikommisær

Til

Retten i Århus, politisagsafdelingen

## KEY

Translation submitted by student (first version), marked by trainer using Markin (here with annotations in English):

### ACTE D'ACCUSATION<sup>term</sup>

Irène DUVAL  
numéro de sécurité sociale<sup>term</sup> 230356-  
15, rue du Moulin, Lyon, France

est prévenue devant<sup>Good!</sup> le Tribunal de ... pour infraction de<sup>Preposition</sup>

1.

l'article 53, al. 2, du Code de la route danois, conduite sous l'empire d'un état alcoolique<sup>Good!</sup>, en ayant vendredi le 27 mars<sup>1</sup> à 16H02 conduit une voiture, immatriculée en France sous le numéro 5742 SF 54, roulant depuis le parking couvert de Magasin (en passant) par Åboulevarden, Thorvaldsensgade et Viborgvej jusqu'au carrefour formé par les rues Hasle Ringvej/Åby Ringvej après avoir consommé de l'alcool dans une telle mesure<sup>WChoice</sup> que le taux d'alcool dans le sang pendant ou après le parcours était de 1.18 0/00.

2.

Les articles 3, al. 1<sup>er</sup>, 16, al. 1<sup>er</sup> et 26, al. 6, du Code de la Route danois en ayant aux date et lieu indiqués ci-dessus conduit une voiture immatriculée en France sous le numéro 5742 SF 54 sans avoir fait preuve de la diligence nécessaire étant donné que, au carrefour formé par Viborgvej - Hasle Ringvej/Åby Ringvej, elle a commencé à tourner à gauche sans se placer sur la partie de la chaussée destinée à cet effet et sans s'assurer que le<sup>Art</sup> manœuvre pouvait se réaliser sans danger pour les véhicules venant en sens inverse, ce qui a eu pour conséquence que la prévenue est entrée en collision avec une voiture venant en sens inverse, un taxi, immatriculé sous le numéro EY 97341, ce qui a causé des dégâts.

Conformément aux articles 125 et 126, al. 1<sup>er</sup>, cf. art. 128 du Code de la Route danois, il est conclut<sup>VForm</sup> à ce que la prévenue soit déchue avec sursis<sup>Good!</sup> du droit de conduire.

En outre, conformément à l'art. 118, al. 1<sup>er</sup> et al. 2, il est conclu à ce que la prévenue soit condamnée à payer une amende moyennant<sup>Preposition</sup> 3.000, 00 DKK.

Comme la prévenue ne comprend ni ne parle le danois, l'assistance d'un interprète<sup>MissingW</sup> est estimé nécessaire.

Ci-joint le dossier destiné au Tribunal.

Le chef de la police d'Aarhus, le 16 avril 20XX.

Jens Christiansen

Commissaire de police adjoint<sup>Excellent!</sup>

Pour le Tribunal d'Aarhus

Le département<sup>term</sup> des affaires de police.

#### Statistics

- 1 Article error
- 1 Missing word or words
- 2 Wrong or misused preposition
- 1 Verb form
- 1 Poor word choice
- 3 Good!
- 1 Excellent! Well done.
- 3 Wrong terminology

Negative total: 8

Positive total: 3

1. Check position of definite article in connection with day plus date, PSV § 64.1.2

#### EXERCISE: KWR 4

|                         |   |
|-------------------------|---|
| Module:                 | Transfer Skills   |
| Type of Exercise:       | Written translation and other - revision  |
| Topic:                  | Judgment – transcript of court records  |
| Learning Outcome(s):    | On completion of this exercise, trainees will: <ul style="list-style-type: none"><li>• be able to produce a complete and correct version of this document in the target language, respecting register and legal terminology</li><li>• be familiar with the process of revision as a quality check on translator's work.</li></ul>   |
| Language (Combination): | Danish/French   |
| Equipment:              | N/A   |
| Time:                   | N/A   |
| Suitable for:           | Advanced  |
| Contributed by:         | Kirsten Wølch Rasmussen, Aarhus School of Business, Aarhus University (Denmark)   |
| Notes:                  | <p>To prepare for this assignment trainees may, for instance, read selected chapters in Brian Mossop, 2007. <i>Revising and Editing for Translators</i>. 2nd ed. Manchester: St. Jerome Publishing.</p> <p><i>Any resemblances to persons living or dead or to real cases are coincidental. Please note the offences mentioned, although based on reality, are fictional.</i></p> |

## **METHODOLOGY**

1. Have trainees revise text 2 (which is a translation into French of the Danish text – text 1) as a quality check on the translator's work. Ask trainees to mark changes in the translation using Track Changes in Word and to explain or comment on the changes they make when relevant.
2. Have trainees submit the revised version electronically.
3. Comment on the revision using, for instance, numbers for the following categories:
  - 1) Improving the quality of the translation.
  - 2) Both the original solution and your solution can be used.
  - 3) Reducing the quality of the translation.
  - 4) Errors that you missed.
4. Return the text to trainees electronically before the next class.
5. Discuss the revisions in class – both the outcomes and the revision procedures (e.g. comparative or non-comparative revision).

## **TEXT 1: SOURCE TEXT**

UDSKRIFT  
af  
Dombogen for  
Aarhus retskreds

År 20XX den 23. februar blev i  
S.s. nr. 20/XX

Anklagemyndigheden

Mod

Bruno Pierre Tourin  
født d. 16. Marts 1956

afsagt sålydende

DOM:

Under denne sag, der er behandlet under medvirken af domsmænd, blev Bruno Pierre Tourin, ved nærværende rets kendelse af 18. maj 20XX, som stadfæstet ved Vestre Landsrets dom af 18. oktober 20XX fundet skyldig i overtrædelse af

straffelovens § 191 stk. 2, jfr. Stk. 1, jfr. lovbekendtgørelse nr. 391 af 21. juli 1969 med senere ændringer om euforiserende stoffer § 1, jfr. § 3, jfr. Indenrigsministeriets bekendtgørelse nr. 559 af 9. november 1984 om euforiserende stoffer § 2, jfr. nu bekendtgørelse nr. 698 af 31. august 1993 § 2 og den bekendtgørelsen vedføjede liste A1

ved den 1. august 20XX efter forudgående aftale til overdragelse til et større antal personer eller mod betydelig vederlag at have foranlediget indført 511.098 gram hash fra udlandet til Danmark, idet hashen blev indført i en container og ført til medtiltalte Dupont's fabrik, Vænget 2, Herning, hvor stoffet blev beslaglagt.

(.....)

Ved udmålingen af fængselsstraffens længde, i medfør af straffelovens § 191, finder retten at burde lægge vægt på den strafudmåling, der er sket i sagerne vedr. de medtiltalte, samt at tiltalte Tourin må antages at have indtaget en overordnet rolle som organisator af indsmuglingen, hvorved bemærkes, at de medtiltalte i de afspillede telefonaflytninger flere gange har betegnet tiltalte Tourin som deres overordnede. Straffen findes derfor passende at kunne fastsættes til fængsel i 3 år og 6 måneder.

Den af anklagemyndigheden nedlagte påstand om udvisning med indrejseforbud for bestandig findes endvidere at burde tages til følge.

THI KENDES FOR RET:

Tiltalte Bruno Pierre Tourin straffes med fængsel i 3 år og 6 måneder.

Tiltalte udvises af Danmark med indrejseforbud for bestandig.

**TEXT 2: TRANSLATION**

EXTRAIT  
des minutes du greffe du  
Tribunal d'Aarhus

L'an 20XX, le 23 février  
Dans l'affaire pénale no. 20/XX

Le ministère public

contre

Bruno Pierre Tourin  
né le 16 mars 1956

a été rendu

le JUGEMENT suivant:

Dans cette affaire, qui a été jugée avec le concours de juges non professionnels, Bruno Pierre Tourin a été déclaré coupable par le jugement prononcé le 18 mai 20XX par le tribunal présent et confirmé par le jugement rendu par la Cour d'Appel de la Région ouest le 18 octobre 20XX, d'infraction à

l'article 191, alinéa 2, cf. alinéa 1, du Code pénal danois, cf. l'article 1, cf. l'article 3, de l'ordonnance numéro 391 du 21 juillet 1969, avec modifications ultérieures, sur les stupéfiants, cf. l'article 2 de l'arrêté numéro 559 du ministère de l'Intérieur du 9 novembre 1984 des stupéfiants, cf. l'article 2 de l'arrêté actuel numéro 698 du 31 août 1993, et la liste A 1 jointe à l'arrêté,

en ayant le 1er août 20XX, après accord préalable de cession à un nombre important de personnes ou moyennant rémunération considérable, fait entrer de l'étranger 511.098 grammes de haschisch au Danemark, le haschisch ayant passé la frontière dans un container et été emmené à l'usine du co-accusé Dupont, Vænget 2, Herning, où la drogue a été saisie.

Lors de la détermination de la durée de la peine d'emprisonnement, aux termes de l'article 191 du Code pénal danois, il convient pour le tribunal de devoir faire état des peines infligées aux coaccusés et de ce qu'il y a lieu de supposer que le prévenu Tourin a joué un rôle prédominant en tant qu'organisateur de l'entrée clandestine. A ce propos, il y a lieu de remarquer qu'à plusieurs reprises les coaccusés ont caractérisé le prévenu Tourin comme leur chef au cours des entretiens téléphoniques écoutés. Il échet donc de fixer la peine à trois ans et six mois d'emprisonnement

Il échet, en outre de faire droit à la demande déposée par le ministère public tendant à l'expulsion avec interdiction d'entrée pour toujours.

**PAR CES MOTIFS:**

Le prévenu Bruno Pierre Tourin est condamné à trois ans et six mois d'emprisonnement.

Le prévenu est expulsé du Danemark avec interdiction d'entrée pour toujours.

**EXTENSION EXERCISES**

You may also ask trainees to classify the changes they make in the translation according to Mossop's revision parameters: (A) Transfer, (B) Content, (C) Language and (D) Presentation (See Mossop, 2007: 125 ff.).

This exercise will raise trainees' awareness of the different types of errors a reviser must check for and enable them to give well-structured feedback to the translator.



## EXERCISE: TG 1

|                         |  |
|-------------------------|--|
| Module:                 | Specialised Language Competencies<br>Transfer Skills   |
| Type of Exercise:       | Translation of frequent grammatical structures in legal texts  |
| Topic:                  | Passive structures   |
| Learning Outcomes:      | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• associate the passive structure with the subject in the first slot in English and other possible (different) patterns in the target language (Romanian, possibly other Romance languages, e.g. Spanish).</li></ul>   |
| Language (Combination): | English/Romanian   |
| Equipment:              | PC and Microsoft Office, Internet connection   |
| Time:                   | 30 minutes   |
| Suitable for:           | Intermediate   |
| Contributed by:         | Teodora Ghivirigă, University of Iasi (Romania)  |
| Notes:                  | Passive constructions are frequent in both written and oral English legal discourse; Romance languages such as Romanian may reproduce the passive structures or resort to other structures (e.g. the reflexive passive, which implies a different organisation of the information, for instance the verb phrase precedes the noun phrase acting as subject). |

## EXERCISE

Consider the two texts. Identify and underline the equivalent of the passive structure (underlined) and its grammatical subject in English (**in bold**) and the corresponding structures in the target language (a passive-reflexive).

## TEXTS

### Settlement of disputes

**All disputes** arising in connection with the present contract shall be finally settled under the Rules of Conciliation and Arbitration of the International Chamber of Commerce by three arbitrators appointed in accordance with the said rules. **Notice of arbitration** shall be given to the party to whom **demand** therefore is addressed. **Judgment** upon the award rendered by the arbitrators may be entered in any court having jurisdiction or **application** may be made to such court for a judicial acceptance of the award and an order of enforcement, as the case may be.

The location of the arbitration shall be in ... and **the arbitration** shall be held in ... according to the law of ..., unless the parties mutually agree otherwise.

Performance under this Agreement shall continue if reasonably possible during any disagreement or arbitration proceedings and **no funds** payable to either party under this Agreement shall be withheld on account of such disagreement or proceedings.

### Reglementarea litigiilor

Toate litigiile apărute în legătură cu prezentul contract vor fi reglementate definitiv conform Regulilor de mediere și arbitraj ale Camerei de Comerț Internațional de către trei arbitri numiți conform regulilor menționate. Avizul de arbitraj va fi înaintat părții căreia îi este adresată respectiva reclamație.

Confirmarea sentinței date se poate cere oricărui tribunal competent sau se poate adresa o cerere de acceptare judiciară a sentinței arbitrale sau, după caz, se poate solicita un ordin de executare.

Locul arbitrajului va fi ..., iar arbitrajul se va desfășura în ... conform cu legislația din .... dacă părțile nu au convenit de comun acord altfel.

Dacă este posibil, activitățile vor continua conform condițiilor prevăzute în prezentul contract pe parcursul procedurii de arbitraj sau în cazul unei divergențe și nu se va reține nici o sumă pe baza acestora.

Based on E. Boye and C. Lazar, *Contracte internaționale în limba engleză*, 2000.

## EXERCISE: TG 2

|                         |  |
|-------------------------|--|
| Module:                 | Knowledge of Legal Systems<br>Specialised Language Competencies  |
| Type of Exercise:       | Vocabulary   |
| Topic:                  | Legal institutions   |
| Learning Outcome(s):    | On completion of this exercise, trainees will have acquired knowledge of: <ul style="list-style-type: none"><li>• legal institutions and of differences between institutions belonging to two legal systems</li><li>• how to translate the names of various legal institutions.</li></ul>  |
| Language (Combination): | English/Romanian   |
| Time:                   | 15 minutes   |
| Suitable for:           | Intermediate   |
| Contributed by:         | Teodora Ghivirigă, University of Iasi (Romania)  |
| Notes:                  | Due to the differences between two systems, there may be formal similarities in the designation, yet two institutions may have different attributions and jurisdiction and it is always a good idea to double-check the equivalence. For instance, the equivalent of the European institution Court of First Instance is <i>Tribunalul de Prima Instanță</i> . |

## EXERCISE

Write the name of the institution in the lefthand column in English in the righthand column in Romanian or another target language. Attach a short description of their activity in either system. For Romanian, you can check your answers at <http://www.justitia-romana.org/>.

|    |  |  |
|----|--|--|
| 1  | High Court of Cassation and Justice  |  |
| 2  | Court of Appeal / Appellate Court  |  |
| 3  | Military court   |  |
| 4  | National Anti-corruption Department  |  |
| 5  | First instance court   |  |
| 6  | The Directorate for Investigation of Organised Crimes and Terrorism Crimes |  |
| 7  | Court (of justice)   |  |
| 8  | Prosecuting authority  |  |
| 9  | High Council of the Judiciary  |  |
| 10 | Public Prosecutor's Office   |  |
| 11 | Juvenile court   |  |

Suggested answers:

1. High Court of Cassation and Justice – Înalta Curte de Casație și Justiție
2. Court of Appeal / Appellate Court – Curte (intermediară) de apel
3. Military court – Curtea militară de apel, Tribunalul Militar territorial
4. National Anti-corruption Department – Departamentul Național Anticorupție (DNA)
5. First instance court – judecătorie

6. The Directorate for Investigation of Organised Crimes and Terrorism Crimes – Direcția de Investigare a Infracțiunilor de Criminalitate Organizată și Terorism (DIICOT)
7. Court (of justice) – tribunal
8. Prosecuting authority – organ de urmărire penală
9. High Council of the Judiciary – Consiliul Superior al Magistraturii
10. Public Prosecutor's Office – parchet
11. Juvenile court – Tribunal pentru minori

### EXERCISE: TG 3

|                         |  |
|-------------------------|--|
| Module:                 | Resources and Information Retrieval  |
| Type of exercise:       | Evaluating resources   |
| Topic:                  | Online resources   |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• evaluate specific existing online resources.</li></ul>   |
| Language (Combination): | English/Romanian   |
| Equipment:              | PC and Microsoft Office, Internet connection   |
| Time:                   | 30 minutes   |
| Suitable for:           | Intermediate/Advanced  |
| Contributed by:         | Teodora Ghivirigă, University of Iasi (Romania)  |
| Notes:                  | For certain language pairs (e.g. English–Romanian), some resources such as specialised dictionaries and other types of documents related to certain sub-domains may be scarce or not entirely reliable. Resources (hard copy/electronic format) are assessed according to several criteria: relevance (precision, homogeneity, coherence), adequacy to purpose (specialised/educational, official/informal, comprehensive/topic-centred), organisation, presence of glossaries/indexes/tables of contents, timeliness of the contents, organisation, reputation of the author, linguistic quality. |

## EXERCISE

Consider five Internet sources you have used in your work and assess them according to the given parameters.

## EXTENSION EXERCISES

Assess and rank from 1 to 5 the following sources according to the parameters above, considering them with a view to translating a text:

- a) a site containing news from the legal domain also related to suits against various personalities: politicians, media people etc. [www.e-juridic.ro](http://www.e-juridic.ro)
- b) the legal glossary on a site of an institution currently in charge of officially translating the *acquis communautaire* and other legislation from/into Romanian  
[www.ier.ro/index.php/site/seasrch\\_avans](http://www.ier.ro/index.php/site/seasrch_avans)
- c) a site containing all sorts of seminar papers and other materials posted by/for students  
[www.referatele.com](http://www.referatele.com)
- d) an online dictionary of general Romanian [www.dexro.ro](http://www.dexro.ro)
- e) a site where the Romanian criminal code is published in the 2006 version (two other versions have been issued meanwhile) [www.dsclex.ro/coduri/cod\\_penal2006.htm](http://www.dsclex.ro/coduri/cod_penal2006.htm).



#### **EXERCISE: TG 4**

|                         |   |
|-------------------------|---|
| Module:                 | Language Competencies<br>Transfer Skills  |
| Type of Exercise:       | Phraseology and grammatical structures  |
| Topic:                  | Translation of prepositions   |
| Learning Outcome(s):    | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• select the appropriate prepositions when translating legal phraseology.</li></ul>   |
| Language (Combination): | English/Romanian  |
| Time:                   | 20 minutes  |
| Equipment:              | PC and Microsoft Office, Internet connection  |
| Suitable for:           | Intermediate  |
| Contributed by:         | Teodora Ghivirigă, University of Iasi (Romania)   |
| Note:                   | Various languages may use prepositions differently in specialised phraseology and sometimes a preposition may occur in the target language where there is none in the source language, or vice versa. Therefore, “copying” the preposition present in the source text into the target text should be avoided. |

## EXERCISE

Consider the prepositions in the following examples of legal phraseology and their translation into the target language equivalents. Then, using a search engine such as Google, look for other contexts in which the English phrases occur and translate them into the target language, keeping in mind the equivalences provided.

- |   |   |
|---|---|
| 1. act committed <b>with</b> intent                 | faptă săvârșită <b>cu</b> intenție  |
| 2. subjection <b>to</b> forced or obligatory labour | supunere <b>la</b> muncă obligatorie sau forțată                          |
| 3. trafficking <b>in</b> persons                    | trafic <b>de</b> persoane   |
| 4. abuse <b>of</b> office                           | abuz <b>în</b> serviciu   |
| 5. <b>under</b> civil and commercial law            | <b>în conformitate cu</b> dispozițiile legislației civile și comerciale   |
| 6. <b>under</b> national law                        | <b>în</b> dreptul civil și intern   |
| 7. to come <b>within</b> the exception of           | a intra <b>sub incidența</b> excepției de                                 |
| 8. no competence <b>outside</b> criminal            | nu au competențe <b>în cazuri</b>   |
| 9. <b>care</b> proceedings                          | <b>nu privesc</b> acțiunile penale  |
| 10. proceedings <b>in</b> camera                    | dezbateri <b>cu</b> ușile închise   |
| 11. report <b>on</b> the state of discussions       | raport <b>privind</b> stadiul dezbaterilor                                |
| 12. <b>across</b> legislation                       | <b>în</b> întreaga legislație – <b>cu referire la</b> întreaga legislație |
| 13. <b>on</b> behalf of the defendant               | <b>în</b> numele inculpatului   |

## EXERCISE: TG 5

|                         |   |
|-------------------------|---|
| Module:                 | Knowledge of Legal Systems  |
| Type of Exercise:       | Reading comprehension   |
| Topic:                  | Stages in the criminal proceedings  |
| Learning Outcome(s):    | On completion of this exercise, trainees will have acquired knowledge of: <ul style="list-style-type: none"><li>• the legal systems in the UK and the target language country</li><li>• the relevant terminology.</li></ul> |
| Language (Combination): | English/Other language  |
| Equipment:              | Dictionaries, PC, Internet connection   |
| Time:                   | 40 minutes  |
| Suitable for:           | Intermediate  |
| Contributed by:         | Teodora Ghivirigă, University of Iasi (Romania)   |
| Note:                   | It often happens that two systems may not perfectly overlap, therefore attention must be paid to avoid possible cognates or misnomers.  |

## **EXERCISE**

Read the text on the stages of the proceedings in the British legal system, then arrange the stages given below in the correct order. Wherever possible, give the Romanian (or other target language) equivalent of the stages of similar proceedings in the Romanian (or other) court or draw a diagram.

## **TEXT**

The plaintiff - usually through his legal representative - starts the action by obtaining a writ of summons. This must be delivered to the Central Office of the Supreme Court and it marks the commencement of the action. The writ must contain in a concise form the nature of the claim in order to warn the defendant of it. Within 14 days of receipt the defendant must file an acknowledgment of service together with a notice of intention to defend.

The next stage is that of issuing the Pleadings; they are usually documents drafted by the counsel and contain a statement in summary form of the material facts on which the party pleading relies. Within a limited time, the defendant must, in turn, deliver his Defence, together with any counterclaim, which he may have. The exchange of documents may - though not commonly - continue with the Reply (presented by the plaintiff), the Rejoinder (the defendant), the Surrejoinder (plaintiff) in order to formulate the issue as clearly as possible for the benefit of both parties.

The stage to follow is the interlocutory stage, consisting of the proceedings between the pleadings and the trial. The most important part of this stage is that called the interrogation, in which one party, at the order of the other, may be forced to answer upon oath to written questions. The parties may also be ordered to facilitate the discovery of documents, that is, he may be asked to present a list of relevant documents in his possession, which can be then consulted by the other party, who may also take copies of them. The interlocutory proceedings conclude with the taking out by the plaintiff of a summons of directions, which includes data about the place and mode of trial (for instance, whether the trial is to be held before a judge alone or before a judge and jury).

The parties are then summoned in the court; they usually appear by counsel, although they may appear in person, too. The plaintiff's counsel opens with a speech in which he outlines his case and lays the issue before the court; he then calls the witnesses and examines them. Each witness may be cross-examined by the Defence in order to test the accuracy of the evidence given. Sometimes the witnesses are re-examined in order to establish belief in the evidence where it has been seriously challenged in cross-examination. If the plaintiff's evidence proves to present no cause of action, the proceedings are ended on account of 'no-case'. The plaintiff may follow the same procedure with his own witnesses, whose evidence is tested in the same way. Defence then makes the closing address, followed by a closing address on behalf of the plaintiff.

Finally the judge gives judgment or, where there is a jury, sums up the evidence to them and directs them upon the relevant law. What follows is the appeal, if the defendant decides upon this course of action.

Adapted from Philip James, *Introduction to English Law*, 1989.

## **Key**

1. interrogation
2. the plaintiff issues the writ of summons
3. examination of witnesses
4. discovery of documents
5. the defendant files his acknowledgment of service
6. rejoinder
7. the defendant issues his counterclaim
8. reply
9. commencement of action
10. re-examination
11. the defendant appeals
12. the jury gives judgment
13. the beginning of the trial
14. cross-examination
15. the Pleadings are issued
16. the judge instructs the jury

## EXERCISE: TG 6

|                       |  |
|-----------------------|--|
| Module:               | Transfer Skills  |
| Type of exercise:     | Translation strategies   |
| Topic:                | Power of attorney  |
| Learning Outcome(s):  | On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• identify situations where re-organisation of information within the sentence/text unit is needed</li><li>• handle correctly oblique translation strategies such as modulation.</li></ul> |
| Language Combination: | English/Romanian   |
| Equipment:            | Specialised dictionaries, PC and Internet connection   |
| Time:                 | 30 minutes   |
| Suitable for:         | Intermediate   |
| Contributed by:       | Teodora Ghivirigă, University of Iasi (Romania)  |

## EXERCISE

Analyse the segments underlined and numbered 1 to 5 in the following pair of texts; consider changes in word order, omission/addition of words and reorganisation of structure.

## TEXTS

### POWER OF ATTORNEY

... hereinafter called as Mandatory to fulfill in the name and for the account of our company the formalities (1) required by law in obtaining and applying for Patents of Invention on the company's behalf.

For this purpose the Mandatory is authorized to pay the fees, withdraw, recall and deposit or refund the same (2), to receive the correspondence and all kinds of papers and documents and to sign for our company wherever necessary, and to represent our company (3) at the above residence in connection with all formalities which have to be fulfilled by our company in accordance with the law and the Regulations in force.

The Mandatory is moreover authorized to appear and plead on the company's behalf, or in the company's name before all courts, to take notice of terms, to have assignments registered, and to apply for their authentication.

In short, the Mandatory is authorized to represent company X (4) during the whole duration of the patents as well as before the authorities and before third parties if necessary (5).

### PROCURĂ

... denumită în continuare Procurator, ca în numele și pentru firma noastră să procedeze la îndeplinirea formalităților (1) cerute de lege pentru obținerea de brevete de invenție pe numele firmei.

În acest scop Procuratorul poate plăti, retrage și consemna taxele, (2) va primi corespondența sau orice fel de acte și documente și va semna în numele firmei noastre oriunde va fi necesar, reprezentând-o (3) pentru toate formalitățile de îndeplinit conform legii și reglementările în vigoare, la sediul său.

Procuratorul este de asemenea autorizat să apară și să pledeze pentru sau în numele firmei noastre în fața tuturor instanțelor, să ia notă de toate termenele din instanță, să înscrie cesiuni și să ceară autentificarea lor, într-un cuvânt, să reprezinte firma X (4) pe toată durata brevetelor, atât față de autoritățile competente, cât și față de terți.(5)

Based on A. Dobrescu, F. Turcu, *Modele de contracte de afaceri în română și engleză*, 2000.



## EXERCISE: TG 7

|                         |  |
|-------------------------|--|
| Module:                 | Transfer Skills  |
| Type of Exercise:       | Translation  |
| Topic:                  | Deceptive cognates in legal texts  |
| Learning Outcome(s):    | On completion of this exercise, trainees will have: <ul style="list-style-type: none"><li>• an increased awareness of the existence of words that are similar in form and different in meaning in source language and target language</li><li>• the ability to translate them appropriately, avoiding duplicates.</li></ul>  |
| Language (Combination): | English/Romanian   |
| Equipment:              | Specialised dictionaries, PC and Internet connection   |
| Time:                   | 30 minutes   |
| Suitable for:           | Intermediate   |
| Contributed by:         | Teodora Ghivirigă, University of Iasi (Romania)  |
| Notes:                  | As various languages evolved in different historical conditions, words that were originally related may appear in several languages with similar forms and (partly or totally) different meanings. These are known as (deceptive) cognates. The familiar, recognisable form may be misleading and translators should therefore be aware of their existence and give the correct equivalent instead of duplicating the word. An example is English “arrest”, which means not only “to apprehend by legal authority” but also “to stop”, while in Romanian “a aresta” has only the |

former meaning; similarly, in English, “embarrassed” means “feeling socially inappropriate”, while in Spanish “embarazada” means “pregnant”.

## EXERCISE

Consider the following examples, in which the cognates have been underlined for quick identification. Discuss what the difference in meaning is between the two words similar in form; use a dictionary to find the correct translation – obviously the equivalent may be formally different. Translate the texts. List other pairs that you know, along with their translation.

1. Defendants and their officers, agents, servants, employees, and attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, or any of them, shall fully cooperate with and assist the Receiver.

*in concert with* – together or in agreement with someone or something (not “performing together”); Rom. “în înțelegere cu, în consens cu”)

*to assist* – to help (not “to be present, to attend”, in Romanian “a asista”); Rom. “a ajuta, acorda ajutor”)

2. [The receiver should] conserve, hold, and manage all receivership Assets, and perform all acts necessary or advisable to preserve the value of those Assets, in order to prevent any irreparable loss, damage, or injury to consumers or to creditors of the Receivership Defendants.

*injury* – an act that damages or hurts (not “words of abuse”, in Romanian “a înjura, a profera injurii”); Rom. “daună, prejudiciu”)

3. ... if such request has not been responded to within thirty (30) days of receipt by the Receiver, any such person or entity may thereafter seek an Order of this Court with regard to the relief requested...

*relief* – legal remedy or redress (not “relief” in the terminology of geography, identical in form in Romanian); Rom. “reparație, despăgubire”)

4. The Receiver shall have the discretion to determine the time, manner, and reasonable conditions of such access.

*discretion* – the power of an official, usually a judge, to make decisions on legal matters based on their opinion against the general legal framework (not the quality of being willing to keep a secret, in Romanian “discreție”); Rom. “împuternicire, abilitare”)

5. ... an affidavit identifying the names, titles, addresses, and telephone numbers of the Persons that Defendants have served with a copy of this Order in compliance with this provision.

*to serve* – to deliver a legal instrument or to notify (not “to be of service, to attend or to wait on”, in Romanian “a servi”); Rom. “a notifica”, *to serve a writ* “a înmâna o citație”

*provision* – a part of a legal document that specifies terms of agreement, conditions, requirements (not a stock of food articles or other goods, which exists in a similar form in Romanian as “provizii”); Rom. “prevederi”

6. The Court having considered the complaint, declarations, exhibits, and memorandum of law filed in support thereof, and now being advised in the premises finds that: ...

*support* – help and approval of an idea, position (not “device or piece of furniture such as a stand used to hold the weight of objects” in quasi identical Romanian “suport”); Rom. “sprijin, susținere”, in collocation *in support of* “în sprijinul”

## **EXERCISE: TG 8**

Module: Transfer Skills

Type of Exercise: Translation

Topic: Legal documents

Learning Outcome(s): On completion of this exercise, trainees will be able to:

- build up a better understanding of legal concepts by paraphrasing terminology and phraseology of legal texts prior to actual translation.

Language (Combination): English

Equipment: Dictionary, PC and Internet connection

Time: 30 minutes

Suitable for: Intermediate

Contributed by: Teodora Ghivirigă, University of Iasi (Romania)

## EXERCISE

After doing research on the terminology and phraseology of the following excerpts, paraphrase each excerpt, focusing on the underlined phrases, and then translate them into the target language.

1. Seller [...] shall hold Purchaser harmless from any damages occasioned by Seller's breach or default. (suggestion: *hold harmless* "in a contract, a promise by one party not to hold the other party responsible if the other party carries out the contract in a way that causes damage to the first party", IATE, <http://iate.europa.eu/iatediff/SearchByQuery.do>)
2. D.S. failed to appear at the prove-up hearing on the date mentioned. (suggestion: *a prove-up hearing* is a short hearing before a judge when the case is uncontested, such as when it has been settled by agreement or default. In a default case, the other party doesn't appear to contest the matter. <http://www.proseanswer.com/sample/search.php?search=judgment&page=10#view>)
3. In addition, the annex contains no language [...] directly addressing price adjustments or price escalations. (suggestion: *price escalation clause*: a contract provision that permits the seller to raise prices in response to increased costs <http://www.bnet.com/topics/price+escalation+clause>)
4. The record does not reflect that the parties had a contemporaneous meeting of the minds. (suggestion: *Meeting of the minds* (also referred to as *mutual agreement*, *mutual assent* or *consensus ad idem*) is a phrase in contract law used to describe the intentions of the parties forming the contract. In particular it refers to the situation where there is a common understanding in the formation of the contract. [en.wikipedia.org/wiki/Meeting\\_of\\_the\\_minds](http://en.wikipedia.org/wiki/Meeting_of_the_minds))
5. Nor is it appropriate to resolve that alleged ambiguity by giving plaintiff a contractual benefit that it apparently did not expect, nor count upon. (suggestion: Sometimes the words of a statute have a plain and straightforward meaning. But in many cases, there

is some ambiguity or vagueness in the words of the statute that must be resolved by the judge. To find the meanings of statutes, judges use various tools and methods of statutory interpretation. ([http://en.wikipedia.org/wiki/Statutory\\_interpretation](http://en.wikipedia.org/wiki/Statutory_interpretation))

6. Any monies due Purchaser from Seller can be set off from any monies due Seller from Purchaser whether or not under this contract. (suggestion: sums of money owed)

## **Chapter 7. Computer Assisted Interpreter Training (CAIT) for Legal Interpreters and Translators (LITs)**

*Annalisa Sandrelli*

### **7.1 Introduction**

This chapter aims to provide a brief overview of computer assisted interpreter training (CAIT) and to suggest ways of applying it to the training of legal interpreters and translators (LITs), in order to enhance classroom-based training and to support students in their self-study activities. CAIT means using computer technology for the teaching and learning of interpreting. This approach has evolved over the past 15 years in conference interpreter training. This chapter describes what has been done in CAIT and how it can be used in practice.

First, however, a terminological clarification is needed. In recent years there has been much talk about information and communication technology (ICT), e-learning, blended learning, online learning, Web-based learning, and so on, and the differences between all these labels may not be clear to everyone. ICT means computer technology used not only to process information, but also to connect computer users with others. Since the advent of the Internet, it has become possible to exchange information and communicate with other users in asynchronous and synchronous ways. Asynchronous computer-based communication means email, news bulletins, social network walls where people can post messages, and so on: in other words, information is exchanged between two (or more) computer users who are not necessarily connected to the Internet at the same time. By contrast, synchronous computer-based communication refers to all those tools that enable real-time communication via the Internet, such as chat tools, Skype and other voice-over Internet protocols (VOIP) applications. All these communication tools are also used for teaching and learning in various ways (Warschauer and Kern 2000; Sandrelli 2003b). Electronic learning or e-learning means using computer technology to support teaching and learning: this includes both standard computer programmes and programmes specifically developed for teaching purposes. Blended learning means using a combination of traditional face-to-face classes and an ICT-based component, to enhance classroom teaching and learning and to support trainees' autonomous learning. Online learning or Web-based learning refers to distance courses delivered entirely via the Internet, with no face-to-face interaction between trainees and trainers (Ko 2006; Secară et al. 2009).



In this chapter the focus is only on e-learning and blended learning for trainee LITs. Online learning is not discussed here because, as Ko (2006: 68) points out:

Due to the interactive nature of interpreting, face-to-face teaching in a classroom setting has long been the predominant means of training interpreters worldwide, whereas the idea of having teacher(s) and students in different locations worldwide has been considered pedagogically and technically impossible.

The situation is slightly different for translator training, and indeed there are a few online translation courses already; however, we have decided to provide suggestions that are relevant to both translator and interpreter training courses, since in legal settings professionals are often required to provide both kinds of services. Therefore, whenever the words ‘translator’ or ‘interpreter’ are used in the chapter, what is actually meant is an LIT, a legal interpreter and translator.

## **7.2 Computer assisted interpreter training (CAIT): pedagogical rationale**

Computer assisted interpreter training (CAIT) first began in the mid-1990s as an attempt to introduce an element of e-learning into the training of conference interpreters. The inspiration came from the related field of computer assisted language learning (CALL). The gradual evolution of CAIT over the last fifteen years has already been mapped out elsewhere (Devitor 2002-2003; De Manuel Jerez 2003a; Sandrelli and De Manuel Jerez 2007; Sandrelli and Hawkins 2006), so only a summary of key aspects is provided here.

It is worth highlighting straight away that the use of ICT in interpreter training is not widespread. By contrast, translator training courses usually feature a strong technological component: trainees learn to use one or more computer assisted translation (CAT) tools, corpora, electronic dictionaries and glossaries and translation memory systems; they are introduced to machine translation (MT), they are taught localisation skills, and so on. Moreover, there are several examples of blended translation courses and even fully-fledged online courses (Pym et al. 2003; Schmit 2006). The main reason for this is probably that the link between professional translation and computers is more direct: translators must be computer-literate and they must be able to use a wide variety of electronic tools and resources in their work, so educational institutions have been forced to adapt their curricula to respond to market needs. As Austermühl (2001: 7) puts it:

‘For translators there is no longer any question of whether or not to use computers and networks. The use of information and communication technology is a *fait accompli* in the lives of today’s language professionals.’

Secondly, it is a small step from the introduction of relevant computer tools into translation curricula to the use of ICT to support teaching and learning. Thirdly, the technology required to work on written texts is widely available, so computer-based translation courses are relatively easy to design and run in blended format or online, at least from a technical point of view (pedagogical considerations are a different matter). At its most basic, a blended translation course may involve translation assignments to be carried out at home and then submitted to the teacher for marking, followed by a class discussion on translation difficulties (either face-to-face or by means of a chat tool or conferencing system).

The Internet and ICT have certainly had an impact on interpreting too, especially as regards conference preparation (now made easier and faster), new settings (e.g. video-conference interpreting and remote interpreting; see Esteban Causo 2003; Mouzourakis 2006; Allain 2007; Code 2000), and even how interpreters work in the booth (e.g. using their laptops, notebooks, PDAs, digital tablets, such as iPad and tablet PCs, smartphones, such as iPhone, Blackberry and so on). In the booth, conference interpreters look up terms in their electronic glossaries and dictionaries, read Powerpoint presentations and surf the Web to find solutions to unexpected translation difficulties (Mouzourakis 2000; Valentini 2001, 2002; Thatcher 2002). There are even specific glossary applications that have been developed for fast lookup in the booth, such as *Interplex* (Sand 2003, 2010), and many interpreters use standard terminology tools to manage their glossaries before and after conferences. Computer technology has changed the way interpreters work, at least to a degree; however, interpreters are still required to perform essentially the same task as before, i.e. translating oral communication.

Since professional interpreting has been affected by the digital revolution to a lesser extent than professional translation, educational institutions have been slower in adapting their teaching methods and tools to reflect this change. Moreover, verbal and visual input are clearly essential in the teaching of interpreting, but the technology required to work with audio and video first became widely available on standard PCs only a few years ago. Now that PCs with multimedia capability and a good Internet connection are within trainees’ grasp (at least in developed

countries), training institutions are offered a chance of enhancing traditional teaching and making it more closely reflect professional reality (Blasco Mayor 2005). This is because:

Multimedia CAIT tools make it possible to integrate resources of various kinds (audio, video, and text) in the same environment. The concurrent delivery of verbal, visual and textual information via a single interface has been claimed to (i) situate learning in a more 'realistic' learning environment [...] and (ii) reduce the distance between professional interpreting contexts and the slightly artificial dimension of classroom training. (Sandrelli and De Manuel Jerez 2007: 276)

Computer technology has a lot to offer to interpreter trainers and trainees. Interpreter training courses have always been very intensive, with a high number of contact hours and an even higher number of self-study hours. An example is the European Master's in Conference Interpreting (EMCI) offered by several EU universities: a one-year programme of at least 1,000 hours, including 400 hours of classes to which group work and self-directed practice must be added (see Web references). Similarly, in community interpreting, the part-time Court Interpreting Certificate offered by the Vancouver Community College (Canada) consists of 300 classroom hours in addition to home study and assignments, while the Interpreting Certificate in Health and Community services offered by the same institution involves 252 classroom hours in addition to home study, assignments and a practicum (see Web references).

One of the reasons for the intensive nature of interpreter training is that a large part of it is aimed at automating trainees' responses to specific translation problems (some language-pair-related ones and some common to all languages), so that they are quick to react when they encounter frequent structures and can focus their attention on unforeseeable translation difficulties. Therefore, proficiency can only be achieved by means of repeated exposure to such problems in class, often with trainer demonstration of possible solutions, followed by trainees' self-directed practice (alone, in pairs and in small groups). If unsupervised practice is to be useful, however, the development of self-assessment skills is essential to evaluate progress. Moreover, trainees need help in selecting practice materials for autonomous learning activities, because 'although students certainly need to develop good information searching skills for their future careers, they may not always be the best judges of what is suitable for their particular training stage' (Sandrelli 2007).

In other words, interpreter training is partly repetitive, but at the same time it requires an individual focus. Interpreter training courses, however, are quite expensive to run, especially for rare languages: unless there is a sufficient number of trainees requesting a specific language combination, the course in question cannot be offered. By contrast, in the most popular language combinations trainee numbers are rising because higher education is now accessible to more people; as a consequence, the trainee-trainer ratio can be too high (Jiménez Ivars 2006). Owing to budget constraints, in recent years many universities have had to reduce the number of contact hours, which has led to even more reliance on self-study activities (Gorm Hansen 2006; Gorm Hansen and Shlesinger 2007; Errico and Morelli 2006). Therefore, it has become essential to offer trainees guidance, to prevent them from acquiring bad habits (Sandrelli 2002) and to teach them how to assess their own performance and that of their peers, in order to ensure progress (Jiménez Ivars 2006).

To sum up, translator and interpreter training is:

- intensive
- partly based on repetitive activities
- heavily reliant on trainees' autonomous work.

CAIT tools can help meet the above challenges by complementing traditional training approaches. For trainers the main benefits of CAIT are:

- linking class work and trainees' self study activities (by using related materials)
- freeing up class time by having trainees work autonomously on the more repetitive tasks
- supporting trainees in tailored self-study activities (guided learning)
- providing a realistic practice environment for class and home activities (multimedia).

For trainees the main benefits are (Cervato and de Ferra 1995; Devitor 2002-2003; Gran et al 2002; Carabelli 1997, 1999, 2003; Merlini 1996; Gorm Hansen 2006; Gorm Hansen and Shlesinger 2007; Sandrelli 2003, 2005-2007, Lim forthcoming):

- convenience and availability of suitable materials
- a realistic practice environment for class and home activities (multimedia)
- self-pacing
- individual focus (each trainee working on his/her own weaknesses)

- development of self-assessment skills
- stress reduction (practising with the computer is less threatening than interpreting classes).

It is no coincidence that so far almost all CAIT developments have taken place in conference interpreter training. In both simultaneous and consecutive interpreting communication usually goes in one direction only, from the speaker to the audience (monologic speeches), and there is very little interaction among primary participants: this makes computer-based materials easier to design. By contrast, designing CAIT materials for liaison interpreting is much harder, because interpreters translate dialogue; if you use recorded dialogue as practice material, no realistic interaction is possible, since trainees' translation errors do not alter the development of the recorded conversation (Sandrelli forthcoming).

If you are thinking of introducing a technological component into an interpreter-training course, a useful distinction to make is between core interpreting subjects and interpreting-relevant subjects (Ko 2006). The former refers to interpreting skills and techniques, i.e. simultaneous interpreting, whispered interpreting (*chuchotage*), sight translation, consecutive interpreting and note-taking; the latter to all the other modules that are usually part of the interpreter training curriculum, such as interpreting theory, subject-specific modules, cultural knowledge, professional ethics, and so on.

Generally speaking, it is much easier to envisage ways of enhancing the teaching of interpreting-relevant subjects with an ICT component, or even to envisage full or partial delivery of those classes online; by contrast, organising online interpreting classes is much harder. The main difficulty is that interpreting involves contact between human beings, so while e-learning and blended learning are certainly possible, fully online learning is harder to conceive. From a technological point of view, although the technology to set up fully-fledged online interpreter training courses is now available, not all institutions may be able to offer the required network bandwidth and hardware infrastructure, as well as software and technical assistance; moreover, not all prospective students may have access to the required standard of equipment and network connection at home, which of course must be taken into account when designing an online course.

From a pedagogical point of view, the learning environment must be carefully designed in order to be effective, to cater for different learning styles and to motivate trainees. Interpreter trainers must adapt their teaching methods to the new medium, since teaching interpreting online does not mean simply uploading teaching materials to a server. Furthermore, in order to claim that interpreters trained online are as effective and professional as interpreters trained in a traditional face-to-face setting, serious empirical studies are needed. To our knowledge, this has not been done anywhere yet. So far, blended learning in interpreting courses has been embraced only by the University of Geneva, where a dedicated virtual environment has been carefully designed and tested (see §7.3.ii a).

In any case, it must be clear that there is no point using ICT unless there are clear benefits to be had in terms of teaching and learning: in other words, developments in teaching must be technology-based, not technology-driven.

LIT training is certainly a sector in which blended learning courses would be useful, for several reasons. Currently, there are few LIT training opportunities in EU countries, and existing courses are not always matched to market requirements. Indeed, an additional obstacle in comparison with conference interpreter training is that language combinations fluctuate much more significantly and rapidly owing to immigration flows. As a consequence, the institutions of a given country may suddenly require a number of trained professionals with a rare language, i.e. a language not commonly taught in universities. It is often difficult to find professional LITs in new language combinations and even more difficult to find competent LIT trainers in the same language combinations. In addition, an appropriately designed blended LIT course might be of interest to aspiring interpreters with rare community languages who live too far from interpreter training centres. It would also make it possible for training institutions (universities, community colleges, etc.) to offer LIT courses even when student numbers in rare language combinations are low.

Another specificity of LIT training is the variability in the trainees' backgrounds and ages. Generally speaking, they are mature students, not necessarily with an education in languages or translation, who may be working as language mediators in their community without an official qualification. If they are in employment, face-to-face lessons in a traditional class setting may not be the best option for them. These potential trainees may be interested in a blended learning option in order to study from home in their free time.

Although designing and running a blended course to train LITs certainly goes beyond the individual trainer's efforts, there are a number of easy ways to embrace at least e-learning, i.e. preparing teaching and learning materials enhanced by the use of standard computer tools or dedicated software tools, for use during self-study and to make classes more lively and interesting. In the next section we provide a few examples of what has been done in conference interpreter training.

### **7.3 CAIT: a brief overview**

Historically, CAIT first began with a number of e-learning projects and has progressed to blended learning in recent years. The first e-learning experiences date back to the mid-90s, when the first digital materials for interpreter training were developed. They were meant for individual users and they could be used offline (no need for an Internet connection), either in class or during self-study (§7.3.i). Blended learning experiences are much more recent and allow interaction among multiple users, thanks to the use of virtual learning environments (VLEs) and to webcast classes; certain activities are to be carried out offline and others online (collaborative work, online discussions, etc.) (§7.3.ii).

The first steps in CAIT were taken in various European countries (mostly in the UK, Italy and Spain). There were two main approaches, speech repositories and authoring tools.

#### **7.3.i E-learning experiences**

##### **a) The repository paradigm**

The basic idea of the repository paradigm is to create a digital speech bank to organise and classify teaching and learning resources for trainees' use in class and autonomous work. These databases are essentially a digital version of a tape library. For a more comprehensive overview of repositories in interpreter training, see Sandrelli and De Manuel Jerez (2007). Here we describe three of them, in chronological order.

One of the first experiences of this kind was the output of a graduation dissertation at the Advanced School for Interpreters and Translators of the University of Trieste, Italy, called IRIS,

the Interpreters' Resource Information System (Carabelli 1997, 1999, 2003; Gran et al. 2002). IRIS was developed in collaboration with a software engineer and used a Data Base Management System (DBMS); it was accessible to trainees and trainers via the departmental Local Area Network (LAN). The materials in IRIS were audio and video files, sometimes with transcripts, and written texts for translation practice. They were provided by interpreting trainers from the Advanced School for Interpreters and Translators. They were gradually inserted into the database and classified by means of several attributes, including: a numeric code, title, language, author, speaker, date, audio, video and many more. The materials were also organised according to modules (recommended for a specific language combination, for consecutive or simultaneous interpreting, etc.) and teachers could specify the required level of trainees' expertise (suitable for beginners, intermediate, etc.). A number of tools, including a subtitling feature and a recording utility, were incorporated into the database. Users were able to carry out fast searches for materials in a dedicated search box: when they found what they wanted, they could download it and use it in the interpreting laboratories or at home. The project was very interesting and there were plans to make all the material available externally via the departmental webpage. However, it was discontinued when the principal researcher left the University of Trieste.

At about the same time, a similar project was being developed at the University of Granada (De Manuel Jerez 2003a, 2003b; De Manuel Jerez et al. 2004; Sandrelli and De Manuel Jerez 2007). The MARIUS database was developed in Microsoft Access, and then it was migrated to My SQL, an open source database (it should be noted that, unlike IRIS, MARIUS did not require the collaboration of a software engineer, because initially it was based on a common software tool).

One of the aims of the project was to study when and how to introduce real-life materials into interpreter training, and to identify the most effective speech types and communicative events for each training stage. Therefore, all the materials come from authentic communicative events, including EU recordings and local conferences. The database is structured around 31 fields, including:

- code, title, tape reference, speech start and end, corpus and sub-corpus
- date, speaker's name and role, language, duration, number of words and average delivery rate, any other information
- level of specialisation, speaker's accent, 'time autonomy' and 'context autonomy'
- training stage and interpreting mode (e.g. initial CI, intermediate SI, SI with text, etc.)
- transcripts and clip hyperlinks, related documents/sites.



Clips were inserted in a specific column: when users clicked on them, a player (Media Player, VLC or other, depending on what is installed on the PC) was opened to play the chosen resource. Materials from MARIUS were used for a number of years in the Granada training programme in order to test their usefulness and establish reliable grading criteria. A result of this experience was the publication of 3 DVDs with sequenced teaching materials in English, French and Spanish for the conference-interpreting course (ECIS group 2005-2007). Materials from MARIUS are also used by ECO, an organisation of volunteer interpreters, in order to provide some training for bilingual volunteers with no formal training as interpreters.

A more technologically advanced speech bank is the SCIC Speech Repository recently developed at the EU Directorate General for Interpretation in collaboration with a number of EU interpreter training faculties (see SCIC Repository in Web references). It is an e-learning tool available to students of interpretation, teachers and professional conference interpreters working for the European Institutions. All the materials come from national parliaments, the European Commission, European Parliament and the European Economic and Social Committee; there are also some speeches specifically recorded for the project (for beginners). The underlying philosophy of the project is as follows:

The Speech Repository meets a long-standing request from universities for relevant and original audiovisual material that trainers could use to improve training for future interpreters for the European institutions, and that students could use to train themselves.

This database is a multilingual project, containing resources in all the EU official languages. All the speeches are videos stored in a central server. Interpreter training institutions can obtain a username and password to access the materials and use them with their students. Videos are categorised according to:

- speaker's language and accent
- level of difficulty (evaluated by professional interpreters)
- subject/domain
- intended use (consecutive or simultaneous interpretation).

When users enter a query, the results page returns results with the following information:

- identifier code
- title
- speech type (conference, press conference, debate, audition, interview, pedagogical material)
- level of difficulty
- speaker's name and biographical information
- audio trailer (quick audio preview of the speech)
- accent (foreign; regional e.g. Canadian for English)
- date and place.

Resources can be downloaded in order to work offline: the videos come in the MPEG4 file format, which can be played on any commonly available video player on iPods. However, there is also a dedicated player/recording software, called SCICrec, developed by the programmers of the SCIC New Technologies Unit. The software can be downloaded for free; it can be used to play all the videos and to record interpretations (it can handle a dual-track file). It is also possible to upload one's recorded interpretation to the server in order to obtain feedback from a professional interpreter (however, the website does not specify whether this service is always available and how long it takes to get a reply).

#### **b) The authoring tool paradigm**

While repository projects are mostly concerned with providing interpreter trainers with digital teaching materials (content), authoring programmes are 'software applications that provide templates and utilities to guide teachers in the preparation of digital teaching resources' (Sandrelli and De Manuel Jerez 2007: 271): they are also known as 'shells' because they are 'empty boxes' that must be filled by teachers with their own materials.

Whenever a shell is developed, there are at least two people involved: a language/translation/interpreting trainer who comes up with the original idea and specifies what the end result should look like (i.e. what the software should do) and a software developer who knows what is technically possible to achieve. Development is an iterative process during which a prototype is designed and produced, tested, modified, tested again, etc. until the end result is satisfactory.

The first attempt to apply the authoring paradigm to interpreter training was *Interpr-It*, developed in 1995 at the University of Hull (UK). At the time the university was the headquarters of the European Association for Computer Assisted Language Learning (EUROCALL), and it hosted the TELL Consortium that produced several language learning packages. Cervato and De Ferra (1995) developed this pioneering project in collaboration with a software engineer who used *ToolBook* (see Web references) to create the programme. The resulting CD-Rom was aimed at beginners in liaison interpreting (Italian-English) and featured 8 dialogues (recorded especially for the project, they were not authentic texts). The dialogues are available only as audio and text, since video capability on standard desktop PCs was not widespread at the time *Interpr-It* was developed. It was meant for single users, in class or for self-access (see Sandrelli 2001 for details on how computer-based work was integrated with face-to-face classes).

The programme had a modular structure. After choosing a topic, trainees were introduced to a situation outline and an anticipation exercise; then they went on to the next screen with the recorded dialogue for interpreting practice (trainees pressed an on-screen button to record their interpretation); this was followed by another screen in which trainees produced a written translation of the same dialogue; finally, in the self-assessment screen trainees were able to compare their interpreted version and their translation with the trainer's model.

The main novelty of *Interpr-It* was that it was the first programme developed specifically to practise interpreting with the computer, rather than with the usual tape-recorders and written texts; within the same environment, trainees had access to audio resources, glossary and vocabulary information, a text editor to take notes and write their translations, a recording facility, and so on.

*Interpr-It* also featured the prototype of a consecutive interpreting module (Merlini 1996; Gran et al. 2002), with a similar modular structure. For each speech there was background information; a text analysis and anticipation exercise; a listening and note-taking screen; a consecutive interpreting screen, with an on-screen interpreter's note-pad; and, finally, a self-assessment screen. The main novelty was the interpreter's on-screen notepad for note-taking: students were required to take notes by typing into the computer keyboard and using provided shortcuts for common logical links. Since the prototype was aimed at beginners, the fact that typing is much slower than handwriting forced them to analyse the speech and keep their notes to a minimum.

Today this idea can be taken up again, thanks to the availability of electronic smartpens (see §7.4.iv).

The main limit of Interpr-It was the fact that, when it was launched commercially, it was sold with ready-made contents, not as a shell. Its materials could be updated only if and when a second edition was produced (which never happened). Therefore, it was decided to build on that experience to create and market an authoring programme aimed at interpreting trainers.

The feasibility of developing a shell to create interpreting exercises was explored through a prototype called Interpretations, developed at the University of Hull (UK) between 1999 and 2002 and tested at the Trieste and Forlì Advanced Schools for Interpreters and Translators. After testing, a few changes were made to the interface in order to expand the range of teaching activities and improve the trainee support tools. In the spring of 2005 a commercial programme called Black Box 3.0 was released by Melissi Ltd (now marketed by Scenecinema. See Web references).

The idea behind Black Box is to provide teachers with a single environment with several authoring tools, in which it is quick and easy to assemble interpreting exercises. At its most basic, in order to create an interpreting exercise you need a video or audio clip; a transcript of the speech is also useful for the (self)correction phase. Interpreter trainers are professional interpreters and usually have recordings of conferences in which they have worked; moreover, there are plenty of speeches on YouTube and on the websites of national parliaments, international organisations and so on. However, only some of these authentic materials may be suitable for class use, depending on the trainees' level of competence. Therefore, trainers may wish to select specific parts of a recording, and this can be done by means of video editing programmes that enable trainers to create new clips with the selected speeches. Some of these programmes are commercial and others are freely available on the Internet (examples of the former include Ulead VideoStudio and Pinnacle Studio; popular examples of freeware programmes are Microsoft MovieMaker and Apple iMovie; see Web references). If trainers have audio clips, they can edit them by using audio editing software, e.g. a commercially available programme like Cool Edit Pro or a free one like Audacity (see Web references).

If the trainer distributes digital, video or audio recordings to trainees for use at home, trainees can play them by using a multimedia player and they can record themselves either by means of

an audio recording programme installed on their PC (the above-mentioned Cool Edit Pro or Audacity, for example) or by means of an external digital recording device, such as an mp3 player/recorder, a mobile phone, etc. If trainers have the transcript of the speech, they can give it to trainees to check their recorded rendition against it, or they can create vocabulary exercises, comprehension exercises, and various language enhancement exercises on the basis of this written material.

To sum up, the basic software tools you need to create and use an interpreting exercise are:

- an audio/video editing software programme
- an audio/video player
- an audio/video recorder
- a text editor.

This means that trainers must be able to use several different programmes and must know the tools available to their trainees; especially as regards audio and video file formats, they must make sure any file they choose is compatible with the formats supported by the university PCs and by the trainees' private PCs (if they are going to use the materials at home). Clearly, this is not impossible, but it is cumbersome and time-consuming.

In order to make things easier, all the necessary tools to assemble an interpreting exercise are available in Black Box, together with a number of additional tools. The programme features an Exercise Wizard, in which trainers specify whether they intend to create a simultaneous, consecutive or liaison interpreting exercise, a sight translation exercise, or a custom exercise based on any combination of video, audio and text. After choosing the type of exercise, they select the resources they want to combine (a text, a video, another text with comprehension questions, web links for trainees to explore etc) and they indicate whether the programme should load the whole video clip or only parts of it. There are 'cue-in' and 'cue-out' points which eliminates the need to edit the video physically and create a new clip. Trainers also decide whether they want to add a sound distortion to the sound stream to make the exercise harder (to simulate working conditions in which sound quality is imperfect) and then they save everything as a single exercise package with a special Black Box extension (.bbx). Trainees need a copy of the programme, of course, but only the user licence (i.e. with no exercise creation capability).

There is no need to worry about file formats, or about leaving one component of the exercise at home, because all the files that make up the Black Box exercise are bound into a single file.

The in-built word processor makes it possible to load exercise templates into the programme (comprehension questions, text analysis, glossaries etc) and to create special bitmap texts for scrolling sight translation exercises. This means saving a text in a special format so that when trainees open the exercise, the text automatically scrolls on the screen, forcing them to keep up with an externally imposed pace (decided by the trainer, on the basis of the expected level of expertise of his/her trainees).

The word processor also enables trainers to annotate the written texts they select (up to 6 categories of notes). When trainees open them during their self-study hours, they can see the aspects of grammar, specialised vocabulary, cultural references, etc. highlighted by the trainer (these are just examples, as note categories are chosen by trainers themselves). Trainers can also record their own model interpretation for trainees to listen to, or, if they have a recording of a professional interpreter at work, they can create an exercise in which trainees interpret a speech first and then compare their own rendition with that of the professional interpreter. Sets of exercises are publishable as Modules, so that whole training units can be created easily.

So far, we have highlighted the convenience of Black Box for trainers, but the programme is also a user interface for trainees. The key user features of Black Box are:

- inbuilt video and audio player/recorder, with the video display scaling to different sizes, audio boost controls, and a feature to slow down fast speeches for better listening comprehension. When performing consecutive or liaison interpreting, the recording uses a dual-track system, so that in playback mode trainees can hear the original segment first and then their own rendition, with alternating voices. If it is a simultaneous interpreting exercise, they have the option of playing both tracks at the same time (and checking their *décalage*) or only their own rendition, by reducing the source language speech volume
- the possibility of inserting bookmarks into audio/video clips for later revision of difficult passages (no need to play the whole clip again)
- in-built word-processor to carry out various types of written exercises
- Wave viewer device that produces a graphic representation of the prosodic features of their performances

- integrated Web browser for Internet searches
- on-screen keyboard and character map to insert foreign characters
- fast compression of recordings (Ogg Vorbis, mp3) for storage on USB pen-drives
- easy access to trainers' annotations on written texts ('hot' words).

### **7.3.ii Blended learning experiences**

#### **a) Digital and virtual learning environments (DLEs and VLEs)**

The best-known virtual or digital learning environment (VLEs and DLEs, respectively) is Moodle: 'a Course Management System (CMS), also known as a Learning Management System (LMS) or a Virtual Learning Environment (VLE). It is a Free web application that educators can use to create effective online learning sites' (Moodle website).

Moodle has not been developed exclusively for language or translation teaching, but to support the teaching of any subject. As such, it features general teaching tools, e.g. a space to upload resources (audio, video, text, hyperlinks), activities and lessons (e.g. quizzes, flashcards, etc.) and interactive tools of various kinds, including a discussion forum, a chat tool, a bulletin board, and much more. It is possible to provide feedback to students in various forms (e.g. scores in tests, private messages, and so on).

Although Moodle is not specific to interpreting and translating, many of its tools can be used to support interpreting and translating modules. Indeed, Moodle is used in several interpreter and translator-training institutions in Europe, as is reported by Fictumová (2004) and by a number of contributors in Cánovas et al. (2006).

At the very least, Moodle can be used to ensure the fast and easy distribution of teaching materials. The trainer creates directories to upload course materials, including text (various file formats), audio, video, multimedia (e.g. Powerpoint presentations), and so on, depending on server capacity. It is also very easy to use the Moodle bulletin board to post course-related announcements and the course calendar. Trainees have to register on each individual course in order to access its contents.

Clearly, if an interpreter training institution decides to implement a VLE not simply as a repository of teaching materials but as an interactive tool, it needs adequate infrastructure, e.g. interpreting laboratories with Internet access in every booth, sufficient space on the web server to

host digital resources, and so on. Experiences of this kind have already taken place in some Spanish, Danish and Belgian universities (see Blasco Mayor 2005; Jiménez Ivars 2006; Gorm Hansen 2006; Gorm Hansen and Shlesinger 2007; Salaets 2006), in which VLEs and interpreting laboratories have been integrated in various ways in an attempt to streamline class organisation for trainers and autonomous practice for trainees.

The most comprehensive and structured approach to the use of a VLE in the teaching of interpreting is the Virtual Institute developed at the University of Geneva's ETI (translation and interpreting department). Development of the Virtual Institute began in 2004 as the first VLE specifically designed to support the 'training of trainers' certificate offered by the university in a blended form, i.e. a mixture of face-to-face, full immersion courses in Geneva and online activities designed for distance learners. All activities, tools and courses were evaluated by trainers and trainees during development to improve design and functionalities.

The VLE features some asynchronous and some synchronous communication tools. The former include:

- News (electronic notice board)
- Calendar (deadlines)
- Library (collection of digital resources for download)
- Activity folders (to upload coursework)
- Forum (for discussions)
- Journal (learners write about their learning process; public or private)
- Shout box (quick messages)
- Email.

Synchronous communication tools include:

- Chat (for brainstorming before a session, for coordinating and organising group work, for debriefing sessions)
- Wiki (collaborative hypertext tool, used to write reports with other learners at a distance)
- Call (instant messaging)
- Who is online.

Over the last few years, the VLE has been expanded for interpreter training purposes, to support local students in Geneva and, potentially, distance learners. A number of new features have been added, including:



- **SIMON (Shared Interpreting Materials Online)**

A speech bank and a clearinghouse of teaching materials aimed at interpreter trainers. It is used to exchange exercises and to discuss what works (or does not work) in class. It is the online evolution of the repository approach to CAIT (see §7.3.i a).

- **EVITA (ETI Virtual Interpreter Training Archives)**

EVITA is aimed at trainees and trainers, including teaching assistants who help trainees organise their practice sessions. Trainees set themselves learning objectives and write them in an e-journal; after the session, they listen to their own recordings and assess their performance in writing. Finally, trainers provide written feedback and other trainees also have the space to add their comments. The tool helps trainees identify their individual weaknesses and work on them.

- **Student Tracker**

The Student Tracker is a tool used by trainers to enter grades and comments on trainee performance. Trainees can check their progression and trainers can also exchange private notes (not accessible to trainees) to address special situations.

As this brief outline has shown, the Virtual Institute is not (yet) an online environment in which interpreting exercises are actually carried out, since practice materials are downloaded to work on at home and at university outside class hours. However, online discussions and chats that are relevant to the learning process do take place online, so the VLE is a very useful complement to the face-to-face interpreter training course. This description has also shown that the use of these tools implies an increased workload for trainers: providing written feedback to every trainee after every practice session is very time-consuming. This system could only be applied by other universities with a similar set up, i.e. available technical assistance, the necessary hardware and software infrastructure, relatively low trainee-trainer ratio, and a group of technology-aware trainers.

## **b) Webcast classes**

The Geneva department, in collaboration with EU institutions and other leading interpreter training centres belonging to the EMCI consortium, is also at the forefront of another

development in which interpreting classes actually take place in distance learning mode, via the Internet. Institutions taking part in the European Master's in Conference Interpreting organise web-cast mock conferences for CI and SI practice, involving two or more training centres. Trainers and trainees from different universities (and in this case, different countries) take part in the same conferences. After the class is over, the material is uploaded to the site and lessons can be watched in web streaming (see web references for more details and information on technical requirements). Clearly, these classes require excellent infrastructure and technical assistance; they also require considerable organisational efforts on the part of the trainers involved in the different centres. However, at least in theory, such experiences could be replicated elsewhere.

After this brief overview of the best-known CAIT experiences in conference interpreter training, in §7.4 we provide a few suggestions on how to apply CAIT to LIT training.

#### **7.4 Do-it-yourself (DIY) CAIT for LIT training**

The above overview of CAIT materials produced to train conference interpreters has shown that these projects are time-consuming and complex and cannot be carried out by individual trainers alone. Unless a whole institution embraces the CAIT approach and provides the necessary funding to pay software developers, to buy the required hardware and commercial software and to train interpreting trainers in the use of computer technology, fully-fledged e-learning or blended learning are impossible.

When planning to create computer-based activities for your LIT courses, you should consider the following aspects:

- the computer equipment and software available to interpreting trainers at home and at university (to enable them to prepare teaching materials and to use them in the classroom)
- the computer equipment and software available to trainees, both at university (to use the materials) and at home (especially if they are meant to support trainees' autonomous learning and/or to help them prepare for face-to-face classes)
- the available Internet connection at home and university, including uploading and downloading times
- the available technical assistance (during classes, if something goes wrong and in general, to help with any computer-related problems that may arise during the course)

- the available funding to purchase specific hardware and software products.

Provided that the above have been taken into account, there are a few simple DIY solutions that are accessible to any interpreter trainer, using commonly available desktop software or free software. A few examples are given below, starting from language enhancement exercises and then moving on to sight translation exercises, cloze exercises, simultaneous interpreting and so on.

#### **7.4.i Using Word and Teacher's Pet**

Microsoft Word is a well-known word processing programme with which all interpreting trainers and trainees are bound to be familiar. Here we just wish to stress the usefulness of the Track Changes tools to teach trainees text revision and editing. It is a good idea to mark trainees' translations with the Track Changes tool on, so they can actually trace your corrections. A written translation corrected in Word can be projected in class as a basis for class discussion on translation difficulties; or, if the university or training institution has Moodle or a similar VLE, it can be posted on the forum as a basis for a discussion after class. Word has an Open Office equivalent, i.e. a free, open source text editor called Writer (see Web references). Apart from standard Word tools, there is a special set of Word macros developed by a language teacher for language teachers in order to create a variety of language enhancement exercises automatically. It is called Teacher's Pet; in order to use it, you need to select the texts you want to work on and then download and install the Teacher's Pet (see Web references). It includes 23 different macros to create various types of activities. Below are just a few examples.

##### **a) Written cloze exercises**

In order to create a written cloze exercise, select the text you wish to use. Open Word and locate the Teacher's Pet icon. Select the 'Replace words with Gaps' macro. You will be asked how many words you want to delete (up to 6). Then you will be asked to type them. You obtain the following:

CHARGE AND INDICTMENT

Fill in the gaps with one of the following words: damage / excuse / aforementioned / distress

Mr. Weston, you are charged with two counts of Aggravated Criminal ..... and one count of Racial Abuse. It is stated that on the 22<sup>nd</sup> of September of this year, at 22 Welsh Walls Road in Gobowen, you did without lawful ..... write graffiti on the wall of the A.J.'s News and Convenience Store causing ..... to the said wall in the amount of £180 contrary to Section 18 of the Criminal ..... Act 1988. It is also stated that on the same day, at the same place, you did without lawful ..... cause ..... to a plate glass window at the same premises in the amount of £205, also contrary to the Criminal ..... Act 1988.

It is also charged that on the 22<sup>nd</sup> of September of this year, you did without lawful ..... cause graffiti to be written on the walls of the house at 24 Welsh Walls Road, belonging to Mr Shaheed Malik, the owner of the ..... A.J.'s News and Convenience Store, so as to cause disturbance, ..... and alarm to Mr Malik. It is also charged that later, on the same day, in the company of your girl friend Miss Shona West, you exhibited a sign outside the entrance to the Gobowen C of E Primary School in such a way as to cause ..... and alarm to the persons entering that premises, contrary to section 12 of the Racially Aggravated Abuse Act 1997.

**b) Jumbled paragraph exercises**

This exercise is used to make trainees work on logical links and textual cohesion and coherence. Select a text, insert the + sign at the end of sentences or paragraphs, and then run the Jumbled Paragraph macro. You obtain this:

Number the following lines in the correct order:

- ( ) It is stated that on the 22<sup>nd</sup> of September of this year, at 22 Welsh Walls Road in Gobowen, you did without lawful excuse write graffiti on the wall of the A.J.'s News and Convenience Store causing damage to the said wall in the amount of £180 contrary to Section 18 of the Criminal Damage Act 1988.
- ( ) Mr. Weston, you are charged with two counts of Aggravated Criminal Damage and one count of Racial Abuse.
- ( ) It is also stated that on the same day at the same place you did without lawful excuse cause damage to a plate glass window at the same premises in the amount of £205, also contrary to the Criminal Damage Act 1988.
- ( ) It is also charged that later, on the same day, in the company of your girl friend Miss

Shona West, you exhibited a sign outside the entrance to the Gobowen C of E Primary School in such a way as to cause distress and alarm to the persons entering that premises, contrary to section 12 of the Racially Aggravated Abuse Act 1997.

- ( ) It is also charged that on the 22<sup>nd</sup> of September of this year, you did without lawful excuse cause graffiti to be written on the walls of the house at 24 Welsh Walls Road, belonging to Mr Shaheed Malik, the owner of the aforementioned A.J.'s News and Convenience Store, so as to cause disturbance, distress and alarm to Mr Malik.

**c) Pair matching puzzles**

This exercise is useful to make trainees work on logical links and textual cohesion and coherence. After choosing your text, put all the sentences in a vertical list and place the + symbol in mid-sentence, where you want to break it. Run the Pair-matching puzzle macro to obtain this:

Match the text on the left with the text on the right.

|   |   |
|---|---|
| 1. Mr. Weston, you are charged with two counts of   | a. to the Gobowen C of E Primary School in such a way as to cause distress and alarm to the persons entering that premises, contrary to section 12 of the Racially Aggravated Abuse Act 1997.   |
| 2. It is stated that on the 22 <sup>nd</sup> of September of this year, at 22 Welsh Walls Road in Gobowen,                  | b. you did without lawful excuse cause graffiti to be written on the walls of the house at 24 Welsh Walls Road, belonging to Mr Shaheed Malik, the owner of the aforementioned A.J.'s News and Convenience Store, so as to cause disturbance, distress and alarm to Mr Malik. |
| 3. It is also stated that on the same day at the same place you did without lawful excuse                                   | c. cause damage to a plate glass window at the same premises in the amount of £205, also contrary to the Criminal Damage Act 1988.  |
| 4. It is also charged that on the 22 <sup>nd</sup> of September of this year,   | d. Aggravated Criminal Damage and one count of Racial Abuse.  |
| 5. It is also charged that later, on the same day, in the company of your girl friend Miss Shona West, you exhibited a sign | e. you did without lawful excuse write graffiti on the wall of the A.J.'s News and Convenience Store causing damage to the said wall in the amount of   |

|                      |   |
|----------------------|---|
| outside the entrance | £180 contrary to Section 18 of the Criminal<br>Damage Act 1988. |
|----------------------|---|

**d) Synonym and antonym exercises**

Select a word in the text and run the Synonym macro (the Antonym macro works in the same way). In the example, the word ‘lawful’ was selected to obtain this:

|   |
|---|
| Which word in the text is similar in meaning to:<br>legal / legalized / legitimate / legally recognized / official / officially recognized / endorsed /<br>allowed / permitted / permissible / decriminalized |
|---|

**e) Multiple choice questions**

Select a word/expression in the text. Select the Multiple Choice macro; write a good definition of the selected word/expression, and three wrong definitions. The macro will create a multiple choice test.

**7.4.ii Using Microsoft Powerpoint**

Microsoft Powerpoint is another well-known software programme not specifically developed for teaching, but to show slide presentations in conferences. The Open Office equivalent is Impress, with roughly the same functionalities. For translator and interpreter training purposes, Powerpoint and Impress have a couple of interesting applications.

**a) Sight translation exercises**

Choose a text and paste it into a Powerpoint slide. Decide whether you want your trainees to be able to see the whole text or only a paragraph, and how you want the text to appear on the screen, by using the Custom Animation menu. You can decide whether you want the text to be revealed from left to right, top to bottom, with special effects, etc.; you can set the speed at which the text appears on the screen too. You can create sight translation exercises in which the text appears paragraph by paragraph, and others in which words appear one letter at a time. The first type of exercise is more suitable for beginners, as it allows self-pacing. The second one is for advanced trainees who must try to keep up with the pace (see also Black Box, §7.3.i b).

**b) Multimedia packages (for interpreting practice)**

Another possible use of Powerpoint is to make a multimedia package, provided trainers can find the required materials: pictures and audio or video files with a recorded commentary of each picture. For example, if the trainer has a series of pictures of Castle Howard, a stately home near York used as a set for the *Brideshead Revisited* television serial and film, adapted from Evelyn Waugh's famous novel, he/she can record a commentary for each of them and then create a multimedia presentation to simulate a virtual visit to it.

Each picture is pasted into an empty Powerpoint slide and then the audio or video file is added by selecting Insert Audio or Insert Object. Trainees open the presentation and when each slide is displayed, they hear the description; they memorize the contents and then perform consecutive interpreting, recording their rendition with an mp3 digital recorder or by using a recording programme installed on the PC (e.g. Audacity).

Provided trainers can find speakers' recordings and Powerpoint slides from a real conference, the same procedure can be applied to create a realistic simultaneous or consecutive interpreting exercise. The audio recording of the speech would have to be broken up into short clips by means of an audio editing programme (see 3.3 below) and then the relevant clip could be inserted into the slide it describes. Clearly, this is time-consuming, but from a technical point of view it is not difficult. Moreover, raw materials of this kind may be found on museum websites: for example, the website of the National Gallery in London contains downloadable audio commentaries and pictures of the most famous paintings in the permanent collection. By associating the audio commentary to the picture it describes, it is easy to create a virtual visit to the museum.

**7.4.iii Using a sound editing programme**

There are many commercial and free audio editing programmes. The best-known commercial software of this kind is probably Cool Edit Pro (recently revamped and re-launched as Adobe Audition when Syntrillium, the company that produced it, was taken over by Adobe), but there are many others too, such as Wavelab. The best-known audio editing freeware is Audacity. Below we provide a few examples of what interpreting trainers can do with audio editing software.

### **a) Cool Edit Pro**

Cool Edit Pro supports several audio file formats. It is also possible to extract sound from a video file or a CD (File > Extract audio from video and File > Extract audio from CD, respectively), so if you have a video recording with good sound quality but poor video images, you can use the audio. If you have a very good recording that you cannot use with your trainees because it is too fast or too slow, you can change the speed without altering the speaker's pitch. Just go to Effects > Time / Pitch > Stretch.

The programme can be used to create oral cloze exercises. Cloze exercises, also known as gap fill exercises, are used in interpreter and translator training in various ways and for several purposes. These exercises are used to test trainees' language skills, their knowledge of a topic, their encyclopaedic knowledge, etc. Written texts or recordings can be used and trainees can either give their answers in writing or speaking (see §7.4.i). Oral clozes, in particular, can be combined with shadowing (word-for-word repetition of the text) in a preparatory exercise for simultaneous interpreting (see Sandrelli 2002). In order to create an oral cloze exercise, you choose a recording or you record a text by using Cool Edit Pro itself. Decide which words you want to delete in the text (either random words at a fixed interval or specific words; this depends on the aim of the exercise). When the audio file is opened in the programme, the related graph is displayed in the main window. By clicking on the graph you can play the recording and identify the boundaries of the word(s) in question. Highlight the portion of graph corresponding to the word(s); click on Generate> Silence. Repeat the process for all the word(s) you want to transform into silent gaps. Save the new file.

A sound can be inserted into the audio stream instead of a silent pause, for example if this is a test and you want trainees to write down the missing word every time they hear the tone. Select Generate/Tones and specify the type of sound and its duration.

### **b) Audacity**

This audio editing freeware can be used to practise simultaneous interpreting, since it can handle dual track recordings (see Black Box, §7.3.i b). All trainees need to do is open the source language audio file, and check Edit -> Preferences -> Audio I/O menu: they must make sure that "Software playthrough" is OFF, and "Play other tracks while recording new one" is ON. Then they plug their headsets + microphone into their laptop and press the "record" button.



Recordings can be saved and played back for self (or peer, or trainer) assessment. The programme displays two tracks (the SL and TL ones) and it is possible to listen to them both at the same time (to check one's *décalage*) or to switch off the SL track to focus on one's rendition only, by clicking on the relevant 'mute' button at the far left of the track (see Interpreter Training Resources in Web References for more details on how to use Audacity to practise simultaneous interpreting).

It is worth pointing out that you can only use audio files in Audacity; it does not support video and it is not possible to extract sound from a video file, like in Cool Edit Pro (see above).

This free software can be used to create oral cloze exercises much in the same way as Cool Edit Pro (see above). If you wish to create an oral cloze, you open an audio file in Audacity, then you identify where the words that you want to delete are in the sound stream, you select them (one at a time, of course), and you click on Generate/Silence. A dialogue box opens in the graph, to specify the duration of the gap.

You can insert a tone into the audio stream instead of a silent pause: select Generate/Tone and specify the type of sound and its duration. Moreover, just like in Cool Edit Pro, it is possible to slow down or speed up recordings without altering the speaker's voice pitch. Select Effects/Change Tempo and then fill in the dialogue box either by specifying a shorter duration (if you want the recording to be speeded up) or a longer one (if you want it to be slower. The sound quality of an interesting recording with too much background noise can be improved by means of the noise remover option in the Effects menu.

#### **7.4.iv Using an electronic smartpen in consecutive interpreting lessons**

Smartpens are electronic pens that you can use to write on special notepads; the notes can then be transferred to the PC and converted into digital text. There are several models on the market. Below we have a look at two of them and give a few ideas on possible uses in consecutive interpreter training.

##### **a) DigiMemo**

The DigiMemo pack comes with an electronic notepad and pen. You place a few sheets of ordinary paper on the notepad as if it were a clipboard, and then write normally in normal ink: 'The DigiMemo is a portable and compact electronic notepad which you can use just like a

clipboard to instantly record your notes, ideas, sketches, drawings and flowcharts both on paper and digitally at the same time.’ (DigiMemo website, see Web References)

In order to transfer your notes to the PC, you connect the DigiMemo notepad via the USB cable; you can convert your handwriting to text and export your notes straight to Microsoft Word using MyScript Notes handwriting recognition software (supplied separately). The notepad is powered by standard batteries, which last approximately 80 hours (continual use), and the pen is powered by a watch battery that lasts approximately 14 months. The notepad has 32MB of internal memory, which can hold up to 80 pages of notes.

This electronic pen and notepad can be very useful in the teaching of note-taking for consecutive interpreters. It has interesting research applications too, the most obvious of which is the possibility of saving the notes in digital form, together with a recording of the SL speech and TL speech. When the TL rendition is played back and errors are identified, it is possible to check the notes to track possible sources of error in them. If trainees were to use this system during their self-study activities, they could send their notes and recordings to the trainer by email or post them to a VLE in order to obtain peer or trainer feedback.

### **b) Livescribe Pulse and Echo**

Livescribe produces two smartpens, Pulse and Echo that are more technologically advanced than the DigiMemo pack. Both models feature an in-built microphone (to record the conference or lesson while you are taking notes) and a speaker (to play back the recording). Moreover, an infrared camera on the tip of the pen captures everything you write on the special dot paper notepad and produces a video of the notes being written (the only disadvantage in comparison with the DigiMemo system is the need for a special kind of paper with dots on it; however, there are instructions on the website explaining how you can actually print it yourself). While you are writing, the smartpen links the audio recording to the notes; later, if you tap on your notes, you can replay the recording.

There is a USB jack and cable to download notes and audio-recordings onto your PC, using a special Livescribe Desktop. Then, there is an application (MyScript for Livescribe, very similar to the application used by DigiMemo) that converts your handwritten notes to digital text for use in word processors. Notes can be exported and shared as a PDF, as an audio file or as an

interactive Flash™ movie (called ‘pencast’), which can be embedded on a blog, website, Facebook, etc.

The smartpen package even includes an application that is a simple calculator, useful for those tricky measurement or currency conversions that you sometimes have to make while interpreting.

A special application, called MyScript handwriting, has been developed specifically for teaching and learning. It recognises the notes written on a digital whiteboard in class and converts them to text, so that lessons can be saved and kept for future use.

This technology has numerous applications to the teaching of consecutive interpreting and even to professional practice (Orlando 2010). In terms of professional interpreting, it can be used when performing so-called ‘hybrid’ consecutive (also known as consecutive-simultaneous; see Esteban Causo 2003): the interpreter takes notes normally, but during delivery of the TL text, s/he can play back the SL recording (wearing headsets, of course) and perform a mixture of consecutive and simultaneous interpreting.

#### **7.4.v Using Microsoft Access**

Along the same lines as MARIUS, a speech repository called ARCHIE has been created at LUSPIO University in Rome, in response to interpreting trainees’ requests for training materials to be used in their individual study time. The materials were contributed by trainers and trainees themselves, who were required to look for suitable speeches and transcribe them. The database currently contains just over 100 speeches, so this is just a small, DIY attempt at providing trainees with training materials.

In the absence of a digital language learning laboratory and dedicated funding for the development of teaching materials, Microsoft Access was chosen; because of the popularity of the Office pack it could safely be assumed that all trainees would have it installed on their PCs at home. Moreover, the main advantage of using Access is that you can search databases and filter relevant data by exploiting the data classification fields (using the Query function). The following fields were chosen:

- resource reference number
- speech title

- speaker; role; biographical information on the speaker
- suitable for (initial consecutive, advanced, listening comprehension exercises, etc.)
- date; duration of the speech (in minutes and seconds); number of words (in the transcript); average speed in words/minute
- topic; specialisation (high, medium or low); level of difficulty.

There is a special column in which the audio/video resource can be inserted as an Object. When it is saved as a media package, trainees can click on it and start up the media player they have on their PCs (VLC or Media Player, or similar) to play the recording.

The speaker's accent is also classified, along with the mode of delivery of the speech (whether it is impromptu, read or mixed). The transcripts and any other accompanying texts are inserted in the next two fields, and finally an evaluation of the time autonomy of the speech is given.

This experience shows that, thanks to the collaboration of a group of trainees, it is possible to create a relatively large repository of materials quite rapidly.

#### **7.4.vi Using Moodle**

Moodle has been in use at the Advanced School for Interpreters and Translators of the University of Bologna at Forlì since 2006. However, it is used mostly in face-to-face courses to upload and download teaching materials and to send course-related notices to trainees. The Forum tools, wikis, and other co-operative learning tools are only really used in special courses. The platform is not used in classroom work, but only as a means to support students in their autonomous work. Moreover, students do not work online, but download the teaching materials and study them offline in preparation for classes or for examination revision. As regards interpreting specifically, the server has file size limits that make it unsuitable for the uploading of long video recording. Available resources are displayed in the central window in several directories, whereas on the right hand side you can see past announcements related to the course; on the left hand side are the many tools the trainer can use. Trainees essentially see the same screen, with the exception of the course management tools.

## 7.5 Conclusion

The use of computer technology in teaching and learning has become more and more widespread in recent years. This chapter has outlined how general software and dedicated programmes are used in conference interpreter training and has provided examples of possible applications to the related field of LIT training. The introduction of an e-learning component in LIT training (i.e. teaching and learning materials enhanced by computer tools for class use or to support self-study) is not particularly complex and does not require advanced computing skills on the part of trainers and trainees. It need not be expensive either, since there are several non-specific freeware programmes that can be adapted to meet interpreter training requirements. By contrast, designing and running a blended course in legal interpreting and translation requires careful planning, significant investment in hardware and software infrastructure, technical assistance and a testing period, as well as specific expertise on the part of trainers. However, as was pointed out in §7.2, blended LIT courses would be particularly useful, since in many cases potential LITs are mature students in full-time or part-time employment or already working as community interpreters.

It is hoped that this chapter has provided some useful insights and ideas to enable LIT trainers to choose the type of technological support that is most appropriate to their group of trainees.

## References

- Allain, Jean-Pierre (2007) "Interpretation at videoconferences - what's the big deal?", *Communicate!*, September/-October 2007. [Online: [www.aiic.net/ViewPage.cfm?page\\_id=2754](http://www.aiic.net/ViewPage.cfm?page_id=2754)].
- Austermühl, Frank (2001) *Electronic tools for Translation*, Manchester, St Jerome Publishing.
- Blasco Mayor, María J. (2005) "El reto de formar intérpretes en el siglo XXI", *Translation Journal*, 9(1), January 2005. [Online: <http://accurapid.com/journal/31interprete2.htm>].
- Cánovas, Marcos, Frigola, Josep M., Samson, Richard and Joan Solà (eds) (2006) *Accessible Technologies in Translation and Interpreting Conference*, University of Vic, 30-31 March 2006 (CD-Rom).
- Carabelli, Angela (1997) *IRIS Interpreters' Resource Information System. Una banca dati interattiva per la formazione di interpreti e traduttori*, Unpublished dissertation, SSLMIT-Università degli Studi di Trieste.

- Carabelli, Angela (1999) "Multimedia Technologies for the Use of Interpreters and Translators", *The Interpreters' Newsletter* 9: 149-155.
- Carabelli, Angela (2003) "A brief overview of IRIS - The Interpreter's Research Information System", in De Manuel Jerez (coord): 113-139.
- Cervato, Emanuela and Donatella de Ferra (1995) "Interpr-It: A Computerised Self-Access Course for Beginners in Interpreting", *Perspectives: Studies in Translatology* 2: 191-204.
- Class, Barbara and Barbara Moser-Mercer (2006) 'Designing Learning Activities for Interpreter Trainers: a Socio-Constructivist Approach to Training', in Caroline Crawford, Dee Willis, Roger Carlsen, Ian Gibson, Karen McFerrin, Jerry Price and Roberta Weber (eds) *Proceedings of Society for Information Technology and Teacher Education International Conference 2006*, Chesapeake VA, AACE: 295-300.
- Class, Barbara, Barbara Moser-Mercer and Kilian S. Seeber (2004) "Blended Learning for Training Interpreter Trainers", in Dan Remenyi (ed.) *3rd European Conference on e-Learning*, Reading,: Academic Conference Ltd: 507-515.
- Code (2000) "Code for the Use of New Technologies in Conference Interpretation", *Communicate!* [Online: <http://www.aiic.net/ViewPage.cfm/page120>].
- De Manuel Jerez, Jesús (coord.) (2003a) *Nuevas tecnologías y formación de intérpretes*, Granada: Atrio.
- De Manuel Jerez, Jesús (2003b) "Nuevas tecnologías y selección de contenidos", in De Manuel Jerez (coord.): 21-65.
- De Manuel Jerez, Jesús (2003c) "¿Cambian las nuevas tecnologías la formación de intérpretes?", in Emilio Ortega Arjonilla (dir.) *Panorama actual de la investigación en Interpretación* (vol. I), Granada,: Atrio:, 399-414.
- De Manuel Jerez, Jesús, María Isabel Abril Martí, Oscar Jiménez Serrano, Presentación Padilla Benítez, Lucía Ruiz Rosendo (2004) *Material didáctico multimedia para interpretación*, Proyecto de innovación docente "Elaboración de material didáctico multimedia para las clases de interpretación", Universidad de Granada.
- Devitor, Mirta (2002-2003) *C.A.L.L. (Computer Assisted Language Learning), Web-based learning e supporti informatici per interpreti: esordi, sviluppi e prospettive*, Unpublished dissertation, SSLMIT-Università degli Studi di Trieste.
- ECIS group (2005-2007) *ABil (Autoaprendizaje en Interpretación Bilateral): alemán, español, francés e inglés*, University of Granada, DVDs.

- Errico, Elena and Mara Morelli (2006) “Modalidades no presenciales y destrezas comunicativas para la interpretación”, in Cánovas et al (CD-Rom).
- Esteban Causo, José (2003) “‘La interpretación en el siglo XXI: desafíos para los profesionales y los profesores de interpretación’”, in De Manuel Jerez (coord.): 143-185.
- European Commission, Directorate General for Interpretation (2004) *E-learning tools: A Speech Multimedia Repository (note to the file)*.
- Fictumová, Jarmila (2004) “‘E-learning for Translators and Interpreters - The Case of LMS Moodle’”. [Online: <http://isg.urv.es/cttt/cttt/research/fictumova.PDF>].
- Galán-Mañas, Anabel, Hurtado Albir, Amparo (2010) “Blended Learning in Translator Training. Methodology and Results of an Empirical Validation”, *The Interpreter and Translator Trainer* 4.2, Manchester, St. Jerome Publishing: 197-231.
- Gorm Hansen, Inge (2006) “‘Video-Enhanced Interpreter Training. Aiming for Improved Performance and Increased Motivation in a Learner-driven Self-Study Environment’Environment”, in Cánovas et al (CD-Rom).
- Gorm Hansen, Inge and Miriam Shlesinger (2007) ‘The Silver Lining. Technology and Self-Study in the Interpreting Classroom’, *Interpreting*, 9(1): 95-118.
- Gran Tarabocchia, Laura, Angela Carabelli and Raffaella Merlini (2002) ‘Computer-Assisted Interpreter Training’, in Giuliana Garzone and Maurizio Viezzi (eds) *Interpreting in the 21st Century. Challenges and Opportunities*, Amsterdam/Philadelphia: John Benjamins: 277–294.
- Jiménez Ivars, Amparo (2006) “Interconectividad y docencia continua en el marco de la formación virtual del intérprete”, in Cánovas et al (CD-Rom).
- Ko, Leong (2006) “Teaching Interpreting by Distance Mode. Possibilities and Constraints”, *Interpreting*, 8(1): 67-96.
- Lim, Lily (*forthcoming*) “Examining students’ perceptions of computer assisted interpreting training,” *The Interpreter and Translator Trainer*.
- Merlini, Raffaella (1996) “Interprit - Consecutive Interpretation Module”, *The Interpreters’ Newsletter* 7: 31-41.
- Moser-Mercer, Barbara (2005) “Expanding the Interpreting Classroom: Virtual learning resources for interpreting students”, Presentation given at the SCIC-Universities Conference. [Online: [http://scic.cec.eu.int/europa/jcms/c\\_7316/ix-dg-interpretation-universities-conference](http://scic.cec.eu.int/europa/jcms/c_7316/ix-dg-interpretation-universities-conference)].

- Moser-Mercer, Barbara (2006) “Virtual Learning Environments for Interpreter Training”. Presentation given at the conference *The future of Conference Interpreting: Training, Technology and Research*, 30 June-1 July 2006, London, University of Westminster.
- Moser-Mercer, Barbara, Barbara Class and Kilian S. Seeber (2005) “Leveraging Virtual Learning Environments for Training Interpreter Trainers”, in *Proceedings of the 50th Anniversary Conference of META*, Montréal, April 7-9, 2005, *META* 50 (2) (CD-Rom).
- Moser-Mercer, Barbara, Barbara Class and Kilian S. Seeber (2006) “Community Building: Training Interpreter Trainers”, in Mingjiong Chai and Ailing Zhang (eds) *Professionalization in Interpreting: International Experience and Developments in China*, Shanghai: Shanghai Foreign Language Education Press: 192-210.
- Motta, Manuela (2006) “A Blended Tutoring Program for Interpreter Training”, in Caroline Crawford, Dee Willis, Roger Carlsen, Ian Gibson, Karen McFerrin, Jerry Price and Roberta Weber (eds) *Proceedings of Society for Information Technology and Teacher Education International Conference 2006*, Chesapeake VA, AACE: 476-481.
- Mouzourakis, Panayotis (2000) “Interpretation Booths or the Third Millennium”, *Communicate!* March-April 2000. [Online: [http://www.aiic.net/ViewPage.cfm?page\\_id=131](http://www.aiic.net/ViewPage.cfm?page_id=131)].
- Mouzourakis, Panayotis (2006) “Remote Interpreting. A Technical Perspective on Recent Experiments”, *Interpreting*, 8(1): 45-66.
- Orlando, Marc (2010) “Beyond Pen and Paper. Another Dimension in Note-taking Assessment and Training”, Paper given at the conference *Emerging Topics in Translation and Interpreting*, University of Trieste, 16-18 June 2010.
- Pym, Anthony, Carmina Fallada, José Ramón Biau and Jill Orenstein (2003) *Innovation and E-Learning in Translator Training*, Tarragona, Intercultural Studies Group, Universitat Rovira i Virgili.
- Salaets, Heidi (2006) ‘Digital Learning Environments (DLE) - Free or Affordable Software in Translation and Interpreting Training’, in Cánovas et al (CD-Rom).
- Sand, Peter (2003) “Manage your terminology with Interplex”, *Communicate!*, December 2003. [Online: <http://www.aiic.net/ViewPage.cfm/page1321.htm>].
- Sand, Peter (2010) “The New Interplex” *Communicate!*, December 2010. [Online: <http://www.aiic.net/ViewPage.cfm/article2627.htm>].
- Sandrelli, Annalisa and Jesús Jerez de Manuel (2007) “The impact of information and communication technology (ICT) on interpreter training: state-of-the-art and future



- prospects”, *The Interpreter and Translator Trainer*, vol. 2, September 2007, Manchester, St. Jerome: 269-303.
- Sandrelli, Annalisa and Jim Hawkins (2006) ‘Computer Assisted Interpreter Training (CAIT): What is the Way Forward?’, in Cánovas et al (CD-Rom).
- Sandrelli, Annalisa (2001) “Teaching Liaison Interpreting: Combining Tradition and Innovation”, in Ian Mason (ed.) *Triadic Exchanges*, Manchester: St Jerome Publishing: 173- 196.
- Sandrelli, Annalisa (2002) “Computers in the Training of Interpreters: Curriculum Design Issues”, in Giuliana Garzone, Maurizio Viezzi and Peter Mead (eds) *Perspectives on Interpreting*, Bologna, CLUEB: 189-204.
- Sandrelli, Annalisa (2003a) “El papel de las nuevas tecnologías en la enseñanza de la interpretación simultánea: Interpretations”, in Ángela Collados Aís, María Manuela Fernández Sánchez, Macarena Pradas Macías, Concepción Sánchez Adam and Elisabeth Stévaux (eds) *La evaluación de la calidad en interpretación: docencia y profesión*, Granada: Editorial Comares: 211-223.
- Sandrelli, Annalisa (2003b) “Herramientas informáticas para la formación de intérpretes: Interpretations y The Black Box”, in De de Manuel Jerez (coord): 67-112.
- Sandrelli, Annalisa (2003c) “New Technologies in Interpreter Training: CAIT”, in Heidrun Gerzymisch-Arbogast, Eva Hajicová, Peter Sgall, Zuzana Jettmarová, Annely Rothkegel and Dorothee Rothfuß-Bastian (eds) *Textologie und Translation*, Tübingen, Gunter Narr Verlag: 261-293.
- Sandrelli, Annalisa (2003d) “New Technologies in Interpreter Training: the State-of-the-Art”, in Catherine Greensmith (ed.) *New Challenges for the European Year of Language*, Proceedings of the ITI/IALB Annual Conference, University of Hull, 22-25 November 2001 (CD-Rom).
- Sandrelli, Annalisa (2007) “Designing CAIT (Computer-Assisted Interpreter Training) Tools: Black Box”, in Sandra Nauert (ed.) *Challenges of Multidimensional Translation*. Proceedings of the Marie Curie Euroconferences *MuTra: Challenges of Multidimensional Translation*, Saarbrücken 2-6 May 2005 *Challenges of Multidimensional Translation*. [Online: [http://www.euroconferences.info/proceedings/2005\\_Proceedings/2005\\_proceedings.html](http://www.euroconferences.info/proceedings/2005_Proceedings/2005_proceedings.html)].

- Sandrelli, Annalisa (*forthcoming*) “Training in business interpreting and the role of technology”, in Medina Montero, J. F. e Tripepi Winteringham, S. (a cura di), *La mediazione linguistica e culturale: è così facile?*, Roma, Aracne, 2011.
- Schmit, Christine (2006) “Distance and online courses for translators“ *Translation Journal*, vol. 10(2). [Online: <http://translationjournal.net/journal/36distance.htm>].
- Secară, Alina, Merten, Pascaline and Ramírez, Yamile (2009) “What’s in your blend? Creating Blended Resources for Translator Training”, *The Interpreter and Translator Trainer*, 3(2), Manchester, St Jerome Publishing: 275-294.
- Seeber, Kilian S. (2006) “SIMON: An Online Clearing House for Interpreter Training Materials”, in Caroline Crawford, Dee Willis, Roger Carlsen, Ian Gibson, Karen McFerrin, Jerry Price and Roberta Weber (eds) *Proceedings of Society for Information Technology and Teacher Education International Conference 2006*, Chesapeake VA, AACE: 2403-2408.
- Thatcher, Terry L. (2002) “PDAs for Interpreters”, *Communicate!* December 2002. [Online: <http://www.aiic.net/ViewPage.cfm/page982.htm>].
- Valentini, Cristina (2001) *Uso del computer in cabina di interpretazione*, Unpublished dissertation, SSLMIT- Università degli Studi di Bologna.
- Valentini, Cristina (2002) “Uso del computer in cabina di interpretazione”, *Communicate!* December 2002. [Online: <http://www.aiic.net/ViewPage.cfm/article464%BB>].
- Warschauer, Mark and Richard Kern (eds) (2000) *Network-Based Language Teaching: Concepts and Practice*, Cambridge, Cambridge Applied Linguistics.

## Web references

### Teaching resources

*European Masters in Conference Interpreting* (EMCI): [www.emcinterpreting.org](http://www.emcinterpreting.org)

*Interpreter training resources* (conference interpreting): [interpreters.free.fr/](http://interpreters.free.fr/)

*Live ETI*: [live.eti.unige.ch](http://live.eti.unige.ch)

*EMCI webcast classes*: [www.emcinterpreting.org/resources/pedagogical.php](http://www.emcinterpreting.org/resources/pedagogical.php)

*MARIUS* repository: [marius.ugr.es](http://marius.ugr.es)

*Moodle at the Forlì Advanced School for Interpreters and Translators*:

[moodle.sslmit.unibo.it/login/index.php](http://moodle.sslmit.unibo.it/login/index.php)

*National Network for Interpreting YouTube channel*: [www.youtube.com/nninterpreting](http://www.youtube.com/nninterpreting)

*National Network for Interpreting*: [www.nationalnetworkforinterpreting.ac.uk/](http://www.nationalnetworkforinterpreting.ac.uk/)

*SCIC repository*: [www.multilingualspeeches.eu/scic/portal/index.html](http://www.multilingualspeeches.eu/scic/portal/index.html)

*Vancouver Community College Interpreting Program*:

[continuinged.vcc.ca/interpreting/index.htm](http://continuinged.vcc.ca/interpreting/index.htm)

*Virtual Institute*, ETI Geneva: [virtualinstitute.eti.unige.ch/virtualinstitute](http://virtualinstitute.eti.unige.ch/virtualinstitute)

### **Downloadable software (freeware)**

*A short guide to free video editing software*: [www.desktop-video-guide.com/top-5-free-video-editing-software-review.html](http://www.desktop-video-guide.com/top-5-free-video-editing-software-review.html)

*Audacity*: [audacity.sourceforge.net](http://audacity.sourceforge.net)

*Hot Potatoes suite*: [www.halfbaked.com](http://www.halfbaked.com)

*Moodle*: [moodle.org](http://moodle.org)

*My SQL*: [www.mysql.com/](http://www.mysql.com/)

*Open Office*: [www.openoffice.org/](http://www.openoffice.org/)

*Teachers' Pet*: [www.teachers-pet.org/](http://www.teachers-pet.org/)

### **Proprietary software and accessories**

*A short guide to commercial video editing software*: [www.desktop-video-guide.com/top-7-video-editing-software-review.html](http://www.desktop-video-guide.com/top-7-video-editing-software-review.html)

*Adobe Audition*: [www.softpedia.com/get/Multimedia/Audio/Audio-Mixers-Synthesizers/Adobe-Audition.shtml](http://www.softpedia.com/get/Multimedia/Audio/Audio-Mixers-Synthesizers/Adobe-Audition.shtml)

*Black Box*, Melissi Multimedia: [www.scenecinema.co.uk/melissi/](http://www.scenecinema.co.uk/melissi/)

*Cool Edit Pro*: [www.softpedia.com/get/Multimedia/Audio/Audio-Editors-Recorders/Cool-Edit-Pro.shtml](http://www.softpedia.com/get/Multimedia/Audio/Audio-Editors-Recorders/Cool-Edit-Pro.shtml)

*Digimemo ACECAD* digital writing tablet: [www.selwyn.co.uk/Pen+Input+Solutions/Digimemo+and+software/](http://www.selwyn.co.uk/Pen+Input+Solutions/Digimemo+and+software/) Digimemo

*Interpr-It*: [www.hull.ac.uk/cti/tell/tellprod.htm#InterprIT](http://www.hull.ac.uk/cti/tell/tellprod.htm#InterprIT)

*Livescribe*: [www.livescribe.com/it/](http://www.livescribe.com/it/)

*Toolbook*: [www.sumtotalsystems.com/products/toolbook-elearning-content.html](http://www.sumtotalsystems.com/products/toolbook-elearning-content.html)

*Wavelab*: [www.steinberg.net/en/products/wavelab.html](http://www.steinberg.net/en/products/wavelab.html)

## **Chapter 8. The Training of Trainers for Legal Interpreting and Translation**

*Brooke Townsley*

### **8.1 Introduction**

The availability of competent trainers to deliver training for candidate legal interpreters and translators (LITs) is a prerequisite for the successful development of common standards in LIT training and delivery across EU Member States. It is, however, an area of activity that has received insufficient attention in the planning of legal interpreting and translation provision. This may be down to a range of causes: the relatively specialised nature of the profession, which requires an uncommon set of linguistic skills, the lack of funding to cover the high initial costs of LIT trainer courses and the relatively low financial returns on investment for self-funding LIT trainer trainees. None of these factors can be easily resolved, but if robust standards of legal interpreting and translation practice are to be promoted, then provision must be made for the preparation of trainers able to deliver training for LITs to the standards required.

### **8.2 Core competencies for LIT trainers**

The following table sets out the suggested core competencies for LIT trainers. These are foundation competencies for the delivery of LIT training. Further specialised competencies could be added to cater for training of LIT trainers in specific domains, such as legal interpreting and translation.

## The Building Mutual Trust Project

|                            |  |
|----------------------------|--|
| Pre-requisite competencies | <ul style="list-style-type: none"> <li>i. Ability to train in the use of short consecutive mode interpreting for the interpretation of dialogic communication (liaison interpreting, public service settings etc)</li> <li>ii. Ability to train in the use of ‘whispered’ simultaneous mode interpreting for the interpretation of monologic communication (speeches, presentations, judgements etc)</li> <li>iii. Ability to train in the performance of oral sight translation of short informational texts (both directions)</li> <li>iv. Ability to design training curricula aligned to learning outcomes</li> <li>v. Ability to design training activities to deliver the above</li> <li>vi. Competency in class management and course leadership, interaction with host institutions and liaison with external partners</li> </ul>  |
| Declarative knowledge      | <ul style="list-style-type: none"> <li>i. Knowledge and understanding of the main ‘process models’ of consecutive and simultaneous interpreting</li> <li>ii. Knowledge and understanding of curriculum design and learning outcomes</li> <li>iii. Knowledge and understanding of models of teaching and learning</li> <li>iv. Knowledge of the professional domain</li> <li>v. Knowledge of current academic and professional debates in the field</li> <li>vi. Knowledge of key professional institutions, professional organisations and policy makers</li> <li>vii. Knowledge of the main stakeholders in the profession</li> </ul>   |
| Process knowledge          | <ul style="list-style-type: none"> <li>i. Ability to develop and/or use a range of training activities to develop practical understanding of the process of inter-lingual transfer</li> <li>ii. Ability to develop and/or use training activities to develop competency in the use of short consecutive mode interpretation (e.g. intra- and inter-lingual shadowing exercises, role play, memory training, note taking, video recording and analysis, language laboratory work)</li> <li>iii. Ability to develop and/or use training activities to develop competency in the use of simultaneous mode interpretation (e.g. intra and inter-lingual shadowing exercises, video recording and analysis, language laboratory work)</li> <li>iv. Ability to select and analyse appropriate texts for use as sight translation source texts</li> <li>v. Ability to develop and/or use training activities to develop competency in the on-sight oral translation of short informational texts</li> <li>vi. Ability to manage the classroom environment and to encourage learning and development</li> <li>vii. Ability to set entry and exit criteria for courses and design appropriate selection materials</li> <li>viii. Ability to work effectively with institutions hosting the training programmes (academic and/or professional)</li> <li>ix. Ability to engage external professional input to training to add value to the training course</li> </ul> |

### **8.3 The selection of prospective LIT trainers**

Ann Corsellis (2001: 140) has made the following observations on the recruitment of candidates for LIT trainer courses:

It would be unfair to potential trainers, and to their future students, to select those who are unsuitable for the task. Not every experienced practitioner, in any field, is equipped with the personality and attributes to pass on their skills to others and there are many whose talents lie in other directions. [...]

Carefully structured selection interviews, which allow exchanges of information both ways, are clearly important but it is also recommended that objective evidence of the following are obtained and confirmed:

- qualifications in legal service interpreting and translation at postgraduate level
- satisfactory experience of practice over a specified time
- potential training skills
- appropriate psychological profile.

The observation that not all practitioners make good trainers is borne out by practical experience. In addition to the insight into the linguistic processes of interpreting and translation and the knowledge of interpreting and translation in the judicial context that first hand experience offers, trainers of LITs need also to be able to teach, an ability that underpins the effective delivery of training. Training requires a different set of skills from those required in interpreting and translation, such as an understanding of the design and delivery of a goal-orientated training curriculum, an insight into different styles of learning and the ability to adapt to different learners' responses to the training process. Perhaps most of all, a trainer needs to understand learning as a collaborative process, where the trainer enables trainees to discover and develop their skills. There is little place in the LIT classroom for a 'top-down' approach where the students listen passively while a practitioner-trainer imparts the benefit of their experience. Interpreting is, at least partially, an art form and trainees learn by practice and by analysis of their own and others' interpreting performance. Training therefore has to be activity-based, allowing trainees to feel their way forward into the linguistic and cognitive 'zone' where

successful interpretation takes place. Only by practice, reflection and internalisation of experience can a trainee make meaningful progress. They do this, of course, with the support of their trainers. It is not, however, the trainer who transforms a trainee from a competent linguist into an LIT, but the trainee's own learning, reflection and practice.<sup>i</sup>

The careful selection of candidates for training as LIT trainers is therefore essential for the success of the training course. This chapter offers an analysis of the knowledge and competencies that the *Aequitas* criteria presuppose (Hertog, 2001). This analysis is followed by a template Person Specification for LIT trainer trainees, and an outline course structure for an LIT training of trainers course.<sup>ii</sup> In keeping with the spirit of the Building Mutual Trust project, it is hoped that these resources will provide course designers in EU Member States with initial guidance on where to start with the training of LIT trainers.

## **8.4 The *Aequitas* criteria**

### **8.4.i Postgraduate-level qualifications in legal interpreting and translation**

The necessity of an academic background in linguistics or interpreting and translation studies is often questioned, given the professional and vocational nature of interpreting as an activity. Interpreting is, after all, a performance activity, more akin to a craft than a theoretical body of knowledge. Given this fact, it is argued that a purely professional background is sufficient for an interpreter to undertake the training of other prospective interpreters. Possession of academic qualifications in interpreting and/or translation presupposes, however, an understanding of the foundational concepts and theories regarding the transfer of meaning across barriers of language and culture. Although a trainer with this background may not feel the need to impart that theoretical insight to their trainees in the same form that they acquired it, they do need to possess it, as it will inform their understanding of the cognitive and linguistic challenges that their students face as they work to develop their language transfer skills. In short, it will inform the design of the materials and training practices they employ.

### **8.4.ii Satisfactory experience of practice over a specified time**

Satisfactory experience of language transfer activities (interpreting or written translation) can

be gained in a number of different settings. However, for the delivery of LIT training, this experience needs to be gained in the judicial settings of the EU member state concerned. There is no substitute for the first hand knowledge of the institutions and their staff that experience gained in that context can impart. A minimum of 200 hours of legal interpreting and translation, acquired over at least one year, is a suggested guideline.

#### **8.4.iii Potential training skills**

The skills and techniques of training specific to the profession of legal interpreting and translation will be taught in the training of trainers course itself. The task for a selector is to be able to identify in a candidate abilities in a latent form that will support the further development of specific training skills and techniques. The observation of successful trainers at work indicates the presence of certain common traits, such as:

- an ‘enabling mentality’ that seeks to encourage the self-development of the trainee
- a commitment to experiential learning
- a willingness to learn as well as to teach
- natural ‘platform skills’, such as a clear speaking voice and good presentation skills
- good co-coordinating and leadership skills
- the ability to elicit learning by asking questions and leading a process of thought.

Therefore, indicators for the presence of these traits need to be built into the selection process. Identifying these traits and qualities in a candidate requires the use of selection tools that will enable such an identification to take place. Although an exact methodology cannot be prescribed for all situations, some general suggestions can be made.

Candidates can undertake a range of online selection activities before attending a face-to-face interview. These can include not only the completion of online application forms to gather information on educational and background experience and personal data, but also self-assessment exercises, situational response exercises, case studies, general knowledge tests and legal system- specific tests. Online selection activities must, however, be followed by face-to-face interviews, to discuss the information provided in the online application forms and the candidate’s responses to the exercises. The face-to-face interview gives the selector the opportunity to probe more deeply into the candidate’s motivation and understanding, and to form



a clearer picture of their potential for training as an LIT trainer. Inviting candidates to make a presentation to the selection panel is a useful tool for assessing their platform and communication skills. Candidates should be given a choice of topics in advance, with clear guidelines on the length of the presentation. The presentation can then be followed up with questions from the selector(s) that are designed to probe the candidates’ understanding, test their ability to engage with an audience and to discuss. This process will also allow selectors to form an impression of the persona that the candidate projects to an audience and to gauge how they might interact with a training group.

### 8.5 Trainee trainer person specification

A sample person specification for the screening of applications is presented below. This is offered as a template for adaptation and augmentation as required.

#### Training of Trainers for LIT Person Specification

| Essential   | Desirable  |
|---|--|
| <p><b>A. Knowledge and Education</b></p> <ul style="list-style-type: none"> <li>• Knowledge of the linguistic challenges presented by language transfer activities</li> <li>• Knowledge of current affairs and the ability to discuss and comment upon the same</li> <li>• Knowledge of local affairs and the ability to discuss and comment upon the same</li> <li>• Awareness of the distribution of minority language communities</li> <li>• Knowledge of the cultures and histories of minority language communities</li> <li>• Insight into the demand for interpreting and translating in the public sector</li> <li>• Awareness of domestic organisations dealing with language and interpreting and translating matters</li> <li>• Awareness of international organisations dealing with language and interpreting and translating matters</li> <li>• Education to (minimum) first degree level</li> </ul> <p><b>B. Skills and Experience</b></p> | <p><b>A. Knowledge and Education</b></p> <ul style="list-style-type: none"> <li>• Active knowledge of a C language (or languages)</li> <li>• Background in applied linguistics</li> <li>• Knowledge of the judicial sector</li> </ul> <p><b>B. Skills and Experience</b></p> |

|   |   |
|---|---|
| <ul style="list-style-type: none"><li>• Native speaker fluency in mother tongue (A language) and at least one other language (B language)</li><li>• Ability to interpret two ways using the consecutive mode</li><li>• Ability to interpret one way using the simultaneous mode</li><li>• Ability to carry out sight translation in both directions</li><li>• Ability to lead</li><li>• Ability to organise and manage</li><li>• Good communication skills</li><li>• Experience of interpreting and translating in public service and/or community settings</li></ul> | <ul style="list-style-type: none"><li>• Prior teaching and/or training experience with adults</li><li>• Experience of interpreting and translating in all modes in judicial settings (police, courts, tribunals, immigration)</li><li>• Experience of written translation work, judicial or other sectors</li><li>• Ability to compare and contrast languages and to comment on linguistic features</li></ul> |
|---|---|

### **8.6 Training of trainers courses: a sample curriculum**

A model curriculum for a training of trainers course might comprise the following modules:

#### **Module 1: Foundation theory in language transfer activities, including:**

- Introduction to interpreting and translation studies
- Process models of interpreting
- Literature review.

(It may be possible to combine this module with theory of translation modules taking place on a parallel translation course running at the same institution.)

#### **Module 2: Interpreter training methodology, including:**

- Developing consecutive interpreting competencies
- Developing simultaneous interpreting competencies
- Developing oral sight translation skills
- Developing note-taking techniques for consecutive interpreting
- Use of digital language laboratories for interpreting practice
- Use of computer assisted interpreter training (CAIT)

**Module 3: Judicial sector training, including:**

- Observation visits to police and court venues
- Talks by legal professionals on different areas of legal activity

**Module 4: Teaching practice, including:**

- Micro-teaching practice within the training group
- Classroom management skills
- Supervised teaching practice on existing training courses
- Observation visits to existing training courses
- Observation visits to other types of teaching activities e.g. language classes

**Module 5: Course management, including:**

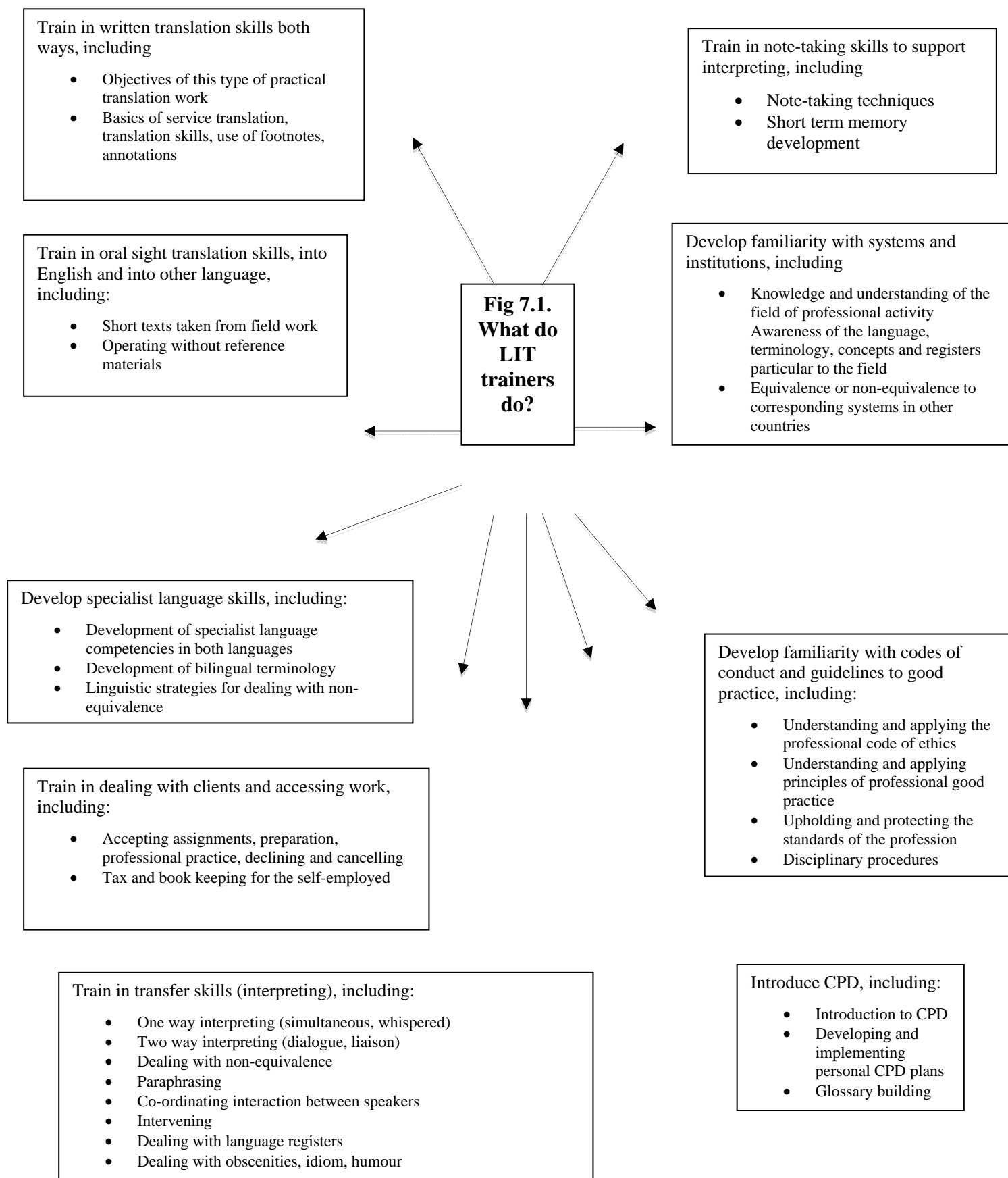
- Advertising and recruitment
- Selection testing
- Building links with key stakeholders (LIT users, professional associations etc)

All of the above should be supported by a reading list of relevant core texts.

**8.7 Teaching and learning: an overview of training activities**

The following diagram presents the results of a mapping exercise for the activities that a trainer of LIT trainers would usually undertake. This type of mapping exercise can be useful at the initial stages of candidate selection and course planning.

## The Building Mutual Trust Project



## References

Corsellis, A., 2001. Training the Trainers. In: E. Hertog ed., *Aequitas: Access to Justice across Language and Culture in the EU*. Antwerp: Lessius Hogeschool, pp.139-145. Also, [online] available at: [www.agisproject.com/Documents/Aequitas.pdf](http://www.agisproject.com/Documents/Aequitas.pdf) [accessed 5 March 2011].

Hertog, E. (ed.), 2001. *Aequitas. Access to Justice across Language and culture in the EU. Grotius project 98/GR/131*. Antwerp: Lessius Hogeschool. Also [online] available at <http://www.agisproject.com/Documents/Aequitas.pdf> [accessed 14 April 2011].

Kolb, D. A., 1984. *Experiential Learning: Experience as the Source of Learning and Development*. Englewood Cliffs, N: Prentice-Hall.

---

## Notes

<sup>i</sup> Kolb's 'experiential learning cycle (Kolb, 1984) is a useful paradigm for the learning process of interpreter trainees.

<sup>ii</sup> This outline is based on the Postgraduate Diploma in Interpreter Training course offered at Middlesex University, London, UK.

## **Chapter 9. Training for Members of the Legal Services Working through Legal Interpreters and Translators**

*Ann Corsellis, Amanda Clement and Yolanda Vanden Bosch*

### **9.1 Introduction**

These materials are offered to support the implementation of Article 6 of the EU Directive 2010/64/EU, adopted on 20th October 2010, on the right to interpretation and translation in criminal proceedings. Article 6 states:

Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall request those responsible for the training of judges, prosecutors and judicial staff involved in criminal proceedings to pay special attention to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication.<sup>i</sup>

### **9.2 Context**

Those working in the legal services of EU Member States are often required to communicate accurately and fully with individuals with whom they share neither a language nor a common culture. Those individuals may be clients, defendants, witnesses, victims or colleagues in other Member States.

This situation can arise due to several factors:

- the increasing movement of people across national borders
- EU and domestic legislation in respect of judicial co-operation between Member States over matters that by their very nature cross national frontiers, such as prevention of terrorism, people or drugs trafficking, child abduction
- mutual recognition measures, such as evidence and bail, the common European Arrest Warrant<sup>ii</sup> and the European Convention on Human Rights (esp. art. 5, par.2 and 6, par.3 e).<sup>iii</sup>
- equality before the law within Member States, irrespective of language and culture.

## The Building Mutual Trust Project

In order to collaborate effectively, Member States receiving evidence from another must be able to trust the systems through which that evidence was gathered, including the interpreting, translation and associated language skills used during the process of evidence gathering. These systems need not necessarily be exactly the same in each Member State but the principles, approaches and quality standards should be equivalent, accountable and held in common.

### **9.3 The aim of these materials**

The aim of these training materials is to promote consistency of standards and approach throughout the EU among judicial staff communicating with speakers of other languages through legal interpreters and translators. This is an essential pre-requisite to underpinning effective responses to EU legislation and legal collaboration between Member States and to securing the principle of a fair trial for all. These training materials form part of the wider set of materials prepared by the Building Mutual Trust project and reproduced in chapter 6. The materials in this chapter have been designed with judicial professionals in mind and complement the training materials developed for legal interpreters, translators and trainers.

The term legal interpreter and translator (LIT) is used in recognition of the fact that competent interpreters and translators are required throughout legal processes involving a speaker of another language from that used in the judicial proceedings. Such proceedings presuppose the involvement of a range of legal services, from the point of arrest, through investigation, trial and judgement, to the completion of any sentence. All these services need to be able to work effectively with a LIT, and consistent accuracy of communication has to be safeguarded throughout, to preserve and protect the integrity of the whole.

It follows, therefore, that those in the legal system who work with interpreters and translators should also use consistent and common approaches to communicating through an LIT. This subgroup of materials is designed to help those judicial staff to achieve the 'efficient and effective communication' stipulated in Article 6 of the Directive, by providing training in working effectively with legal interpreters and translators. They take into account the traditional principles arising from the multi-disciplinary nature of the legal system, whereby members of the judiciary and the police, probation and other services are trained to work effectively with other professions, each understanding, respecting and supporting the other's roles and tasks.

Readers of these materials will come from a range of legal and cultural backgrounds across the EU. No one set of training materials could ever meet each particular need satisfactorily. These materials attempt to offer a common foundation on which specific protocols and skills appropriate to the conditions pertaining in that Member State may be built. They are, in short, templates, according to which localised solutions can be developed.

#### **9.4 How to use these materials**

If you are working successfully in the legal system, you are already an accomplished communicator. You may have worked with speakers of other languages through an interpreter and translator before. These materials can help you analyse what you already do when you work through an LIT, and enable you to extend your existing skills and to develop new ones.

These materials can be used as part of a formal training course, for continuous professional development (CPD) purposes, or as self-access materials. They are designed to allow you to work at your own pace, to learn new skills or to refresh your memory of existing ones. Every effort has been made to ensure that the content is accessible without being simplistic; it is recognised, however, that the disciplines of linguistics and language sometimes need demystifying in much the same way as the law, and so, where required, specialist terms are explained.

We have tried to bear in mind that those working in the legal system have tight work schedules and are hard-pressed keeping up to date in a rapidly changing legal context. The time you should allocate to go through the materials depends on your existing degree of familiarity with the topic and on how much time you wish to take in reflecting on the content, discussing it with colleagues and/or doing further reading or research. An hour and a half should suffice for a first reading of the materials, along with completing a few of the exercises. You may wish to return later to specific sections, as required. Links, examples and short illustrative exercises are indicated in the main text. Some of the terms commonly used by linguists are inserted in brackets along the way, so that you can begin to gather the terminology you need to discuss language matters with them.

As you go through the text, you may think that some sections are not relevant to you or fall within the professional responsibility of others. That may be so; however, it is important that



everyone in the judicial system has an overall understanding of what is needed in terms of interpreting and translating, so that, for example, the judge can appreciate and assess the standards of communication during the investigations on which the evidence presented to the court is based.

### **9.5 Communication skills**

On completion of this section, you will be able to understand the basic linguistic processes involved in communicating in the following ways:

- with a person with whom you share a language and culture
- with a person with whom you share a language but not a culture
- across languages through an interpreter
- across languages through a translator

#### **9.5.i Intra-lingual communication: communication skills within a shared language and/or culture**

A simple deconstruction of how we communicate in our own language provides the basis for understanding how to communicate with a speaker of another language through an interpreter.

In a (monolingual) conversational exchange, the following steps can be identified:

**Step 1:** The speaker thinks of a message to be conveyed to the listener.

**Step 2:** The speaker decides how best to formulate the message so that the listener will understand it. The various components of the formulation of a message by the speaker include:

- the choice of words (lexis)
- the order of words and sequence of ideas
- the speaker's body language (para-linguistics)
- the speaker's tone of voice
- the intonation the speaker uses in expressing the message, which can change the meaning entirely (note the differences between 'Don't do that', as a direct order, and 'Don't *do* that!', as an expression of exasperation)

### The Building Mutual Trust Project

- the listener's age, educational background, gender, state of mind, social position relative to the speaker etc. We can refer to these aspects as 'indicators' (see **Exercise 1: Reading indicators**)
- the context in which the message is sent and received (e.g. courtroom, custody suite or informal social gathering). This will affect the speaker's choice of the level of formality (or 'register') of the message (this is why the reported informal speech of what was said in a bar sounds so out of place when repeated in the formal setting of the courtroom)
- the speaker's intention in sending the message. This could be to mediate, such as trying to break up a noisy neighbourhood dispute, to reassure, such as calming the distressed mother of a missing child, or to inform or instruct, such as stating a set of legal rights or issuing an order. The possible intentions of a message are as numerous as there are things to be said
- External influences, such as noise, which might affect how successfully the message is received by the listener
- internal influences, such as mood and the objectives or intentions of the speakers
- the relationship between the parties to the exchange (sometimes referred to as the interlocutors), including the degree of familiarity between them (family, friends or colleagues) or the degree of distance between them (junior and senior police officers, judges and clerks, defendants and prosecutors).

The inclusion of all of these factors in the formation of a message can be referred to as 'encoding'. The better you know someone and the more you have in common, the easier it is to encode what you want to say and successfully communicate your message. This is because both you (the speaker) and the listener can refer to a common, shared vocabulary and cultural background to help encode and decode the message. The way legal professionals use legal acronyms or specialised terms when talking to legal colleagues is an example of this. Their shared professional background enables them to communicate quickly and effectively, using the common terms and phrases of their shared profession. However, a listener who is not a member of that profession and who does not share that professional background may be partially or completely unable to 'decode' their messages. In this sense we can say that legal professionals speaking to each other are using a 'restricted' code, which requires the tools of common professional background to enable decoding to take place (see **Exercise 2: Encoding**).

**Step 3:** The speaker sends the message both by verbalising the message and by sending non-verbal signals.

**Step 4:** The listener attends to the message and decodes its meaning.

**Step 5:** Both speaker and listener monitor the successful decoding of the message by non-verbal or verbal means. The speaker will be watching the listener's face for signs of attention and comprehension. The listener will be watching the speaker for clues in the speaker's behaviour to help decode the message s/he is hearing.

**Step 6:** The listener responds or reacts to the message. If the message requires a verbal response, then the roles of speaker and listener are reversed as each party to the exchange takes turns in the conversation.

There are many variations of communicative behaviour within this paradigm of six steps, that you will be able to think of from your own experience, such as those who:

- do not wish to give clear, accurate or complete information and use a range of stratagems to obscure the matter under discussion
- pretend not to understand or deliberately misunderstand
- find difficulty in changing register to accommodate the listener e.g. change formal language in court so that the defendant can understand what is being said
- have a degree of hearing loss and who, rather than being shouted at, may benefit from being spoken to calmly and clearly in a quiet, well-lit room, in terms that reflect their age and understanding
- share a common language but not a fully shared culture, as when one or more interlocutors speak very good English but may not fully appreciate underlying cultural references or metaphors

#### **9.5.ii Inter-lingual communication: communicating through a legal interpreter and/or translator**

An interpreter transfers verbal messages from a 'source' language into a 'target' language, as faithfully to the original as possible. Sign language interpreters transfer what is said between the spoken and signed forms of the source and target languages.

## The Building Mutual Trust Project

Using the communicative steps model outlined above, we can see how the introduction of an interpreter affects communication between the two speakers. The first point to note is that the involvement of an interpreter adds three further steps to the communicative process; these are shown below as steps 4, 5 and 6.

**Step 1:** The speaker thinks of a message to be conveyed to the listener.

**Step 2:** The speaker decides how best to formulate the message so that the speaker will understand it.

**Step 3:** The speaker sends the message by verbalising it.

**At this point, the interpreter intervenes in the process and carries out the following steps:**

**Step 4:** The interpreter attends to and decodes the message sent by the speaker.

**Step 5:** The interpreter reformulates the decoded message into the target language, retaining as far as possible all the features of the original message e.g. its tone, intended function, register etc.

**Step 6:** The interpreter verbalises the reformulated message in the target language.

**Step 7:** The listener attends to and decodes what the interpreter has said.

**Step 8:** The listener responds or reacts to the message.

A practical consequence of this, to be borne in mind in all work planned through interpreters, is that the task to be completed will take longer than it would in a monolingual exchange. A good rule of thumb is multiply the normal time taken by a factor of three.

### 9.6 Frequently asked questions about the interpreted communicative event

*Q1. How can an interpreter help to ensure mutual comprehension between the two parties they interpret for?*

## The Building Mutual Trust Project

A. An interpreter's job is to achieve accurate transfer of a message across a language barrier in such a way that what was said in the source language is accurately repeated in the target language. This is not, however, the same as 'ensuring mutual comprehension'. Although a message is interpreted accurately by an interpreter, the receiver of the message may be unable (or unwilling) to understand it. In these situations, the interpreter is responsible only for ensuring that the original message is faithfully transferred across languages, but not for 'making someone understand' the message. In other words, the interpreter is responsible for the accurate transfer of meaning but not for the receiver's capacity to understand or willingness to respond appropriately. It is for members of the legal services to assess whether the communication between them and the other-language-speaker is on track and to act according to that assessment, for example by repeating a message in another form for interpreting where it is thought that the listener might have misunderstood the first time.

*Q2. How far is it proper for an interpreter to intervene in the exchange of messages between two interlocutors or to ask questions or make statements on their own behalf?*

A. An interpreter, located as they are between two interlocutors communicating across barriers of language and culture, has a demanding linguistic task to perform. Their primary responsibility is to enable the two speakers to communicate in the way that they want. An interpreter is not a speaker in his or her own right, however. Therefore, they are not at liberty to adapt what a speaker chooses to say, to comment on or to react to what is said, or otherwise to impose themselves on the matters under discussion. As such, they should keep interventions to a minimum.

Do not take this to mean that the interpreter takes a passive role, however. An interpreter has a complex and demanding task to perform in co-ordinating and managing the interaction so that communication between the two parties is possible. They have to manage and co-ordinate the interpreted event without exercising undue influence on the exchange or compromising their neutrality, at the same time as carrying out linguistic reformulations of complex concepts and messages from one language into another. Situations can arise in which an interpreter is entitled, indeed expected, to intervene in the exchange between the two interlocutors. Broadly speaking, interpreters can intervene in the following situations:

- **To ask for clarification of something they are required to interpret**

Put simply, an interpreter cannot interpret a message accurately if they have not understood it themselves. In such cases, they must intervene and ask the speaker for clarification. It is therefore important that you accede to an interpreter's request for clarification of something that has been said.

- **To ask speakers to accommodate the interpreting process**

Although an interpreter tries to allow two interlocutors to communicate as naturally as possible, there are certain unavoidable limits imposed by interpretation on the way people speak. People communicating through an interpreter need to speak clearly and audibly. When consecutive interpretation is being used, speakers need to pause to allow interpreters time to deliver their interpretation of a 'chunk' of speech, usually two or three sentences comprising a unit of information. The interpreter will indicate to the speaker with a look or a hand gesture that a pause is required. When simultaneous interpretation is being used, advocates, prosecutors and judges need to remember to speak clearly, at an audible volume and at a reasonable pace. Please bear in mind that if an interpreter is seated behind you, they will not be able to see your face nor hear you as easily. Consider turning slightly to one side as you speak. Making visual contact with the interpreter now and then to check that they are keeping up successfully is easy to do but can make a big difference to the quality of the interpretation. If speakers forget to do these things it is quite proper for the interpreter to intervene and gently remind the speakers that everything they say has to be interpreted. (see **Exercise 5: Communication through an interpreter**).

- **To (re)-impose turn taking protocols**

Turn taking is an important feature of spoken interaction. In everyday speech, turn taking is governed by the speakers' innate understanding of communicative protocol in their language and culture. In a highly formal setting such as a court hearing, turn taking in speech is more strictly and formally controlled by well-established conventions, and talking over each other is discouraged. In the event of a breach of these conventions, the judge has the absolute authority to impose turn taking protocols. The same applies in other communicative situations where the exchange is strictly managed e.g. police investigative interview. In other formal settings, such as meetings, the chairperson governs the turn taking and allocates turns at speech. In less formal meetings and gatherings, it is always interesting to note who gets the floor and why (see **Exercise 3: Turn taking**).

## The Building Mutual Trust Project

One of the constraints that interpretation places on natural speech behaviour is that, when an interpreter is working between two speakers, only one speaker can speak at a time and turn taking protocols have to be observed. In heated debates, or when tempers fly, this tends to be forgotten. In such cases, the interpreter may have to intervene in the exchange to remind the parties of the need not to talk over each other or to indicate clearly who is due to speak next with a hand gesture.

Interpreters' interventions may be an irritation for a speaker. When you are concentrating hard on developing an idea or a line of argument, you don't want to be interrupted. Remember that professional interpreters only intervene when they have to, in order to be able to carry out their professional task. Users of interpreters need to remember that interventions are made to ensure the safety and integrity of the interpretation.

*Q4. How can a speaker help an interpreter to carry out their job effectively?*

Legal services personnel can make a huge contribution to the accuracy of the interpretation and to the success of their interaction with speakers of other languages through an interpreter by observing the following simple 'rules of thumb'. When speaking through an interpreter:

- **Speak clearly, audibly and at a steady pace**

'Steady' does not mean unnaturally slowly. Interpreters are trained to deal with the natural tempo of speech. Just speaking clearly and at a reasonable pace will do.

- **Address yourself directly to your interlocutor**

When talking with another language speaker ask direct questions, for example: 'Where were you on Friday evening?' The interpreter will then transfer your question to the other language speaker exactly as you said it and do the same with their response to you. Do not succumb to the temptation of addressing yourself to the interpreter instead and saying, 'Ask him where he was on Friday evening.' Always remember that, even if you can only communicate with your client, suspect or defendant through an interpreter, your attention should be focussed on the other language speaker, not the interpreter, and you should behave towards them as you would if you shared the same language.

• **Try to avoid jokes or word play**

Although they can be interpreted, they are notoriously difficult to transfer effectively and are often open to being misunderstood. Also, avoid using ambiguous language and unnecessary use of technical terms where a non-technical term will do.

NB. Both these principles apply equally to working with translators of written text.

• **When the consecutive interpreting technique is being used (the mode of interpreting most commonly used for question-and-answer type exchanges e.g. interrogations, examination in court, client interviews) pause to allow interpretation to take place before continuing.**

An interpreter will indicate to you with a look, a hand gesture or a sound that they need you to pause while they interpret. Watch carefully for these signals, particularly in the first minutes of an interpreted exchange. You and the interpreter will soon fall into a co-operative working pattern. Decisions on when a pause is required are the responsibility of the interpreter. You can allow yourself to be guided by them as to when a pause is required, as only they know how much 'talk' they can safely remember and interpret.

• **When simultaneous interpreting technique is being used (the mode most commonly used for extended speeches, e.g. prosecutors or defence lawyers addressing the court, judges explaining a legal judgement) speak clearly and at a steady pace.**

Remember that the simultaneous interpreter is 'following in your footsteps' as you speak. If you suddenly break into a run, or change direction unexpectedly, they are likely to lose you, at least for a time.

**A note about simultaneous interpreting**

Simultaneous interpretation comes in two forms. In booth simultaneous interpreting, commonly used for major conferences, international trials or parliamentary proceedings, the interpreter is located in a soundproofed booth, listening to the source speech via an audio circuit and providing an interpretation that is relayed to the listener(s) via headphones. Some major courts may also have these facilities in place, and portable systems may be available in others. More commonly, however, whispered simultaneous interpretation (sometimes referred to as 'chuchotage') is used in courtroom settings. This technique requires the interpreter to sit immediately next to the listener and whisper a continuous flow of interpreted speech into the listener's ear. This may be used, for example, when the listener is not being addressed directly in a court hearing but needs to follow what others are saying. Alternatively, it may be used when a detained person, victim or



witness is speaking in a continuous flow of speech that is best not interrupted by pauses for consecutive interpreting. Obviously this technique cannot be used where the exchange is being tape-recorded, unless there are appropriate technological facilities to accommodate it.

- **Watch for non-verbal communication cues that may indicate whether or not the interpretation is going well.**

- **Allow interpreters to take short breaks at agreed times.**

Interpreting requires the sustained application of strenuous mental activity. Interpreters can do this, but in order to continue at a peak level of performance, they need to break occasionally to refresh themselves, before continuing. Agree arrangements for refreshment breaks in advance of starting the interpreted session, if possible.

### **9.6 Availability and standards of skills and practice required of qualified LITs**

This section addresses the managing of language services requirements, including:

- how and when to select, commission and engage an interpreter
- how to select, commission and engage a translator
- how to plan for and manage language needs overall
- how to achieve consistent quality of communication when working through an interpreter or translator.

Paragraph 24 of the Directive states that: ‘Member States should ensure that control can be exercised over the adequacy of the interpretation and translation provided when the competent authorities have been put on notice in a given case.’

Article 5 of the Directive requires that:

1. Member States shall take concrete measures to ensure that the interpretation and translation provided meets the quality required under the Article 2(8) and Article 3(9). [...]
3. Member States shall ensure that interpreters and translators be required to observe confidentiality regarding interpretation and translation provided under this Directive.

## The Building Mutual Trust Project

An EU survey of the developing arrangements for LITs in EU Member States, showed that few have adequate numbers of qualified LITs in all the languages required.<sup>iv</sup> (See also the Case Law of the European Court of Human Rights).<sup>v</sup> It is therefore important that legal services understand:

- the professional skills of legal interpreters and translators
- the professional structures (regulators, registers, membership bodies) that are required for legal interpreters and translators
- how to collaborate in the development of these structures
- how to accommodate any interim shortfall and minimise the risks this entails to the integrity of legal proceedings.

**Comment [R1]:** Rachel I don't know how to get this bullet point the same size as the others. Can I leave it to your superior formatting skills?

It is recognised in most Member States that decision makers are reluctant to bear the costs of training and paying for the services of LITs. On the other hand, their legal services are required by law to engage suitably qualified LITs at each stage of the legal process. Individual Member States therefore need to find ways to resolve this contradiction in a sustainable manner for the long term. Otherwise, time, energy and resources can be spent on unsatisfactory short-term compromises that will give rise to judicial errors and miscarriages of justice.

### 9.7 The skills required of LITs

In order to be able to do their jobs effectively, LITs have to be trained and objectively assessed. They need to have, at least at graduate level:<sup>vi</sup>

- an understanding of the structures, procedures and processes of the legal systems concerned
- knowledge in both languages of the formal and informal terminology of those systems
- mastery of the transfer skills of interpreting, written translation and oral sight translation
- knowledge and understanding of their own professional code of ethics, disciplinary procedures and good practice guidelines
- strategies for continuing professional and personal development
- management skills, to plan and organise their working lives as freelance professionals.

Find out whether the LITs available to you possess these skills, and how they may be contacted.

### **9.8 Professional codes of conduct and guidelines to good practice**

The professional codes of conduct for translators and interpreters share much in common with the codes of conduct for other legal services or disciplines. The codes include the requirements to:

- transfer meaning accurately, to the best of their ability, without adding or omitting anything
- observe confidentiality
- be impartial
- accept only assignments they judge they can carry out competently
- admit to any professional limitations they may come across in the course of an assignment
- declare any conflict of interest
- not delegate any assignments, or accept delegated assignments, without the consent of the parties concerned
- not use any information gained during the course of their work for the benefit of themselves or anyone else
- not accept any reward arising from an assignment, other than agreed fees and expenses
- seek to increase their professional knowledge and skills
- safeguard their professional standards and offer assistance to other interpreters and translators whenever reasonable, practical and appropriate.

Legal professionals and judicial service staff should respect these codes of conduct. You should not pressure interpreters and translators to infringe their professional codes of conduct. It may seem harmless that you should ask an interpreter 'off the record' whether they believe a suspect or defendant is telling the truth about their country of origin; they can probably tell from the speaker's accent and use of language, after all. Please do not be offended, however, when the interpreter declines to answer your question. Indeed, beware of any interpreter who is keen to 'help' by giving opinions or volunteering extra information about a client, suspect or defendant.

These codes of conduct are sometimes complemented by guides to good practice and protocols for specific areas of work. An example is the London Metropolitan Police Guidelines.<sup>vii</sup>

### **9.9 Professional structures required for LITs**

As practitioners in any discipline know, passing examinations alone is not enough to qualify one to work successfully in a professional context. LITs need a professional framework, similar to those of other professions, within which to practise and develop their professional skills.

A professional framework usually consists of three independent but interdependent structures:

1. a nationally recognised independent examinations body that offers relevant professional examinations at the required levels, or formally accredits others to do so, in whole or part;
2. a nationally recognised professional regulator maintaining an easily accessible professional register, administered by a mixture of appointed senior language practitioners and appropriate third parties, that is responsible for:
  - i. • setting standards
  - ii. • establishing a code of ethics
  - iii. • operating disciplinary procedures when breaches of the code are alleged
  - iv. • providing access to the register
3. a membership body (or bodies), governed by a board of elected professionals.

These three institutions working together perform the following functions:

- 1) Examination bodies provide the assessment and accreditation regimes required for entry into the profession.
- 2) Regulators provide a register of professional registrants who have been cleared to practise in the legal domain. Criteria for registration on this list are determined by the regulatory board but usually include as a minimum:

## The Building Mutual Trust Project

- successful completion of professional examinations as set by the professional exam board(s)
- security vetting
- professional and personal references
- a binding agreement to observe the codes of ethics as described above and to submit to the disciplinary regime
- satisfactory evidence professional experience
- proven continuing professional development
- regular re-registration.

### 3) Membership bodies provide:

- professional leadership and representation<sup>viii</sup>
- a forum for continuous professional development
- activities and professional networking and mutual support
- liaison with other professional bodies and government.

Directive Paragraph 31 of the Directive states:

Member states should facilitate access to national databases of legal translators and interpreters where such databases exist. In that context, particular attention should be paid to the aim of providing access to existing databases through the e-Justice portal, as planned in the multi-annual European e-Justice access plan 2009-2013 of 27 November 2008.

while article 5:2 of the Directive sets out what is needed:

In order to promote the adequacy of interpretation and translation and efficient access thereto, Member States shall endeavour to establish a register or registers of independent translators and interpreters who are appropriately qualified. Once established, such register or registers shall, where appropriate, be made available to legal counsel and relevant authorities.

You will be familiar with these arrangements, because such professional structures, independent of government, are common to other professions within the legal context. They are a part of the

checks and balances that safeguard the integrity of the whole. Increasingly, these structures for LITs are becoming regulatory. Eventually there may be statutory protection of title for LITs, as there is for lawyers. In many Member States, however, these professional structures for LITs do not yet exist and LITs may appreciate support for their development from the legal professions they work with. This support can be expressed in terms of recognition by the legal services of the status of legal interpreting and translation as a profession in its own right.<sup>ix</sup>

### **9.10 When should an LIT be engaged?**

Paragraph 21 of the Directive states:

Member States should ensure that there is a procedure or mechanism in place to ascertain whether the suspected or accused persons speak and understand the language of the criminal proceedings and whether they need the assistance of an interpreter [...].

Article 2<sup>x</sup> (Right to Interpretation) and article 3<sup>xi</sup> (Right to Translation of Essential Documents) of the Directive sets this principle out in detail, as also elaborated in the case-law of the ECourtHR.<sup>xii</sup>

The Directive also sets out the amount of interpreting and translation required. The central principle is that the person concerned should be able to ‘fully exercise the right to defend themselves and safeguard the fairness of the proceedings’, Para 17 of the Directive considerations, and in the case-law of the ECourtHR.<sup>xiii</sup>

The decision as to whether an interpreter or translator is needed is clear where it is obvious that an individual speaks, reads, writes or comprehends little or nothing of the language used in the legal system concerned. In such cases there is an obligation to engage an LIT. Where there is some fluency in the language concerned, however, it is more difficult to assess whether the assistance of an LIT is needed. In making such an assessment the following points should be borne in mind:

- The level of language fluency needed for successful communication in a legal context is very high: being able to give one’s name and address in a second language, and exchange greetings is nowhere near high enough

## The Building Mutual Trust Project

- Language fluency has to be accompanied by an understanding of the relevant legal concepts and procedures e.g. ‘bail’ and ‘charge’
- Levels of second language fluency and comprehension can be affected by anxiety, stress and confusion. An apparently fluent and confident second language speaker may fall apart under the stress of a courtroom appearance.

Both defendants/witnesses and legal service staff have to be aware that there is no loss of face involved in admitting to not having the necessary level of second language competence.

### **9.11 The use of untrained bilinguals for language support purposes**

It may appear appropriate and commonsensical to use the informal services of an untrained bilingual speaker for what appear to be ‘simple matters’; however, levels of language difficulty cannot be predicted with any accuracy.<sup>xiv</sup> For example, a neighbourhood dispute may appear straightforward, but in fact involve layers of formal and informal language and heated rapid exchanges, all of which require high levels of linguistic ability to comprehend and even more so to interpret. It is also the case that what starts out as an apparently simple matter, such as reporting a missing person, can quickly evolve into something more complex, requiring the use of technical language.

Legal service staff and the defendant/witness each have the right to request language assistance. It is worth remembering that you have the right and the duty, immediately or at any stage, to have the facilities to do your job to the standard required of you. Working without an LIT, when one is really needed, puts both you and your service at professional risk. It is also much more cost effective to start out with proper language assistance than to begin the process only for it to collapse due to language difficulties.

### **9.12 Stand-by interpreting**

Where the defendant/witness has a good command of the language but doubts persist about their ability to cope in a legal setting, it is quite possible to ask an interpreter to provide ‘stand-by’ interpreting. This is a model of interpreting where the two speakers communicate in one

common language with the interpreter present, but not active. In the event that the second-language speaker encounters a difficulty, s/he can refer to the interpreter for an interpretation of a particular term or phrase, or for interpretation of a particularly difficult passage. The two speakers can then revert back to the original language of the interview. If this mode of working is to be used, however, it must be clearly established with the interpreter in advance and explained to the other language speaker.

### **9.13 Employment or engagement structures for LITs**

Article 4 of the Directive states “*Member states shall meet the costs of interpretation and translation resulting from the application of Articles 2 and 3, irrespective of the outcome of the proceedings*”, as earlier confirmed in the case-law of the ECourtHR.<sup>xv</sup>

The structures for employment, the interface between an LIT’s professional register and the work place, are as yet ill defined in most Member States. Unlike in the health and social services contexts, LITs normally work on a free-lance sessional basis, primarily to promote, and be seen to promote, their impartiality. The approach also accommodates the logistics of meeting unpredictable demands for a variety of languages, at different times and in differing locations.

There are currently three broad approaches to the provision of interpreting services in the legal sector. These are often used in combination, but more systematic structures are being considered and explored in many Member States. These are:

- the legal services contact and engage individual LITs directly on a task-by-task basis, according to information held on local lists of available professionals or via recommendation
  - the legal services contact and engage individual LITs via a central register of qualified and registered LITs maintained by the professional regulator
- (both of the above require the legal services to manage the contractual arrangements with the LIT and payment of fees)
- the legal services delegate or outsource all these functions to a third party. These intermediaries may either be not-for-profit or commercial organisations.



All three of the above have their advantages and disadvantages. A common feature of all of them, however, is the desirability of a properly constituted and well-functioning professional regulator, maintaining and making available a full professional register of qualified practitioners.

#### **9.14 Selecting and commissioning LITs**

Where the arrangements for the engagement of LITs are not yet fully regulated, legal services need to know exactly what language/professional skills they require. These are set out above and can be used as a basic checklist. In some cases, however, the legal services will not be able to locate and engage an LIT who can satisfy the requirements listed by the regulator, e.g. in a rare language combination where no language assessment is available. In such cases, the legal services should take steps to protect themselves, their clients, the legal process and the unregulated LIT by recording on the appropriate file the steps they took to find a suitable LIT and any quality checks they have been able to make. Furthermore, they should consider:

- requiring the LIT to read and sign a standard code of ethics
- briefing the LIT carefully on the procedures to be followed and the meaning of specialised terms to be used, if possible, giving them time to prepare appropriate equivalents for them in the other language
- checking whether the LIT holds appropriate professional insurance
- video or tape recording the interaction so that checks can be made later if necessary.

#### **9.15 Which language?**

Paragraph 22 of the Directive states that:

Interpretation and translation under this Directive should be provided in the native language of the suspected or accused persons or in any other language that they speak or understand in order to allow them fully to exercise their right of defence and in order to safeguard the fairness of the proceedings.

This wording encapsulates the need to deal with the variables that can arise in reality. For example, an individual's native language may not be the one s/he speaks best (consider the case, for example, of Russian-speaking Latvians) or s/he may have an imperfect grasp of other

acquired languages.<sup>xvi</sup> On most occasions it is relatively easy to identify the language to be used. Where that is not the case, expert language help assistance may be required.

### **9.16 Contracts/Letters of agreement**

Contracts or letters of agreement should be co-signed in advance, with copies held by both the legal services and the LIT. Where reputable intermediaries are used, this may be done through them.

The items to be considered include:

#### **9.16.i For interpreters**

- the date, time and location of the assignment
- its estimated duration
- a description of the assignment and the nature of the case (e.g. trial of a defendant on assault charges)
- any particularly sensitive features (e.g. child abuse cases)
- any potential risks and steps to be taken to mitigate them (e.g. health and safety arrangements for the LIT while accompanying the Police on a raid)
- language(s) and any dialect or regional variation
- fees payable per hour, with any increments for out-of-office hours, attendance at night or on public holidays, and any variations for waiting time and actual interpreting time
- arrangements for payment of travel time fees
- cancellation fees where an assignment has been booked but not taken place, including minimum cancellation time
- reasonable travel expenses (car mileage, car parking charges, train and bus fares)
- reasonable subsistence expenses, as required
- practical mechanisms for paying fees and expenses, against proper invoices, normally within 30 days
- insurance arrangements, both personal and professional indemnity
- tax liabilities and who is responsible for payment of tax on any fees earned.

#### **9.16.ii For translators**

- language(s) involved

## The Building Mutual Trust Project

- length of text (number of words)
- type of text, including the degree of complexity
- purpose of the text (e.g. for publication or in-house information)
- requirements for compatible software and any stipulations on translation memory
- completion deadlines
- format of completed text (accommodating, for example: languages that are written right to left, texts with accompanying pictures or photographs etc)
- strategies for dealing with terms for which there are no equivalents in the other language, and whether explanations should be given within the text or in footnotes
- contact details of suitable persons within the legal service for the translators to contact regarding any difficulties in the text
- method of delivery of translation (e.g. email, memory stick, hard copy)
- level of security and security safeguards
- fees (usually charged per thousand words, plus any additional increments for technical difficulty)
- fees for checking, proof reading and other tasks
- checks on insurance, tax and payment mechanisms.

### **9.17 Preparation for an interpreted event**

Given that the LIT can confirm his/her availability and judges the assignment to be within their competence, the contracting legal services should confirm that:

- there are no obvious conflicts of interest that might preclude the interpreter from acting in this case (e.g. that the interpreter knows the parties involved personally)
- the interpreter is given the name and contact details of the person in the legal services, in the event that there are unexpected developments, problems on the day or further questions to be asked
- the interpreter is briefed on the relevant procedures and subject matter in a way that enables him/her to prepare properly for the assignment
- security personnel and other staff are warned to expect and welcome the interpreter
- the interpreter's identification badge is checked on arrival, where these are worn. Ideally, these have a photograph and the name of the registering body, as well as the interpreter's name and registration number. In the event that formally recognised interpreter identification does not

## The Building Mutual Trust Project

exist, the individual's identity should still be checked to confirm they are the interpreter engaged and to prevent incidents of impersonation

- the language match is re-confirmed at the outset of the event. It may be, for example, that the defendant or witness speaks with a strong local dialect not fully comprehensible to the interpreter and that this only becomes evident at the first point of contact between the LIT and the other language speaker
- secure and appropriate arrangements are made for an interpreter to wait to be called or to take rest breaks physically separately from defendants and witnesses
- extra time is set aside for any interpreted event
- the acoustics of the room where the interpretation will take place are taken into account
- seating arrangements are carefully considered. Generally, the interpreter is situated in such a way that his/her position does not suggest allegiance or partiality to one or other of the parties (e.g. seated between the two parties, not next to one or the other; in courtroom interpreting, however, different protocols govern where the interpreter will be located). Sign language interpreters have to be placed where they can see all parties and be seen by them. Professional interpreters will be able to advise on these matters
- all legal service personnel concerned have considered in advance how the cultural, educational and social backgrounds of the other-language-speakers concerned might affect communication with them throughout the event
- other-language-speakers have easily accessible information about the event (e.g. its purpose, the procedures to be followed, the role of each of the parties to be involved, letters of rights or any linked written information).

### **9.18 Planning and managing the effective provision of legal services across languages and cultures**

Inevitably, Member States are developing structures from different starting points, with different approaches and in different time frames. Policy makers, civil servants and legal service staff manage change on a daily basis, however, and given support they should be able to meet the requirements of the Directive within the required time-scale.

Below are some suggestions regarding first principles in planning LIT provision across barriers of language and culture.

#### **9.18.i Information on language requirements**

It is a pre-requisite for planning that there is a general idea of the current and predicted numbers of people speaking non-domestic languages in a particular EU Member State, and where these language communities are located. It is also useful to know their age profile, educational and social backgrounds and skills capital. Collection of such information can allow for the creation of a 'language map' for a particular Member State, showing where concentrations of particular non-domestic languages are spoken. This can then be used to inform planning for interpreting provision.

National census statistics (albeit out of date in some respects by the time of publication) have been found to be a helpful starting point. These can be refined and up-dated by on-going gathering of local information from such local institutions, such as schools, local authorities and the legal system itself. The record keeping required by Article 7 of the Directive should aid this process. Often, however, an informed estimate of interpreting and translating requirements might be the best that can be achieved.

The data collected for the 'language map' can be used to plan for training to be provided in the necessary interpreting and translating skills sets in the areas identified by the map for priority attention. The same data can be used subsequently to aid the selection, employment and deployment, supervision and support of the new LITs who have recently completed the training process.

It is much more cost-effective to manage this training provision with as much precision as possible, to avoid wasteful duplication of effort and to plan ahead to meet requirements in a sensible manner. It is, for example, unhelpful for local training providers to receive funding to train interpreters and translators in certain language combinations when, in practice, other language combinations are needed.

Complete accuracy in identification of language needs at a local level is unlikely, however, and gaps in provision will always appear. Equally, local training initiatives cannot respond with the speed that events often demand. A major influx, for example, of Roma-speaking migrants to a particular region in a very short space of time, driven by social or political events beyond that state's control, can cause a sudden increase in demand for LITs in that language. This requires allocation of resources at national or trans-national level. A degree of national coverage for

language requirements can be achieved through training providers training interpreters and translators in the most needed local language combinations while sharing out training in rarer languages between them. LITs qualified in rarer language combinations can be made available through a national network, making maximum use of the opportunities offered by remote interpreting technologies. This sort of network is particularly suitable for the deployment of translators, as secure IT systems obviate the need for a translator to be physically present at the point of delivery. A national based availability system can therefore be used for them.

#### **9.18.ii Range of language skills sets required**

Once the demand has been identified the next step is to develop the corresponding supply through the training, assessment and registration of adequate numbers of LITs, qualified in the right languages and in the geographical locations required. The language skills sets required include not only LITs but also bilingual professionals. Opportunities are increasing for the use of bilingual professionals, that is members of the legal services who have been assessed as competent to work in more than one language. A bilingual professional can be a particularly valuable resource where the engagement of a free-lance interpreter may be inappropriate or present other risks. Examples are the use of bilingual police officers for undercover work in language communities, and for the management of informants.

The use of bilingual professionals does, however, require the implementation of systems for supervision and quality control of their activities. However, most such systems are built to service the needs of a monolingual work force. Additional systems need to be devised for supervision of staff who work in a number of different languages that are not necessarily shared with their line managers. Additional lines of communication and accountability may therefore also be needed. These need to be thought through carefully to accommodate what is essentially a new initiative.

These systems can combine not only control and direction but also the support and encouragement needed by the individual bilingual professionals, the identification and dissemination of good practice, quality assurance mechanisms, consultation and involvement in incremental forward planning and budgets.

Additional aspects of service provision also should be considered, such as:

## The Building Mutual Trust Project

- giving information about the relevant legal system should be given to other-language speakers to ensure that all defendants, witnesses and victims know and understand what is happening. This is usually given, repeated and consolidated by a range of members of the legal services, at various stages of the process and includes both the general and specific. Of course, lawyers provide much of this information, especially the specific, wherever they are present
- ensuring adequate accommodation of an individual's cultural background, so as to increase efficiency and not to cause unnecessary offence. This can be achieved relatively easily by ensuring that small practical details are not passed over. A small investment of time and attention in a minor matter can have a big impact on the overall success of the interaction between the individual and the legal system.

### **9.18.iii Managing language assistance in individual cases and related activities**

It is evident that communication must retain its integrity, accuracy and reliability throughout the course of a case or activity. However, matters may arise that:

- involve a series of legal services in a single case within a member state e.g. police investigations, consultations with defence and prosecuting lawyers, court hearings, medical/social/psychiatric consultations and reports, and implementation of sentences (**see Exercise 6: Planning and managing language assistance in a case**)
- involve a number of Member States, for example in cases of judicial co-operation for the prevention of terrorism or trafficking in drugs and people, the implementation of mutually recognised legislation, such as common European arrest warrants or cases which cross national borders and, for example, require gathering of evidence in a series of locations (**see Exercise 7: Judicial cooperation**).

It should be possible in such cases to plot in advance the sequence of events involved in, for example, the trial of terrorism suspects who have been operating in a number of countries or football hooligans arrested at a match abroad, and therefore the points at which language assistance is likely to be needed. At this point, the language combinations and language skills sets required (e.g. interpreters, translators or bilingual professionals) can also be planned for in advance. LITs with the right languages and skills for the task, can be identified and booked in advance, or put on stand by without commitment. Arrangements can be fine-tuned as matters progress and noted on confidential files associated with the matter, thus safeguarding

## The Building Mutual Trust Project

communication in the matter in hand. These records would also contribute to any subsequent audit of the process judicial or appeal, should one take place. This approach would also assist in the requirement for record keeping required under Article 7 of the Directive. Such advance planning can also promote quality, good practice and consistency in the provision of language services.

In all of these situations, however, the quality of communication across language and culture needs to be high, for a chain is only as strong as its weakest link. Common standards and monitoring procedures are therefore called for.

Until the time comes, however, when there truly is mutual trust between Member States on matters of cross-border co-operation in legal matters, it is important to exercise caution, and to describe clearly any limitations in our own arrangements.

### **9.19 Conclusion**

It is hoped that the materials in this section will have provided you with what you need. Inevitably, they may have raised more questions than they answer because this is the beginning of a journey. But it is a journey we all have to undertake in order to meet a globalised twenty-first century. There is no viable alternative to getting it right.



## 9.20 Exercises

### EXERCISE 1: Reading indicators

The aim of this exercise is to help you think about non-verbal indicators.

First, look at colleagues or people you know well and, without asking them, answer the following questions about them. Then check with them if you are correct:

- age
- marital status
- educational background
- type of employment
- favourite music e.g. classical, R&B, heavy metal
- favourite type of restaurant e.g. French, Indian, Italian, Thai
- favourite type of holiday e.g. beach, sport, cultural tour
- knowledge of court procedures in your country
- attitudes to police services
- perception of natural justice

Secondly, look at people with whom you share a language and culture but don't know well. See which of the same questions you can answer with confidence.

### EXERCISE 2: Encoding

Think about how you would give the information below to a range of different individuals and why you might do it differently with each person. Also, note the factors you employ to be effective, such as the order in which you give the information, your tone of voice, any additional information you feel it would be best to provide or withhold according to the individuals concerned.

The Building Mutual Trust Project

“I am going skiing for two weeks over Christmas” to:

- your boss
- your best friend
- your mother
- your grandmother who has some hearing loss
- a teenage cousin
- a five year old nephew
- the neighbour you hope will take care of your cat.

“Move out of the way so that the ambulance can get to the injured” to:

- an old lady
- an over-helpful middle-aged man
- under-helpful teenagers
- a mother with pram.

**EXERCISE 3: Turn taking**

When you next attend a meeting or gathering, take note over perhaps half an hour of:

- who speaks
- for how long
- how often
- what techniques people use to gain a hearing

and whether they gain a turn on the grounds of:

- seniority
- personality
- relevance
- value of content
- other

and whether on a 1-5 rating the speaker was:

- listened to
- fully understood
- taken notice of.

#### **EXERCISE 4: Communication through an interpreter**

##### **4.i Short-term memory test to illustrate the length of utterance an interpreter can be expected to remember**

Have someone read out a paragraph of 10 to 15 lines in length. Listen carefully, without taking notes. Then try and write down what was said accurately, without omitting any facts. Then check your version against the original.

Note that interpreters work on developing their short-term memories and may take brief notes as an aide memoire. Stretching the length of an utterance unreasonably, however, risks accuracy of recall and also impedes the rhythm of a consecutively interpreted event – listeners may disengage if they have to wait for too long for interpretation into a language they understand.

##### **4.ii “Shadowing” to illustrate the speed and thought processes required for simultaneous interpreting**

Have someone recount about three minutes of speech, from a judge’s summing up for example, in your own language. Also in your own language, but using different words, whisper the exact meaning of what was said to a colleague or friend as the speaker speaks but using your own words

#### 4.iii Observation

Observe or participate in a range of interpreted events, in a range of situations such as police investigations or court hearings – in the class room or in moot courts. If possible video them and evaluate your performance afterwards.

#### **EXERCISE 5: Planning and managing language assistance in a case**

Mr A. is involved in a road traffic accident. Police officers arriving at the scene notice that Mr A. smells strongly of alcohol and has sustained what appear to be minor injuries. The officers realise he does not speak the language of the country, nor do key witnesses, who were standing outside a local tourist attraction at the time of the accident.

Plan how you would like language assistance for the Police Officers, witnesses and driver to be organised, (what type, when and how), including for:

- road-side and subsequent assessment of levels of Mr A.'s alcohol intake
- medical assessment of injuries
- provision of information to the defendant
- informing relevant family, friends or consulate
- statement taking
- investigations
- legal consultations with lawyer
- bail or remand decisions
- interviewing witnesses
- preparation for any trial – including any written translations
- court hearings
- implementation of any sentence

Consider whether there are any gaps in provision of legal interpreting and translation preventing you from doing your job properly and how these might be overcome in the short and long-term.

### EXERCISE 6: Judicial cooperation

Consider how you would like language assistance to be managed in such matters as:

- i. the drawing up and execution of a Common European Arrest Warrant or a Supervision Order
- ii. working with colleagues in other member states to prevent terrorism
- iii. gathering evidence in the investigation of a matter of trafficking women, which involves the three or more Member States in which the defendants have operated.

---

#### Notes

<sup>i</sup> See [eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:280:0001:0001:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:280:0001:0001:EN:PDF).

<sup>ii</sup> The European Arrest Warrant was established after the Tampere European Council (1999). The Member States are called to make the principle of mutual recognition the cornerstone of a true European law-enforcement area. See the Council Framework Decision 2002/584/JHA of 13th June 2002 on the European arrest warrant and the surrender procedures between Member States: [eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002F0584:EN:NOT; europa.eu/legislation\\_summaries/justice\\_freedom\\_security/judicial\\_cooperationin\\_criminal\\_matters/133167\\_en.htm](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002F0584:EN:NOT;europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperationin_criminal_matters/133167_en.htm).

<sup>iii</sup> [www.echr.coe.int/echr/Homepage\\_EN](http://www.echr.coe.int/echr/Homepage_EN); [www.echr.coe.int/ECHR/EN/Header/Basic+Texts/The+Convention+and+additi+onal+protocols/The+European+Convention+on+Human+Rights/](http://www.echr.coe.int/ECHR/EN/Header/Basic+Texts/The+Convention+and+additi+onal+protocols/The+European+Convention+on+Human+Rights/) (both accessed 2 April 2011).

See also Brecht Vandenberghe, 'The European Convention of Human Rights: The Right to the Free Assistance of an Interpreter' and Yolanda Vanden Bosch, 'Adequate Legislation to "Equal Access to Justice across Language and Culture"', both in Erik Hertog (ed.), *Aequalitas: Equal Access to Justice across Language and Culture in the EU*, Antwerp, 2003, pp. 53-59 and pp. 61-73 respectively; see also the International Covenant on Civil and Political Rights, art. 14, par. 3f at: [www2.ohchr.org/english/law/ccpr.htm](http://www2.ohchr.org/english/law/ccpr.htm) and the Convention on the Rights of the Child, art. 40, par.2, b-vi at: [www2.ohchr.org/english/law/crc.htm](http://www2.ohchr.org/english/law/crc.htm).

<sup>iv</sup> Erik Hertog and Jan van Gucht (eds), *Status Quaestionis. Questionnaire on the Provision of Legal Interpreting and Translation in the EU: AGIS project JLS/2006/AGIS/052*, Antwerp, Oxford and Portland, OR, 2006. See also: [www.agisprojects.com](http://www.agisprojects.com).

<sup>v</sup> In *Kamasinski v. Austria*, 19 December 1989, application 9783/82, par. 74, the European Court of Human Rights (ECtHR) held "The interpretation assistance provided should be such as to enable the defendant to have knowledge of the case against him and to defend himself, notably by being able to put before the court his version of the events. In view of the need for the right guaranteed by paragraph 3 (e) (art. 6-3-e) to be practical and effective, the obligation of the competent authorities is not limited to the appointment of an interpreter but, if they are put on notice in the particular circumstances, may also extend to a degree of subsequent control over the adequacy of the interpretation provided." Later the Court confirmed this in *Panasenko v. Portugal*, 22 July 2008, application 10418/03, par. 62 : 'La Cour rappelle que le droit, garanti au paragraphe 3 e) de l'article 6, à l'assistance gratuite d'un interprète signifie que l'accusé ne comprenant ou ne parlant pas la langue employée dans le prétoire a droit aux services gratuits d'un interprète afin que lui soit traduit ou interprété tout acte de la procédure engagée contre lui

---

dont il lui faut, pour bénéficier d'un procès équitable, saisir le sens ou le faire rendre dans la langue du tribunal. L'assistance prêtée en matière d'interprétation doit permettre à l'accusé de savoir ce qu'on lui reproche et de se défendre, notamment en livrant au tribunal sa version des événements. Le droit ainsi garanti doit être concret et effectif. L'obligation des autorités compétentes ne se limite donc pas à désigner un interprète: il leur incombe en outre, une fois alertées dans un cas donné, d'exercer un certain contrôle ultérieur de la valeur de l'interprétation assurée.' (Idem Daud v. Portugal, 21 April 1998, application 22600/93). The European Court of Human Rights held in Cuscani v. United Kingdom, 24 September 2002, application nr. 3277/96, par. 39: 'However, the ultimate guardian of the fairness of the proceedings was the trial judge who had been clearly apprised of the real difficulties which the absence of interpretation might create for the applicant. It further observes that the domestic courts have already taken the view that in circumstances such as those in the instant case, judges are required to treat an accused's interest with "scrupulous care".' (See also Hermi v. Italy, 18 October 2006, application 18114/02 par. 72). On November 4<sup>th</sup> 2010, the Court found in the Katrisch v. France case (application 22575/08) a violation of articles 6-3b and 6.3c of the Convention. However, the court found no violation of article 6-1e because the applicant could speak basic French and did not request interpretation.

<sup>vi</sup> Research and experience shows that, for reliable transfer, interpreting and translation require language skills at C1/C2 levels of the Common European Framework, about the equivalent of an honours degree or post-graduate level in practical terms.

<sup>vii</sup> See [www.met.police.uk/foi/az\\_index.htm#i](http://www.met.police.uk/foi/az_index.htm#i) [accessed 2 April 2011].

<sup>viii</sup> Professional representation in this context refers to the representation of the profession as a whole to Government and other professions, not to the representation activities more appropriate to Trades Unions..

<sup>ix</sup> The European Union Legal Interpreters & Translators Association (EULITA) was launched in 2009 ([www.eulita.eu](http://www.eulita.eu)). The objectives of EULITA as stated in the President's opening address are as follows: EULITA aims to represent the interests and concerns of the profession of legal interpreters and translators vis-à-vis European and international organisations and to support associations of legal translators and spoken and sign language interpreters vis-à-vis national authorities and institutions, to promote the establishment of associations of legal interpreters and translators in Member States where as yet they do not exist, to promote close cooperation with academic institutions in the field of training and research and to encourage the establishment of national and EU-wide registers of qualified legal interpreters and translators, while at all times respecting the diversity of judicial systems and cultures. EULITA is further committed to promoting quality in legal interpreting and translations through the recognition of the professional status of legal interpreters and translators, the exchange of information and best practices in training and continuous professional development and the organisation of events on issues such as training, research, professionalism, etc., thus promoting judicial cooperation and mutual trust by the Member States in each other's systems of legal interpreting and translations. EULITA, finally, aims to promote cooperate and best practices in working arrangements with the legal services and legal professions. Once the draft framework decision on the right to interpretation and translation in criminal proceedings is adopted as a directive, together with the "Best Practice" Council Resolution, EULITA will have an active role to play in supporting Member States to transpose the directive and to ensure its practical functioning.

<sup>x</sup> "1. Member States shall ensure that suspected or accused persons who do not speak or understand the language of the criminal proceedings concerned are provided, without delay, with interpretation during criminal proceedings before investigative and judicial authorities, including during police questioning, all court hearings and any necessary interim hearings.

---

2. Member States shall ensure that, where necessary for the purpose of safeguarding the fairness of the proceedings, interpretation is available for communication between suspected or accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings or with the lodging of an appeal or other procedural applications.

3. The right to interpretation under paragraphs 1 and 2 includes appropriate assistance for persons with hearing or speech impediments.

4. Member States shall ensure that a procedure or mechanism is in place to ascertain whether suspected or accused persons speak and understand the language of the criminal proceedings and whether they need the assistance of an interpreter.

5. Member States shall ensure that, in accordance with procedures in national law, suspected or accused persons have the right to challenge a decision finding that there is no need for interpretation and, when interpretation has been provided, the possibility to complain that the quality of the interpretation is not sufficient to safeguard the fairness of the proceedings.

6. Where appropriate, communication technology such as videoconferencing, telephone or the Internet may be used, unless the physical presence of the interpreter is required in order to safeguard the fairness of the proceedings.

7. In proceedings for the execution of a European arrest warrant, the executing Member State shall ensure that its competent authorities provide persons subject to such proceedings who do not speak or understand the language of the proceedings with interpretation in accordance with this Article.

8. Interpretation provided under this Article shall be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that suspected or accused persons have knowledge of the case against them and are able to exercise their right of defence.”

<sup>xi</sup> “1. Member States shall ensure that suspected or accused persons who do not speak or understand the language of the criminal proceedings concerned are provided, without delay, with interpretation during criminal proceedings before investigative and judicial authorities, including during police questioning, all court hearings and any necessary interim hearings.

2. Member States shall ensure that, where necessary for the purpose of safeguarding the fairness of the proceedings, interpretation is available for communication between suspected or accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings or with the lodging of an appeal or other procedural applications.

3. The right to interpretation under paragraphs 1 and 2 includes appropriate assistance for persons with hearing or speech impediments.

4. Member States shall ensure that a procedure or mechanism is in place to ascertain whether suspected or accused persons speak and understand the language of the criminal proceedings and whether they need the assistance of an interpreter.

5. Member States shall ensure that, in accordance with procedures in national law, suspected or accused persons have the right to challenge a decision finding that there is no need for interpretation and, when interpretation has been provided, the possibility to complain that the quality of the interpretation is not sufficient to safeguard the fairness of the proceedings.

6. Where appropriate, communication technology such as videoconferencing, telephone or the Internet may be used, unless the physical presence of the interpreter is required in order to safeguard the fairness of the proceedings.

7. In proceedings for the execution of a European arrest warrant, the executing Member State shall ensure that its competent authorities provide persons subject to such proceedings who do not speak or understand the language of the proceedings with interpretation in accordance with this Article.

8. Interpretation provided under this Article shall be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that suspected or accused persons have knowledge of the case against them and are able to exercise their right of defence.’

<sup>xii</sup> The ECtHR states that “*The interpretation assistance provided should be such as to enable the defendant to have knowledge of the case against him and to defend himself, notably by being able to put before the court his version of the events. In view of the need for the right guaranteed by paragraph 3 (e) (art. 6-3-e) to be practical and effective, the obligation of the competent authorities is not limited to the appointment of an interpreter but, if they are put on notice in the particular circumstances, may also extend to a degree of subsequent control over the adequacy of the interpretation provided.*” (see *Kamasinski v. Austria*, 19 December 1989, application 9783/82, para. 74, and *Panasenko v. Portugal*, 22 Juli 2008, application 10418/03, par. 62). In one of the oldest cases, *Delcourt v. België* (nr. 2689/65, 7 februari 1967, Recueil de Décisions, 22, p.67) the Commission decided that there was no violation of art. 5, par. 2: ‘*il est vrai que le mandat d’arrêt décerné contre Delcourt était rédigé en néerlandaise; que cependant le requérant, ainsi qu’il ressort de la copie de son mémoire en cassation, a été interrogé en langue Française par le Juge d’instruction*’. Recently, in *Ladent v. Polen*, nr. 11036/3, 18 juni 2008, para. 64 the Court concluded that “*In the present case, it appears that the applicant, a French national, was initially informed of the reasons for his arrest and the charges against him in Polish. The applicant claimed that during his arrest and 10-day detention he was not informed in a language which he understood why he had been deprived of his liberty. The Government did not contest that allegation. Nor did they claim that the relevant information was provided to the applicant promptly. ...*” and “*Having regard to the foregoing the Court finds it established that the applicant was not informed promptly and in a language which he understood of the reasons for his arrest and the charges against him until his release on 13 January 2003*” (par.65).

<sup>xiii</sup> The accused has the right to understand the allegations and to defend himself (*Luedicke, Belkacem & Koç v. Germany*, 28 november 1978, par. 48 en 53; *Oztürk v. Germany*, 21 februari 1984, par. 58.)

<sup>xiv</sup> In *Hermi v. Italy*, 28 June 2005, par. 41, the Court held that “*However, the Court observes that the notice was not translated into either of the two languages (Arabic and French) which the applicant claims to speak. It has not been established, either, whether and to what extent the applicant understood Italian and was capable of grasping the meaning of a legal document of some complexity. In that context, the financial, social and cultural situation of the person concerned, and the language difficulties likely to be encountered in a foreign country, are of relevance ...*”. In this case, the Grand Chamber later mentioned (18 oktober 1986, para. 71) that “*the issue of the defendant’s linguistic knowledge is vital*”, and that there is a need “*to examine the nature of the offence with which the defendant is charged and any communications addressed to him by the domestic authorities in order to assess whether they are sufficiently complex to require a detailed knowledge of the language used in court*”. (see also *Diallo v. Sweden*, nr. 13205/07, 5 January 2010, paragraphs 23, 25-27).

<sup>xv</sup> This is also required by the European Convention on Human Rights. The ECtHR confirmed this rule in several occasions (*Luedicke, Belkacem en Koç v. Germany*, 28 november 1978, *Publ. E.C.H.R., Serie A, A29*, par. 48-50; see also *Oztürk v. Germany*, *Kamasinski v. Austria*, 19 December 1989, ECtHR, and *Daud v. Portugal*, 21 April 1998)78.

<sup>xvi</sup> The International Criminal Court gives the right example in the Katanga-case: “*so as to guarantee the requirements of fairness*” (ICC, Pr-Trial Chamber, Decision on the Defence Request Concerning Languages, 21 December 2007, Impugned Decision, par. 30). The Appeal Chamber (ICC, Katanga, Appeal Chamber, par. 49) decided “*...There must be a difference between an entitlement to a language one understands or speaks (or simply understand) and a language one fully understands and speaks*”, and “*the intent was to raise the standard of*



The Building Mutual Trust Project

---

*understanding to higher than plain understanding as appears in the convention referred to above, in the interests of the fair-trial rights of the accused". The Appeal Chamber concluded that "An accused fully understand and speaks a language when he or she is completely fluent in the language in ordinary, non technical conversation; it is not required that he or she has an understanding as if he or she were trained as a lawyer or judicial officer. If there is any doubt as to whether the person fully understand and speaks the language of the Court, the language being requested by the person should be accommodated. Ultimately, the Chamber in question is responsible for ensuring the fair trial of the accused".*

## Web links

### 1. COUNTRY SPECIFIC LINKS

#### AUSTRIA

##### 1. The judicial system

On these websites you will find information about the Austrian Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Bundesministerium für Justiz / Austrian Ministry of Justice / Ministère autrichien de la Justice** (German, English, French) <http://www.bmj.gv.at/>
- **The world Law Guide: Courts and cases Austria** (English) <http://www.lexadin.nl/wlg/courts/nofr/eur/lxctoos.htm>
- **The World Factbook of Criminal Justice systems: Austria** (English) <http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjaus.txt>
- **Bundesministerium für Inneres (Ministry of Interior)** (German) <http://www.bmi.gv.at/>
- **Polizei in Österreich** (German) <http://www.polizei.gv.at>

##### 2. The legal system

On this website you will find Austrian legislation.

- **Rechtsinformationssystem (RIS) / Legal Information System** (German, English) <http://www.ris2.bka.gv.at/>

##### 3. Legal interpreting and translation

- **The Austrian Association of Certified Court Interpreters** (German, English) [www.gerichtsdolmetscher.at](http://www.gerichtsdolmetscher.at)

The pages “What does a court interpreter do?” and “How to become a court interpreter” provide some basic information on the situation in Austria. The “Code of Ethics” lists the main principles and rules that interpreters/translators must observe after having been certified to become court interpreters and translators. It also provides a list of “Work Sheets and

Study Material”. There are several other pages (e.g. list of members according to languages, events, publications).

## BELGIUM

### 1. The judicial system

On these websites you will find information on the Belgian Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Federale Overheidsdienst Justitie België / Service public fédéral Justice / Föderaler Öffentlichen Dienst Justiz** (Dutch, French, German) <http://www.just.fgov.be/>
- **Hof van Cassatie / Cour de Cassation** (Dutch, French) [http://www.juridat.be/cass/cass\\_nl/p1.php](http://www.juridat.be/cass/cass_nl/p1.php)
- **Hoven van Beroep** (Dutch) <http://www.cass.be/beroep/index.htm>
- **Arbeidshoven** (Dutch) <http://www.cass.be/arbeidshof/index.htm>
- **Rechtbanken van Eerste Aanleg** (Dutch) [http://www.cass.be/eerste\\_aanleg/index.htm](http://www.cass.be/eerste_aanleg/index.htm)
- **Rechtbanken van Koophandel** (Dutch) [http://www.cass.be/rechtbank\\_koophandel/index.htm](http://www.cass.be/rechtbank_koophandel/index.htm)
- **Arbitragehof van België / Cour d'Arbitrage de Belgique / Court of Arbitration of Belgium / Belgiens Schiedshof** (Dutch, French, English, German) <http://www.arbitrage.be/>
- **Raad van State / Conseil d'Etat / The Supreme Administrative Court of Belgium / Staatsrat** (Dutch, French, English, German) <http://www.raadvst-consetat.be/>
- **De Orde van Vlaamse Balies / Information on the Belgian law system and the jud. Actors** (Dutch, English) <http://www.advocaat.be/>
- **Koninklijke Federatie van het Belgisch Notariaat / La Fédération royale du notariat** (Dutch, French) <http://www.notaris.be/kameleon/index.jsp>
- **Gerechtsdeurwaarders / L'huissier de justice** (Dutch, French) <http://www.gerechtsdeurwaarders.be/dmp/printflo/content/11/7/pages/default.aspx>
- **La police fédérale Belge** (Dutch, French) [http://www.polfed-fedpol.be/home\\_nl.php](http://www.polfed-fedpol.be/home_nl.php)

## 2. The legal system

On this website you will find Belgian legislation and case law.

- **Portaalsite van de gerechtelijke macht van België / Le portrait du Pouvoir judiciaire de Belgique** (Dutch, French) <http://www.cass.be/>

## 3. Legal Interpreting and Translation

- **BKVTF (Belgische Kamer van Vertalers, Tolken & Filologen) / CBTIP (Chambre belge des Traducteurs, interprètes & Philologues)** (Dutch, French, English)  
<http://www.iti.org.uk/indexMain.html>

# BULGARIA

## 1. The judicial system

On these websites you will find information on the Bulgarian Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministry of justice (Bulgarian, English)** <http://www.justice.government.bg/new/>
- **The world Law Guide: Courts and cases Bulgaria** (English)  
<http://www.lexadin.nl/wlg/courts/nofr/eur/lxctbul.htm>
- **The World Factbook of Criminal Justice systems: Bulgaria** (English)  
<http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjbul.txt>
- **Prosecutor general** (Bulgarian, English) <http://www.prb.bg>
- **Ministry of Interior** (Bulgarian, English) <http://www.mvr.bg/>

## 2. The legal system

On these websites you will find Bulgarian legislation.

- **Lex.bg – Bulgarian Law Portal** (Bulgarian) <http://www.lex.bg>
- **Juridical encyclopaedia – Information system** (Bulgarian, English)  
[http://www.juen.bg/index\\_je.htm](http://www.juen.bg/index_je.htm)

## CYPRUS

### 1. The judicial system

On these websites you will find information on the Justice System of Cyprus and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **The Ministry of Justice and public order** (Greek, English)  
[http://www.mjpo.gov.cy/mjpo/mjpo.nsf/dmlindex\\_gr/dmlindex\\_gr?OpenDocument](http://www.mjpo.gov.cy/mjpo/mjpo.nsf/dmlindex_gr/dmlindex_gr?OpenDocument)
- **Supreme court and other courts of Cyprus** (Greek, English)  
[http://www.supremecourt.gov.cy/judicial/sc.nsf/DMLindex\\_gr/DMLindex\\_gr?OpenDocument](http://www.supremecourt.gov.cy/judicial/sc.nsf/DMLindex_gr/DMLindex_gr?OpenDocument)
- **The world Law Guide: Courts and cases Cyprus** (English)  
<http://www.lexadin.nl/wlg/courts/nofr/eur/lxctcyp.htm>
- **The Cyprus police** (Greek, English)  
[http://www.police.gov.cy/police/police.nsf/dmlindex\\_gr/dmlindex\\_gr?OpenDocument](http://www.police.gov.cy/police/police.nsf/dmlindex_gr/dmlindex_gr?OpenDocument)

### 2. The legal system

On these websites you will find Cyprus legislation.

- **Cylaw (Cyprus source of legal information)** (Greek, English)  
<http://www.cylaw.com/index.html>
- **Cyprus Law Reports** (English) <http://www.cylawreports.com/LRep.dll/MainPg>

## DENMARK

### 1. The judicial system

On these websites you will find information on the Danish Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Justitsministeriet / The Ministry of Justice** (Danish, English)  
<http://www.justitsministeriet.dk/>

- **Danmarks domstole / The Danish court system** (Danish, English, French)  
<http://www.domstol.dk/Pages/default.aspx>
- **The world Law Guide: Courts and cases Denmark** (English)  
<http://www.lexadin.nl/wlg/courts/nofr/eur/lxctden.htm>
- **The World Factbook of Criminal Justice systems: Denmark** (English)  
<http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjden.txt>
- **Politiets hjemmeside / The Danish police** (Danish, English, German)  
<http://www.politi.dk/da/service/menu/forside/>
- **Kriminalforsorgen / Danish prison and probation service** (Danish, English)  
<http://www.kriminalforsorgen.dk/>

## 2. The legal system

On this website you will find Danish legislation.

- **Retsinformation (Official on-line Legal Information System)** (Danish)  
<https://www.retsinformation.dk/>

## 3. Legal interpreting and translation

- **Translatørforeningen / Association of Danish Authorized Translators** (Danish, English)  
<http://www.translatorforeningen.dk/>
- **Dansk Translatørforbund (DT) / Danish Association of State-authorized Translators and Interpreters** (Danish – English, French, German and Spanish versions under construction)  
<http://www.translators-association.dk/>

## ESTONIA

### 1. The judicial system

On these websites you will find information on the Estonian Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Justiitsministeerium / Ministry of Justice** (Estonian, English, Russian)  
[http://www.just.ee/?set\\_lang\\_id=2](http://www.just.ee/?set_lang_id=2)

- **Riigikohus / Supreme court of Estonia / Cour suprême de la République d’Estonie** (Estonian, English, French, Russian) <http://www.nc.ee/?lang=et>
- **Esimese ja teise astme kohtud / The courts of first and second instance / Les tribunaux de première et deuxième instance** (Estonian, English, French) [http://www.kohus.ee/?set\\_lang\\_id=1](http://www.kohus.ee/?set_lang_id=1)
- **Eesti Oiguskeele Keskus / Estonian Legal Language Centre** (Estonian, English, Russian) [http://www.just.ee/?set\\_lang\\_id=1](http://www.just.ee/?set_lang_id=1)
- **The world Law Guide: Courts and cases Estonia** (English) <http://www.lexadin.nl/wlg/courts/nofr/oeur/lxctest.htm>
- **Prokuratuur / Prosecutor’s Office** (Estonian, English) [http://www.prokuratuur.ee/?set\\_lang\\_id=1](http://www.prokuratuur.ee/?set_lang_id=1)
- **Eesti politsei / Estonian police** (Estonian, English, Russian) <http://www.politsei.ee/?lang=et>
- **Vanglad / Estonian prisons** (Estonian, English) [http://www.vangla.ee/?set\\_lang\\_id=1](http://www.vangla.ee/?set_lang_id=1)

## 2. The legal system

On this website you will find Estonian legislation.

- **ESTLEX (Legislation)** (Estonian) <http://estlex.ee/estlex/index.jsp>

## 3. Legal interpreters and translators

- **Justiitsministeerium – Practical information** (translation and certification – sworn translators. Need to have documents legalised by an apostille) (Estonian, English, Russian) [http://www.just.ee/?set\\_lang\\_id=2](http://www.just.ee/?set_lang_id=2)

## FINLAND

### 1. The judicial system

On these websites you will find information on the Finnish Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Oikeusministeriö / Justitieministeriet / Ministry of Justice** (Finnish, Swedish, English) <http://www.om.fi/index.htm>
- **The world Law Guide: Courts and cases Finland** (English) <http://www.lexadin.nl/wlg/courts/nofr/eur/lxctfin.htm>
- **The World Factbook of Criminal Justice systems: Finland** (English) <http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjfin.txt>
- **Poliisi / Polis / The police** (Finnish, Swedish, English) <http://www.poliisi.fi/>

## 2. The legal system

On this website you will find Finnish legislation.

- **Finlex Valtion Säädistietopankki / Statens Författningsdata /Legislative and Legal Information System** (Finnish, Swedish, English) <http://www.finlex.fi/fi/>

## FRANCE

### 1. The judicial system

On these websites you will find information on the French Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministère de la Justice** (French) <http://www.justice.gouv.fr>
- **The world Law Guide: Courts and cases France** (English) <http://www.lexadin.nl/wlg/courts/nofr/eur/lxctfra.htm>
- **The World Factbook of Criminal Justice Systems: France** (English) <http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjfra.txt>
- **Service-Public - Le portail de l'administration française / The Portal of the French Administration** (French, English, German, Spanish) <http://www.service-public.fr/>
- **Police Nationale (French)** [http://www.interieur.gouv.fr/sections/a\\_1\\_interieur/la\\_police\\_nationale](http://www.interieur.gouv.fr/sections/a_1_interieur/la_police_nationale)
- **Gendarmerie** (French, English, Spanish) <http://www.defense.gouv.fr/gendarmerie>



## 2. The legal system

On this website you will find French legislation.

- **Legi-France (French law portal)** (French, partly English and Spanish)

<http://www.legifrance.gouv.fr/>

## 3. Legal interpreting and translation

- **Syndicat National des Traducteurs Professionnels** (French Translators' Association)

(French) <http://www.sft.fr/>

## GERMANY

### 1. The judicial system

On these websites you will find information on the German Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Bundesministerium der Justiz / The Federal Ministry of Justice** (German, English)

<http://www.bmj.bund.de/enid/99fcc0f6b39ca9c0d9ca411a067ce933,51519f6d6f6465092d09/2.html>

- **The world Law Guide: Courts and cases Germany**

<http://www.lexadin.nl/wlg/courts/nofr/eur/lxctdui.htm> (English)

- **The World Factbook of Criminal Justice Systems: Germany**

<http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjger.txt> (English)

- **Das Bundeskriminalamt / The Federal Criminal Police Office / L'Office fédéral de police criminelle / Oficina Federal de Investigación Criminal** (German, English, French, Spanish) <http://www.bka.de/>

### 2. Legal interpreting and translation

- **Bundesverband der Dolmetscher und Übersetzer (BDÜ)** (German, English, French)

<http://www.bdue.de/>

## GREECE

### 1. The judicial system

On these websites you will find information on the Greek Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **The Ministry of Justice** (Greek, English) <http://www.ministryofjustice.gr>
- **The world Law Guide: Courts and cases Greece** (English) <http://www.lexadin.nl/wlg/courts/nofr/eur/lxctgri.htm>
- **Ministry of Interior - The Hellenic Police** (Greek, English) – <http://www.mopo.gr>

### 2. Legal interpreting and translation

- **Hellenic Association of Translators and Interpreters** (Greek, English) <http://www.hati.org.uk/>

## HUNGARY

### 1. The judicial system

On these websites you will find information on the Hungarian Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Igazságügyi és rendészeti minisztérium / Ministry of Justice and Law Enforcement / Ministerium für Justitz / Ministère de la Justice et de la Police** (Hungarian and under construction: English, German, French) <http://irm.gov.hu/>
- **A Magyar Köztársaság Bíróságai / Judicial System / Système Judiciaire** (Hungarian, English, French, German) <http://www.birosag.hu/Engine.aspx>
- **The world Law Guide: Courts and cases Hungary** (English) <http://www.lexadin.nl/wlg/courts/nofr/eur/lxcthun.htm>
- **The World Factbook of Criminal Justice Systems: Hungary** (English) <http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjhun.txt>

- **The police (Hungarian)** <http://www.police.hu/>

## 2. The legal system

On this website you will find Hungarian legislation.

- **CompLex (Legal Database)** (Hungarian) <http://www.complex.hu/>

## IRELAND

### 1. The Judicial System

On these websites you will find information on the Irish Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Department of Justice** (English) [www.justice.ie](http://www.justice.ie)
- **An tSeirbhís Chúirteanna / Courts Service / Information sur le Système Judiciaire** (Servicio de Tribunales de Irlanda (Irish, English, French, Spanish) <http://www.courts.ie/>
- **Oifig an Ard-Aighne / Office of the Attorney General** (Irish, English) <http://www.attorneygeneral.ie>
- **The world Law Guide: Courts and cases Ireland** (English) <http://www.lexadin.nl/wlg/courts/nofr/eur/lxctier.htm>
- **The World Factbook of Criminal Justice Systems: Ireland** (English) <http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjire.txt>
- **An Garda Síochána, Ireland's Police Service** (English) <http://www.garda.ie/home.html>
- **Police Service of Northern Ireland** (English) <http://www.psni.police.uk/>

### 3. Legal interpreting and translation

- **The Irish Translators' and Interpreters' Association** (English) <http://www.translatorsassociation.ie/>

## ITALY

### 1. The judicial system

On these websites you will find information on the Italian Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministero della Giustizia /Ministry of Justice / Ministère de la Justice** (Italian, English, French) <http://www.giustizia.it>
- **The world Law Guide: Courts and cases Italy** (English) <http://www.lexadin.nl/wlg/courts/nofr/eur/lxctita.htm>
- **The World Factbook of Criminal Justice Systems: Italy** (English) <http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjita.txt>
- **Ministerio dell'Interno** (Italian) – <http://www.interno.it>
- **Polizia di Stato** (Italian, English, French, German, Spanish) <http://www.poliziastato.it/pds/lingua/espanol/index.htm>

### 2. Legal interpreting and translation

- **Associazione Italiana Traduttori e Interpreti (ATTI)** (Italian) <http://www.aiti.org/>

## LATVIA

### 1. The judicial system

On these websites you will find information on the Latvian Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Latvijas Republikas Tieslietu Ministrija / Ministry of Justice of the Republic of Latvia** (Latvian, English) <http://www.tm.gov.lv/lv/>
- **The world Law Guide: Courts and cases Latvia** (English) <http://www.lexadin.nl/wlg/courts/nofr/oeur/lxctlat.htm>
- **Valsts policija / Latvian State Police** (Latvian, English) <http://www.vp.gov.lv/?setl=1>

## 2. The legal system

On this website you will find Latvian legislation.

- **Líkumí / Law Database** (Latvian) <http://www.likumi.lv/>

## LITHUANIA

### 1. The judicial system

On these websites you will find information on the Lithuanian Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Lietuvos Respublikos Teisingumo Ministerija / The Republic of Lithuania Ministry of Justice** (Lithuanian, English) <http://www.tm.lt/default.aspx>
- **Nacionaline teismy administracija / National Courts Administration** (Lithuanian, English) <http://www.teismai.lt/administracija/naujienos/skaityti.asp>
- **The world Law Guide: Courts and cases Lithuania** (English) <http://www.lexadin.nl/wlg/courts/nofr/oeur/lxctlit.htm>
- **Policijos departamentas** (Lithuanian) <http://www.policija.lt/>

## LUXEMBOURG

### 1. The judicial system

On these websites you will find information on the Justice System of Luxembourg and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministère de la justice** (French) <http://www.mj.public.lu>
- **The world Law Guide: Courts and cases Luxembourg** (English) <http://www.lexadin.nl/wlg/courts/nofr/eur/lxctlux.htm>
- **La Police Grand-Duchale** (French) <http://www.etat.lu/police/internet>

## 2. The legal system

On this website you will find the Luxembourg legislation.

- Legilux – Portail Juridique (Legal Portal) (French) <http://www.legilux.public.lu/>

## MALTA

### 1. The judicial system

On these websites you will find information on the Maltese Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministry for Justice and Home Affairs** (English) <http://www.mjha.gov.mt/>
- **The World Factbook of Criminal Justice Systems: Malta** (English) <http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjmal.txt>
- **Sentenzi Online / Caselaw** (Maltese, English) <http://www2.justice.gov.mt/sentenzi/default.asp>
- **Pulizija ta' Malta / Malta police force** (Maltese, English) (<http://www.pulizija.gov.mt/>)

### 2. The legal system

On this website you will find the Maltese legislation.

- **Legal Malta (Legislation, Judgements, Guides)** (English) <http://www.legal-malta.com>

## THE NETHERLANDS

### 1. The Judicial System

On these websites you will find information on the Dutch Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministerie van Justitie / Ministry of Justice** (Dutch, English) – <http://www.minjust.nl>

- **Rechtspraak / The Judiciary System – Case law** (Dutch, English)  
<http://www.rechtspraak.nl/default.htm>
- **The world Law Guide: Courts and cases The Netherlands** (English)  
<http://www.lexadin.nl/wlg/courts/nofr/eur/lxctned.htm>
- **The World Factbook of Criminal Justice Systems: The Netherlands** (English)  
<http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjnet.txt>
- **Politie/the Police** (Dutch, English) <http://www.politie.nl>

## 2. The legal system

On this website you will find Dutch legislation.

- **Rechtspraak / The Judiciary System – Case law** (Dutch, English)  
<http://www.rechtspraak.nl/default.htm>

## 3. Legal interpreting and translation

- **Nederlands Genootschap van Tolken en Vertalers** (Dutch) <http://www.ngtv.nl/>
- **Kwaliteitsregister Tolken & Vertalers** (Dutch) <http://www.ktv.rvr.org>

## POLAND

### 1. The judicial system

On these websites you will find information on the Polish Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministerstwo Sprawiedliwosci / Ministry of Justice** (Polish, English)  
<http://www.ms.gov.pl/index.php>
- **The world Law Guide: Courts and cases Poland** (English)  
<http://www.lexadin.nl/wlg/courts/nofr/eur/lxctpol.htm>
- **The World Factbook of Criminal Justice Systems: Poland** (English)  
<http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjpol.txt>
- **Policja / Polish National Police** (Polish, English) <http://www.policja.pl>

## PORTUGAL

### 1. The judicial system

On these websites you will find information on the Portuguese Justice System and its institutions including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministério da Justiça** (Portuguese) – <http://www.mj.gov.pt>
- **The world Law Guide: Courts and cases Portugal** (English) <http://www.lexadin.nl/wlg/courts/nofr/eur/lxctpor.htm>
- **Procuradoria-Geral da República / General Public Prosecution Office of the Republic / Procureur général de la République** (Portuguese, English, French) <http://www.pgr.pt/>
- **Polícia Judiciária** (Portuguese) <http://www.policiajudiciaria.pt>

### 2. The legal system

On this website you will find Portuguese legislation.

- **ITIJ Instituto das Tecnologias de Informacao na Justica – Bases Jurídico-Documentais (Legal databases)** (Portuguese) <http://www.dgsi.pt/>

### 3. Legal interpreting and translation

- **Associacao Portuguesa de Tradutores (APT)** (Portuguese, English) <http://www.appt.pt/>

## ROMANIA

### 1. The judicial system

On these websites you will find information on the Romanian Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.



- **Ministerul Justitiei** (Romanian)  
<http://www.just.ro/TopLeftMenu/Home/tabid/36/Default.aspx>
- **Portalul instantelor de judecata (Judicial Proceedings portal)** (Romanian)  
<http://portal.just.ro/>
- **The world Law Guide: Courts and cases Romania** (English)  
<http://www.lexadin.nl/wlg/courts/nofr/eur/lxctrom.htm>
- **Politia** (Romanian) [http://www.politiaromana.ro/prima\\_pagina/index.aspx](http://www.politiaromana.ro/prima_pagina/index.aspx)

## 2. The legal system

On this website you will find Romanian legislation.

- **Portalul Legislatie Ministerul Justitiei (Ministry of Justice Legislation Portal)** (Romanian) <http://legislatie.just.ro/>

## 3. Legal interpreting and translation

- **Asociatia Traducatorilor din Romania / Romanian Translators' Association** (Romanian)  
<http://www.atr.org.ro/>

## SLOVAKIA

### 1. The judicial system

On these websites you will find information on the Slovak Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministerstvo Spravodlivosti Slovenskej Republiky / Ministry of Justice** (Slovak, English)  
<http://www.justice.gov.sk/wf.aspx>
- **The world Law Guide: Courts and cases Slovakia** (English)  
<http://www.lexadin.nl/wlg/courts/nofr/eur/lxctslw.htm>
- **The World Factbook of Criminal Justice Systems: Slovakia** (English)  
<http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjslo.txt>
- **Generálna prokuratúra** (Slovak) <http://www.genpro.gov.sk/index/index.php>

## SLOVENIA

### 1. The judicial system

On these websites you will find information on the Slovenian Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministrstvo za pravosodje / Ministry of Justice** (Slovenian, English) <http://www.mp.gov.si/>
- **Republika Slovenija / The Republic of Slovenia (Portal of the Republic)** (Slovenian, English) <http://www.gov.si/>
- **The world Law Guide: Courts and cases Slovenia** (English) <http://www.lexadin.nl/wlg/courts/nofr/eur/lxctslv.htm>
- **The World Factbook of Criminal Justice Systems: Slovenia** (English) <http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjslv.txt>
- **Office of the State Prosecutor General** (Slovenian, English) <http://www.dt-rs.si/>
- **Drzavno Pravobranilstvo / State Attorney's Office** (Slovenian, English) <http://www.dp-rs.si/>
- **Policija / Police** (Slovenian, English) <http://www.policija.si/portal/>

### 2. The legal system

On this website you will find Slovenian legislation.

- **Register predpisov RS (Legislative register)** (Slovenian) <http://zakonodaja.gov.si/>

## SPAIN

### 1. The judicial system

On these websites you will find information on the Spanish Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministerio de Justicia** (Spanish) <http://www.mju.es>
- **Portal del Poder Judicial** (Spanish)  
<http://www.poderjudicial.es/eversuite/GetRecords?Template=default>
- **The world Law Guide: Courts and cases Spain** (English)  
<http://www.lexadin.nl/wlg/courts/nofr/eur/lxctspa.htm>
- **The World Factbook of Criminal Justice Systems: Spain** (English)  
<http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjspn.txt>
- **Dirección general de la policía y de la guardia civil** (Spanish) <http://www.policia.es>

## 2. Legal interpreting and translation

**Asociación Española de Tradutores, Correctores e Intérpretes (ASETRAD)** (Spanish)

<http://www.asetrad.org/>

## SWEDEN

### 1. The judicial system

On these websites you will find information on the Swedish Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Justitiedepartementet / The Ministry of Justice Sweden** (Swedish, English)  
<http://www.regeringen.se/sb/d/1476>
- **Sveriges domstolar / The Swedish courts** (Swedish, English) <http://www.dom.se>
- **A guide to the Swedish Legal System** (English)  
<http://www.llrx.com/features/swedish2.htm>
- **The world Law Guide: Courts and cases Sweden** (English)  
<http://www.lexadin.nl/wlg/courts/nofr/eur/lxctzwe.htm>
- **The World Factbook of Criminal Justice Systems: Sweden** (English)  
<http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjswe.txt>
- **Polisen/The Swedish Police** (Swedish, English)  
<http://www.polisen.se/inter/nodeid=10230&pageversion=1.html>

## 2. The legal system

On this website you will find Swedish legislation.

- **Rixelx (Legal Information System)** (Swedish)  
[http://www.riksdagen.se/templates/R\\_SubStartPage\\_5029.aspx](http://www.riksdagen.se/templates/R_SubStartPage_5029.aspx)

## THE UNITED KINGDOM

### 1. The judicial system

On these websites you will find information on the British Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministry of Justice** (English) <http://www.justice.gov.uk>
- **Her Majesty's Courts Service** (English) <http://www.hmcourts-service.gov.uk>
- **Judiciary of England and Wales** (English) <http://www.judiciary.gov.uk/>
- **Scottish Court Service** (English – documents and leaflets in Gaelic, Bengali, Cantonese, Hindi, Punjabi and Urdu) <http://www.scotcourts.gov.uk/>
- **Organisation of Justice in England and Wales** (English)  
[http://ec.europa.eu/justice\\_home/judicialatlascivil/html/pdf/org\\_justice\\_eng\\_en.pdf](http://ec.europa.eu/justice_home/judicialatlascivil/html/pdf/org_justice_eng_en.pdf)
- **The World Factbook of Criminal Justice Systems: England and Wales** (English)  
<http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjeng.txt>
- **Home Office** (English) <http://www.homeoffice.gov.uk/>
- **Metropolitan Police** (English) <http://www.met.police.uk>
- **Serious Organized Crime Agency** (English) <http://www.soca.gov.uk/>

### 2. The legal system

On this website you will find British legislation.

- **Office of Public Sector Legislation** (English) <http://www.opsi.gov.uk/>

### 3. Legal interpreting and translation

- **Chartered Institute of Linguists** (English) <http://www.iol.org.uk/>
- **Institute of Translation and Interpreting** (English) <http://www.iti.org.uk/indexMain.html>
- **Translating, interpreting and communication support services across the public sector in Scotland: A literature review** (English)  
<http://www.scotland.gov.uk/Resource/Doc/156792/0042162.pdf>
- **The National Register of Public Service Interpreters (NRPSI)** (English)  
<http://www.nrpsi.co.uk/>
- **AVIDICUS Video Conference and Remote Interpreting** <http://www.videoconference-interpreting.net/Avidicus.html>

## THE CZECH REPUBLIC

### 1. The judicial system

On these websites you will find information on the Czech Justice System and its institutions, including the Ministry of Justice, the Courts, the Public Prosecution Office, the Police, and the Prison and Probation Services.

- **Ministerstvo Spravedlnosti České Republiky / Ministry of Justice** (Czech, English)  
<http://portal.justice.cz/ms/ms.aspx?j=221&o=23&k=2566>
- **Vítejte na oficiálním serveru českého soudnictví / The official server of the Czech judicial system** (Czech, English) <http://portal.justice.cz/uvod/Justice.aspx>
- **The world Law Guide: Courts and cases The Czech Republic** (English)  
<http://www.lexadin.nl/wlg/courts/nofr/eur/lxctcze.htm>
- **The World Factbook of Criminal Justice Systems: Czech Republic** (English)  
<http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjcze.txt>

## 2. INTERNATIONAL LINKS

### 1. The judicial systems

- **World Bank- Law and Justice Institutions** (English)  
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTINST/0,,contentMDK:20755178~menuPK:2035473~pagePK:210058~piPK:210062~theSitePK:1974062,00.html>
- **Governments on the WWW: Law courts** (English)  
<http://www.gksoft.com/govt/en/courts.html>
- **The World Factbook of Criminal Justice systems** (English)  
<http://www.ojp.usdoj.gov/bjs/abstract/wfcj.htm>

This factbook, developed under BJS grants, provides narrative descriptions of the criminal justice systems of 45 countries around the world. The original 42 descriptions were completed in 1993. The latest 5 entries including two updated country profiles were prepared in 2002.

### 2. International courts

- **The European Court of Human Rights /Cour européenne des droits de l'homme** (English, French) <http://www.echr.coe.int>
- **The Court of Justice of the European Communities** (22 European languages)  
<http://curia.europa.eu/en/transitpage.htm>

### 3. International law enforcement organisations

- **EUROPOL** (English) <http://www.europol.europa.eu>  
Contains list of links to many other agencies and organizations  
<http://www.europol.europa.eu/index.asp?page=links>
- **FBI** (English) <http://www.fbi.gov/homepage.htm>
- **Interpol** (English) <http://www.interpol.int> – List of links:  
<http://www.interpol.int/Public/Links/PolJust.asp>

#### 4. Translator and interpreter organisations

- **[NOTIS: Translator & Interpreter Organizations](http://www.notisnet.org/links/orgs.html)**  
**<http://www.notisnet.org/links/orgs.html>**

#### 5. Migration

- **The migration Information Source Global Data Center**  
**<http://www.migrationinformation.org>**
- **UNCHR. The UN Refugee Agency** **<http://www.unhcr.ch>**
- **International Organization for Migration** **<http://www.iom.int>**
- **The Refugee council (UK)** **<http://www.refugeecouncil.org.uk>**
- **The European Council on Refugees and Exiles** **<http://www.ecre.org>**

#### 6. Legal databases

- **EUR-Lex – The portal to European Union Law** **<http://europa.eu.int/eur-lex/nl/index.html>**
- **Guide to European Legal Databases** **<http://www.llrx.com/features/europenew.htm>**

### 3. LANGUAGE LINKS

#### 1. Terminology databases

- **IATE (Inter-Active Terminology Database for Europe)**  
**<http://iate.europa.eu/iatediff/SearchByQueryLoad.do;jsessionid=9ea7991c30d8acc5f8e252ad48ef95ae9fa0ff639784.e3iLbNeKc38Ke3eKaNiLaxuPai0?method=load>**  
Terminology database of the European Commission in EU languages.
- **VINTARS** **<http://vintars.unvienna.org>**  
Terminology database of the United Nations Office at Vienna.
- **SEMAMDY – terminology data base** (English, French, Dutch)  
**<http://www.ca.mdy.be/DE/terminologie.asp>**
- **DEBETERM – terminology data base** (English, French, Dutch)  
**<http://www.ca.mdy.be/DE/terminologie.asp>**

## 2. Monolingual dictionaries, lexicons and glossaries

### Danish

- **Danmarks domstole - ordbog /The Danish Court Administration - dictionary**  
<http://www.domstol.dk/saadangoerdu/ordforklaring/Pages/F.aspx>
- **Ordbog over juridiske fagudtryk / Dictionary of legal terms**  
<http://www.familieadvokaten.dk/Ordliste/195.html>

### English

- **Her Majesty's Court Service. Glossary (Legal Language)**  
<http://www.hmcourts-service.gov.uk/infoabout/glossary/index.htm>
- **Vocabulary of international migration statistics and concepts**  
<http://www.migrationinformation.org/Glossary>
- **Duhaime's Law Dictionary** <http://www.duhaime.org/dictionary/diction.htm>
- **The Cybrary. Criminal Justice Glossary** <http://talkjustice.com/files/glossary.htm>
- **Glossary of Legal Terms** <http://research.lawyers.com/glossary/>
- **Legal Dictionary and Glossary** <http://www.legalhelpmate.com/legal-dictionary.aspx>
- **Nolo.com Everybody's Legal Dictionary (US terms)**  
<http://www.nolo.com/lawcenter/dictionary/wordindex.cfm>
- **Bouviere's Law Dictionary (US terms)** <http://www.constitution.org/bouv/bouvier.htm>
- **YourDictionary.com Law Dictionary (US terms)** <http://dictionary.law.com>
- **FindLaw.com Legal dictionary (US terms)** <http://dictionary.lp.findlaw.com>
- **JURIST dictionary of U.S. legal terminology** <http://jurist.law.pitt.edu/dictionary.htm>

### French

- **Ministère de la justice. Lexique de la justice**  
<http://www.justice.gouv.fr/index.php?rubrique=11199>
- **Divorce-famille. Petit lexique de la justice/divorce terminology**  
<http://www.divorce-famille.net/pages/lexique.htm>
- **D.R. Belair. Dictionnaire d'acronymes du domaine juridique (Juridical acronyms dictionary)** – <http://www.dr-belair.com/dic/gl-jur.htm>



## German

- **Ratgeber Recht. Rechtswörterbuch/Legal Dictionary**  
<http://www.wdr.de/tv/ardrecht/woerterbuch/>
- **Online Recht/Legal Lexicon**  
<http://www.online-recht.de/vorgl.html?intro>
- **Deutsches Rechtswörterbuch** <http://www.rzuser.uni-heidelberg.de/~cd2/drw>

## 3. Bi- and multilingual dictionaries and glossaries

- **Dansk-Engelsk CISG-ordbog/Danish-English CISG dictionary**  
<http://www.sprog.asb.dk/sn/cisg>
- **Dictionnaire Freelang: Glossaire allemand juridique** (German-French)  
[http://www.freelang.com/dictionnaire/html/allemand\\_juridique1.html](http://www.freelang.com/dictionnaire/html/allemand_juridique1.html)

## 4. Lists of dictionaries

- **E-dictionary with links to dictionaries in 70 languages** [www.foreignword.com](http://www.foreignword.com)
- **Inalte Curte de Casatie si Justitie a Romaniei** (Romanian Supreme Court of Justice: List of Romanian, English and French dictionnaires) [http://www.scj.ro/dictionare\\_drept.asp](http://www.scj.ro/dictionare_drept.asp)

## 5. Bibliographies on legal interpreting and translation

- **AIIC: A Bibliography on Court & Legal Interpreting by Ruth Morris**  
<http://www.aiic.net/ViewPage.cfm/article146.htm>

## 6. Translating and drafting aids in the European Union Languages

- [http://ec.europa.eu/translation/index\\_en.htm](http://ec.europa.eu/translation/index_en.htm)

## **Notes on the Partners in the Building Mutual Trust Project**

### **Amanda Clement MA, MCIL**

Amanda Clement is Head of Language, Policy & Co-ordination at Language & Cultural Services within the Metropolitan Police Service, London (UK).

### **Ann Corsellis OBE, JP, BA, Hon.FCIL**

Ann Corsellis is an Honorary Fellow of the Chartered Institute of Linguists, London (UK) and a former magistrate.

### **Teodora Ghiviriga PhD**

Teodora Ghiviriga is a Lecturer at the Faculty of Letters, 'Al. I. Cuza' University of Iasi, Iasi (Romania), specialising in terminology and general translation.

### **Cynthia Giambruno PhD**

Cynthia Giambruno is a Professor of Translating and Interpreting at the University of Alicante, Alicante (Spain), specialising in conference and public service interpreting, interpreter training and language policy.

### **Inge Gorm Hansen MA**

Inge Gorm Hansen is Associate Professor in the Department of International Language Studies and Computational Linguistics at Copenhagen Business School, Copenhagen (Denmark) where she teaches interpreting. Inge is currently involved in research projects at the Centre for Research and Innovation in Translation and Translation Technology (CRITT) at the CBS.

### **Erik Hertog PhD**

Erik Hertog is Professor of Cultural Studies and of Conference and Legal Interpreting at Lessius University College, Antwerp (Belgium).

### **Bodil Martinsen MA**

Bodil Martinsen is Associate Professor in the Department of Business Communication, Aarhus University, Aarhus (Denmark), where she teaches court and police interpreting, conference interpreting and French civilisation. Bodil's special interest is research on community

interpreting and the professionalisation of community interpreting in migrant languages in Denmark.

**Hilary Maxwell-Hyslop MA**

Hilary Maxwell-Hyslop is Director of Examinations at the Institute of Linguists Educational Trust, London (UK), an accredited awarding body offering professional qualifications in bilingual skills, translation and public service interpreting.

**John Rees-Smith PhD**

John Rees-Smith was Head of the Language Centre at Middlesex University, London (UK), where he managed the University's language programmes. He established public service and conference interpreting training courses at Middlesex University and contributed to the Building Mutual Trust project until his retirement in 2009.

**Annalisa Sandrelli**

Annalisa Sandrelli is Lecturer in English Language and Translation at LUSPIO University, Rome (Italy). She specialises in conference interpreting, legal interpreting, computer assisted interpreter training (CAIT) and audiovisual translation (subtitling, dubbing and respeaking).

**Brooke Townsley MA, MCIL**

Brooke Townsley is Senior Lecturer in Public Service Interpreting and Translation at Middlesex University, London (UK). Specialising in legal interpreting and the training of interpreter trainers, he is programme leader for the Diploma in Public Service Interpreting and the MA courses in Conference Interpreting and Interpreter Training. Brooke designed and coordinated the Building Mutual Trust project and is coordinator of the Building Mutual Trust 2 project.

**Carmen Valero-Garcés PhD**

Carmen Valero-Garcés is Full Professor in Translation at the University of Alcalá, Madrid (Spain), specialising in translation theory and translator training. Carmen is Director of the Masters Degree in Intercultural Communication, Public Service Interpreting and Translation.

**Yolanda Vanden Bosch**

Yolanda Vanden Bosch is a legal practitioner at the Antwerp Bar and partner in the law firm Van der Mussele-Vanden Bosch. She is Secretary-General of the Association of Flemish Jurists and

Member of the Board of the Antwerp Court Service of Certified Interpreters and Translators. Yolanda trains legal interpreters and translators for the Antwerp Court at Lessius University, Antwerp (Belgium).

**Kirsten Wølch Rasmussen MA**

Kirsten Wølch Rasmussen is Associate Professor in the Department of Business Communication, Aarhus University, Aarhus (Denmark), where she teaches translation theory and legal translation. Kirsten's academic interests include legal discourse, profession-oriented translation research and translator training.