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SYNERGY BETWEEN INTERPRETER AND PUBLIC OFFICIAL

LIFE Project Portfolio



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CONTENTS

LIFE PROJECT REPORT	3
Goals of the project	4
The importance of the problem	4
Choice of methods	6
Reaching the stakeholders	8
Sustainability of the project	8
Summary of the results	8
LIFE PROJECT ACTION PLAN	10
MEDIA COVERAGE	10
SELF-REFLECTION REPORTS	11
Tuğçe Ahsen Çelik	11
Karina Litvina	12
Mariliis Laula	12
Kristiina Varimets	12
Sofia Demtšenko	13
REFERENCES	13
ANNEXES	14
The right to interpretation and translation in criminal proceedings	14
Police interrogation	20
Community interpreting in Turkey	27
Community interpreting in China	30
The video script	32

LIFE PROJECT REPORT

In the LIFE project report, we will represent a written summary of the project containing materials and activities related to the study.

Goals of the project

In the era of globalisation, community interpreting services is becoming more and more necessary. Community interpreting enables people who do not speak the official language of their country of residence to communicate with public services and gain full and equal access to legal, health, education, social and public services through an interpreter. However, cultural differences and the unequal status of interlocutors can make communication difficult even if the interpreter is present. The LIFE project “Synergy between Interpreter and Public Official” provides knowledge about interpreting in public settings, promotes learning in an interdisciplinary focused environment, teamwork and problem-solving. The project's general aim is to develop synergies between future public officials and interpreters with the following priorities:

- Understanding the process of interpreter-mediated interviews in public settings (interpreter role, settings, ethical considerations).
- Improving collaboration between future interpreters and public officials (students of various majors).
- Creating an educational video.

The importance of the problem

The community interpreting service has not yet been completely developed in Estonia and the community interpreting course is only taught at Tallinn University. The research base in this field is not very wide and there is still no generally accepted term to distinguish this type of interpreting: community interpreting, dialogue interpreting, liaison interpreting, ad hoc interpreting etc. (Karu,

2012). Public officials usually do not understand the importance and complexity of the interpreters' role, and interpreters themselves are not always experienced and competent.

In Estonia, community interpreting services are provided by the Police and Border Guard Board, the Prosecutor's Office, the courts and the Tax and Customs Board (Maadla, 2018). Police and court interpreters in their work rely on the Code of Criminal Procedure, the Penal Code and the Code of Misdemeanor Procedure. The Tax and Customs Board also has rules and regulations for interpreters (Käramees, 2009). Health care, education and other state institutions (for example, the Social Insurance Board) do not provide community interpreting service for their clients. In case of barriers in communication, public officials or members of the client's family might help (if they have sufficient language skills) or the client himself hires an interpreter.

There are four unions, which represent the interests of interpreters:

- the Estonian Association of Interpreters and Translators (Est. abbr.: ETTL, 1992)
- the Estonian Association of Sign Language Interpreters (Est. abbr.: EVK, 1997)
- the Association of Estonian Translation Companies (Est. abbr.: ETBL, 2001)
- the Estonian Association of Masters in Conference Interpreting and Translation (Est. abbr.: ETML, 2006)

EVK (1998), the AETC (2006) (Eetikakoodeksite käsiraamat, 2007) and the ETML (2012) all have their separate code of ethics. The EVK and the ETBL also have quality standards (Eetikakoodeksite käsiraamat, 2007). These units conduct training courses for interpreters and translators on a regular basis. Professional standards are quite broad and vague and do not cover specific issues which may occur while interpreting in public settings (Kozlov, 2007). Founding the association of community interpreters with its ethical code might help.

Community interpreters have not been certified in Estonia, professional standards have been established only for sign language interpreters (Maadla, 2018) and sworn translators who have to pass the exam. As a result, the quality of community interpreting service may suffer. Community interpreting is not recognized in Estonia as an independent profession. As a result, salaries are quite small.

The situation is similar in many countries. The lack of scholarship on interlingual police interviews is surprising in today's multicultural and multilingual societies, and interpretation is a bridge between linguistic and cultural barriers. The interpreter's role has become codified in more specific terms, making the issue of role an integral part of professional codes of ethics and practice. And principles such as confidentiality, accuracy and completeness are difficult to maintain in certain interactional contexts (Gallai, 2017: 3).

Other participants are dependent on the interpreter because they do not possess bilingual expertise, thus allowing interpreters some degree of control over their behavior and others. In police interpreting, they act as gatekeepers and/or manager of the exchange. Features of the legal interpreter's verbal and non-verbal production are relevant not only for their cognitive effect, but also for hearers' evaluative and interpersonal response. Overall, interpreters should be aware to maintain pragmatic aspects of language. It might be also said that interpreters should see things from an interdisciplinary perspective (Gallai, 2017: 3).

In addition to specialised linguistic knowledge and familiarity with legal systems, police users above all stress the need for confidentiality and neutrality on the part of the interpreter. A major concern, which is raised in this connection revolves around in-group loyalty between the interpreter and the interviewee as members of a shared cultural background. However, interpreters also present a more complex picture of the conflicting expectations, which they are exposed to with regard to their role. The interviewee on the other hand might view the interpreter as an ally in a foreign language. This is of particular relevance in contexts where the interviewee's perception of the police is shaped by repressive policing regimes in their home countries. According to Sandra Beatriz Hale, 'Community Interpreting takes the interpreter into the most private spheres of human life' (Hale, 2007).

Choice of methods

In order to provide educational materials for future interpreters and investigators our group has created a 10-minutes long educational video which represents interpreting in the legal context. We followed the projects of similar kind (EU funded IMPLI project in collaboration with several

European Universities, Noraini Ibrahim Gonzalez "Group-based Project as a Pedagogical Tool in Liaison Interpreting"). In the video we tried to demonstrate communication barriers which may occur during an interrogation in the Estonian Police and Border Guard Board. The participants are a police officer, a suspect, a lawyer and an interpreter. A woman is suspected of committing a criminal offense qualified pursuant to § 203 section 1 of the Penal Code: damaging or destroying a thing of another, if significant damage is thereby caused, is punishable by a pecuniary punishment or up to five years' imprisonment. The nature of communication is tense and unfriendly. The status of participants is different. The conduct of the police officer and the interpreter are formal and restricted by the rules of the procedure which are based on following legal acts:

- In Estonia, translation and interpretation in a criminal proceeding is regulated by the Code of Criminal Procedure, § 161: <https://www.riigiteataja.ee/en/eli/509072021004/consolide>
- An interpreter or translator is liable for unjustified refusal to perform his duties and knowingly incorrect interpretation or translation pursuant to §§ 329 and 321 of the Penal Code: <https://www.riigiteataja.ee/en/eli/502062021003/consolide>
- Injuring or destruction of things is punishable pursuant to § 203 of the Penal Code: <https://www.riigiteataja.ee/en/eli/502062021003/consolide>

The goal of the investigative interview is to obtain information about the circumstances relevant to the criminal case. The communication barriers occurring during the interview:

- Context related (physical noise): the suspect interrupts the interrogator, the interpreter cannot hear properly, which leads to misinterpretation.
- Interpreting related: interpretation is not precise, many omissions, the interrogator must interfere and ask the interpreter to render the utterance precisely and completely.
- Participant related: the interpreter is biased and speaking with her own voice, which clearly demonstrates a misunderstanding of roles.

We have shown how to overcome these barriers in short clips during the role play. The clips are inserted in between and will contain text information about what was done wrong and what the interrogation should ideally look like. The textual information is voiced over.

Reaching the stakeholders

The research results and the educational video can be used by law students of the Estonian Academy of Security Sciences as well as future interpreters, e.g. students of Tallinn University, and not only, in their studying process. It will also be useful for public officials and their foreign clients. The educational video demonstrates best ethical practices, helps students to understand the importance of cooperation between investigators and interpreters, shows which circumstances (physical, linguistic, emotional, etc.) impede the cooperation and how is it possible to overcome those obstacles.

Sustainability of the project

As a group our aim was to create an educational and informational video for the purposes of this project. Our supervisor, **Jekaterina Maadla**, is a practicing professional in the field of community interpreting in Estonia. We believe that our video, which demonstrates and explains key issues such as what a community interpreter should or should not do professionally during a given scenario, can be used for educational purposes for people who are practicing and/or benefiting from community interpreting. The stakeholders of this project are community interpreters, public officials, immigrants and expats. Therefore we believe that our video is timeless in that sense. With the globalisation and current refugee crisis that are occurring in the world, community interpreting will always be needed and sought after. Our video is based on a police interrogation; however, we made sure to include rights and wrongs that can be applied or understood on various occasions. That is why, we can state that community interpreters and public officials would be the ones who can benefit from our video.

Summary of the results

All the goals set at the beginning of the LIFE project were accomplished. Our group members have learned a lot about the importance and complexities of community interpreting and how essential it is to know the nuances of the working process, the division of roles and the ethical framework. With the support of our supervisor Jekaterina Maadla, we have learned about the theory and best practices of community interpreting and created an educational video depicting the process of community interpreting in a legal context. In this video, we have tried to show the barriers that may arise during interpreter-mediated interviews in public settings and the best ways to circumvent these barriers. Our team is made up of students from different majors who may in the future be involved in community interpreting in different ways: as an interpreter, a public official or a client. Definitely, our advantage will be knowing the basic rules of conduct in such circumstances. We hope that the educational video will prove to be a good help for future students studying interpreting, administrative governance or law, helping them to avoid obvious and non-obvious mistakes in their work.

LIFE PROJECT ACTION PLAN

The project action plan is presented in a form of a table which contains the timeframe of the planned activities in chronological order.

Tasks	Deadline	Student(s) responsible
Designating of setting and barriers	29.09.2021	Whole Group
Researching for the interrogation/legal	13.10.2021	Ahsen
Researching on the Estonian Criminal Procedure Law	13.10.2021	Mariliis
Researching on the investigative procedure	13.10.2021	Karina
Script outline	13.10.2021	Karina, Kristiina and Sofia
Script writing	30.10.2021	Karina, Kristiina and Sofia
Script meeting	27.10.2021	Whole Group
Acquiring filming equipment	30.10.2021	Kristiina

Filming the video	20.11.2021	Whole Group
Editing the video	08.12.2021	Kristiina
Editing subtitles	10.12.2021	Sofia
Subtitling		Kristiina
Creating the portfolio	22.12.2021	Whole Group
Creating PPT slideshow		
Final presentation	06.01.2022	Whole Group

MEDIA COVERAGE

Our group's educational video is posted on Tallinn University's YouTube channel, dedicated to interdisciplinary Life projects. The video will be available on the following channel:

<https://youtube.com/user/TallinnaYlikool>

Since posting the video on TLU YouTube channel is a work in progress, the video is available at:

https://youtu.be/L3NUOr1_uJU

SELF-REFLECTION REPORTS

In this chapter we will present the learning experience of each team member to describe the skills gained during the project and evaluate the achievement of project goals.

Tuğçe Ahsen Çelik

Overall it was a great experience. This LIFE project provided me with memorable experiences such as what a great feeling to have responsible and intelligent group members. I enjoyed being a part of this group. In addition to this, it gained me a whole new perspective towards community interpreting and the challenges it carries. As an expat living in a country where I don't speak the official language, it also provided me with great knowledge and information about community

interpreting framework as well. I believe that now I have the necessary knowledge and perspective to theory and practice of community interpreting. This LIFE project was definitely out of my comfort zone even though I was experienced in this field. I was not experienced in creating a storyline, script and acting. Now I can confidently say that I acted in a short informative and educational video. Overall our supervisor was really helpful and understanding. She explained every necessary action that needed to be completed for the purposes of the project. She was very clear with her feedback and expectations from us. I believe the whole project process could be improved and simplified. For example, writing down the time spent in different steps was a little challenging. It is difficult to reach the maximum percentage even if you successfully complete every action you set out for your project.

Karina Litvina

Our team was a true example of perfect teamwork in combination with mutual respect and understanding. We collaborated whenever it was necessary and possible using different methods of communication (be it offline or online meetings). There were no conflicts in the group. If someone's schedule was pretty tight, then it was the person's responsibility to conduct independent research. My team members' contribution was excellent. I improved communication and leadership skills. What is more, I was involved in the process of recording the video and acting as if I were a true lawyer. Being in front of the camera was quite a challenge, as everything should be natural and you should not be afraid of the camera. Overall, it was an engaging and unique experience. I am happy to be part of the interdisciplinary project and provide input. I will take all the practical skills I learnt so far.

Mariliis Laula

Going into this project I didn't expect to be learning a lot about community interpreting as I had been in contact with community translating at my previous job. I was ready to start teaching other group members about how community interpreting works in real life but as it turned out I was the one doing all the learning. Our project supervisor provided us with great understanding of the basis of community interpreting during our meetings and also via home assignments. In addition, our amazing group members provided great knowledge about community interpreting, filming a video, international law and so on. It was definitely a learning experience and I think the outcome highlights our effort perfectly.

Kristiina Varimets

I came to this LIFE project to help create an educational video about interpreting. With the aid of excellent and reliable team members, who did the research and wrote the script, and Crossmedia coursemates, who helped with filming, that educational video turned out better than I had hoped. Due to my very limited knowledge prior with interpreting, all of the materials our supervisor provided were eye-opening. This made it exciting in telling our script through visuals. Each person was willing to engage with the material and do their best to develop the best possible end result. In the future, when interpreting students and others see the final outcome, we will know if we succeeded in creating an engaging and informative video.

Sofia Demtšenko

Working on the LIFE project within an international team of supportive and reliable students was a great experience. From my point of view, teamwork is quite a challenging task. On the one hand, you can distribute work responsibilities among team members and concentrate on your personal tasks. On the other hand, it is necessary to be in constant contact discussing and achieving agreement on controversial issues. This requires extra time, patience and good communication skills. Successful time management and team building are nowadays very important activities that need to be developed. Acting in front of the camera was also a big challenge. Everyone had to learn their roles by heart and act as naturally as possible. This was not easy. Also, there were many shots during the filming process, therefore most of us felt a bit tired by the end of the filming day. All in all, this project gave me an excellent opportunity to expand professional knowledge in an interdisciplinary focused environment and develop my oral communication skills in English. I hope that our educational video will be of great help to future law and interpreting students.

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ANNEXES

The right to interpretation and translation in criminal proceedings

LEGAL BACKGROUND

The right to a fair trial is enshrined in the Article 6 of European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in the Article 47 of the Charter of Fundamental Human Rights (the Charter). Article 6(3)(a) also provides that “[...] to be informed promptly, in a language which he understands [...]”¹, which shall be evaluated together with the Article 6(3)(e) within the scope of this article. Article 6(3)(e) states that “[...] to have the free assistance of an interpreter if he cannot understand or speak the language used in court.”² Hence, it can be stated that when/if a suspected or accused person does not speak or understand the language, the enjoyment of the right to fair trial requires an adequate and efficient level of interpretation and translation. Additionally, the implementation of the right to interpretation and translation in criminal proceedings has been facilitated in an EU Directive – the right to interpretation and translation in criminal proceedings in 2010 (Directive). According to the Directive, in some Member States, where authorities other than a court can impose sanctions regarding minor offences, the competent authority does not have to ensure all rights under the Directive. This means that the Directive applies to criminal proceedings, and the proceedings for the European Arrest Warrant (EAW).

SCOPE & PROCESS

i. The Right to Interpretation

The Article 2 of the Directive provides that the right to interpretation shall be applied during and before the criminal proceedings, including police questioning, all court hearing, any interim hearings if necessary, and the attorney-client communications.³ Additionally, paragraph 2 of Article 2 highlights that the communication between the attorney and client must be ‘in direct connection with any questioning or hearing during the proceedings or with the lodging of an appeal or other procedural applications’ in order to prevent possible abuses.⁴ Chioni-Chotouman states that most of the time any communication between the attorney and client will fall within the scope of the right as ‘the interpreter shall be provided to allow a suspect or accused to explain his/her version of the

¹ Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR) art 6.

² Ibid.

³ Directive 2010/64/EU of 20 October 2020 on the right to interpretation and translation in criminal proceedings.

⁴ Ibid.



events to the attorney', to point out his/her disagreements, and highlight any facts he/she wishes.⁵ Article 6 paragraph 3(e) of the ECHR states that the interpretation shall be provided free of charge. Thus, the costs of the interpretation fall on the shoulders of the Member States, which might require some considerations for the transparency of the process.

When a suspect/accused does not know the language, an interpreter is appointed by the relevant authorities. According to Chioni-Chotouman, the problem starts when a suspect/accused 'speaks, or at least has a limited understanding of the language.'⁶ This argument leaves us with a question; how the language skills of a suspect/accused are measured? A suspect/accused might have a competent level of the language in daily life, yet the criminal proceedings require an understanding and knowledge of the legal terms, which is very different compared to daily language and even challenging for native speakers. Additionally, the suspect/accused might misdirect the authorities regarding his/her language skills to delay the proceedings. Chioni-Chotouman provides three criteria to be applied to provide the right to interpretation: 'if a suspect/accused requests interpretation, there are elements to justify this demand, and providing interpretation does not considerably delay proceedings.'⁷

ii. The Right to Translation

Article 3 of the Directive states that a suspect/accused person shall be "provided with a written translation of all documents which are essential to ensure that they are able to exercise their right of defence and to safeguard the fairness of the proceedings."⁸ Article 3 also provides restrictions on the scope of the translation with the word 'essential' and what does it mean by it. Steven Cras and Luca de Matteis derive two significant indications from the Article 3 by highlighting the wording 'suspected' meaning that the right to translation shall be provided starting from the pre-trial phase, and 'exercise their right of defense' referring to the nature of the 'essential' documents to be translated.⁹ The essential documents mentioned in Article 3 are explained in the paragraph 2 of the same Article as documents involving 'any decision depriving a person from his liberty, any charge or indictment, and any judgment'.¹⁰

Yet, this limitation on the documents to be translated causes inconsistencies and procedural complications. Moreover, Article 3 paragraph 5 of the Directive provides that 'suspected or accused persons have the right to challenge a decision finding that there is no need for the translation of documents or passages thereof and, when a translation has been provided, the possibility to complain that the quality of the translation is not sufficient to safeguard the fairness of the

⁵ Chara Chioni-Chotouman, 'The Right to Translation and Interpretation in Criminal Proceedings: Providing a Common Code between the Defendant and the Court' (2018) 3 Cambridge L Rev 66.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid no3.

⁹ Steven Cras and Luca de Matteis, 'The Directive on the Right to Interpretation and Translation in Criminal Proceedings' (2010) EUCRIM 4 pp 153-162 <<https://eucrim.eu/articles/directive-interpretation-and-translation-criminal-proceedings/>> accessed 28 May 2021.

¹⁰ Ibid no3.

proceedings’.¹¹ This Article creates a dead-end in practice, as it requires for the suspect or accused person to challenge the decision without accessing the document or knowing the significant of the document for his/her defense. Therefore, the safeguards can only be practical where the suspect has a legal advisor who can appreciate the document’s potential significance in the process.¹² The *Covaci Case* before the Court of Justice of the European Union (CJEU) displays this inconsistency. Mr Covaci was imposed a fine through a local court procedure that does not require a hearing or trial in Germany, and under the German law he had the right to lodge an objection either in writing or by a statement, yet the objection must be in German. However, since he did not have the necessary language skills Mr Covaci lodged his objection in his mother tongue. According to the Article 3 of the Directive, Mr Covaci’s objection was not an essential document as it did not fit the criteria mentioned above. Therefore, the issue was brought before the CJEU to have a judgment about whether the German provision was compatible with the Directive or not. The CJEU considered that “the individual against whom a penalty order has been made to lodge an objection in writing against that order in a language other than that of the proceedings, even though that individual does not have a command of the language of the proceedings, provided that the competent authorities do not consider, in accordance with Article 3(3) of that directive, that, such an objection constitutes an essential document.”¹³ However, if Mr Covaci had lodged his objection orally, he would have been provided interpretation. This inconsistency within the Directive is a result of the limitations on what constitutes an ‘essential’ document, and the broad margin of appreciation given to the Member States. Chioni-Chotouman argues that the CJEU should have a jurisprudence to unfold the concept of ‘essential’ documents, which will serve as a guideline for the Member States.¹⁴

WAIVER OF THE RIGHT TO INTERPRETATION AND TRANSLATION

Article 3 paragraph 8 of the Directive clearly states that the suspect or accused person may waive his/her right to translation, if the suspect or accused person has received prior legal advice or has otherwise obtained the consequences of such waiver.¹⁵ However, this is not the case for the right to interpretation. The right to interpretation is essential for the communication between the suspect or accused person and the court, attorney and police officers. Any individual with incompetent language skills can be considered in vulnerable situation, in which he/she cannot fully understand what he/she has been asked or what he/she agreed to. Another reason as to why the right to interpretation cannot be waived is its unique position for the enjoyment of other rights. In order for a waiver of the rights under Article 6 of ECHR to be effective, it must be fully voluntary and in an unequivocal manner. Additionally, according to the ECtHR case law ‘the decision to exercise or waive such rights can only be taken if the individual concerned clearly understands the charges, so that he or she can consider what is at stake in the proceedings and assess the advisability of such a

¹¹ Ibid no3.

¹² Richard Parry, 'The Curse of Babel and the Criminal Process' (2014) 11 Crim LR 802, 804.

¹³ Case C-216/14: Request for a preliminary ruling from the Amtsgericht Laufen (Germany) lodged on 30 April 2014 — Criminal proceedings against Gavril Covaci.

¹⁴ Ibid no5.

¹⁵ Ibid no3.



waiver'.¹⁶ In *Baytar v Turkey*, Ms Baytar was questioned by gendarmes in Turkish, in which she is not fluent and competent, without the assistance of an interpreter.¹⁷ The statements of the gendarmes provide that Ms Baytar was reminded her right to be assisted by a lawyer but she waived this right, yet since she could not fully understand what she waived.¹⁸ Moreover, when she was brought before the District Court judge she was not provided with an interpreter, and since she did not speak Turkish fluently; the judge asked one of her relatives to act as an interpreter, and proceeded with the case.¹⁹ The Court held that there has been a violation of Article 6 § 3 (e) of the Convention taken together with Article 6 § 1.²⁰

Estonian legislative background of community interpreting in criminal proceedings

- According to the Language act § 12 section 4 a foreign language may be used by agreement of the parties in oral communication with officials or employees of state agencies and local government authorities as well as in a foreign representation of Estonia and with a notary, enforcement agent or sworn translator or in their offices,. If no agreement is reached, communication shall take place through an interpreter and the costs shall be borne by the person who is not proficient in Estonian, unless otherwise provided by law.
- According to § 161 section 1 of the Code of Criminal Procedure a translator or interpreter shall be involved in the proceeding if a participant in a criminal proceeding is not proficient in Estonian.
- An interpreter or translator is a person proficient in language for specific purposes or a person interpreting for a deaf or dumb person. Other subjects of criminal proceedings shall not perform the duties of an interpreter or translator (the Code of Criminal Procedure § 161 section 2).
- An interpreter or translator to whom the oath of interpreters and translators has not been administered shall be warned that he or she may be punished pursuant to criminal procedure for a knowingly false interpretation or translation (the Code of Criminal Procedure § 161 section 3).
- If an interpreter or translator does not participate in a procedural operation where the participation of an interpreter or translator is mandatory, the act is null and void (the Code of Criminal Procedure § 161 section 4).
- In order to ensure the correctness of interpretation or translation, an interpreter or translator has the right to pose questions to participants in the proceedings, examine the minutes of procedural

¹⁶ *Baytar v Turkey* App no 45440/04 (ECHR, 14 October 2014), para 53.

¹⁷ *Ibid* para 33.

¹⁸ *Ibid* para 14.

¹⁹ *Ibid* para 19.

²⁰ *Ibid*.



operations and make statements concerning the report, and such statements shall be recorded in the minutes (the Code of Criminal Procedure § 161 section 5).

- An interpretation or translation of any aspect of a procedural operation rendered by an interpreter or translator shall be precise and complete and the interpreter or translator shall maintain the confidentiality of the information which became known to him or her in the course of the translation. If a non-staff interpreter or translator is not sufficiently proficient in language for specific purposes or in the form of expression of a deaf or mute person, he or she is required to refuse to participate in the criminal proceedings (the Code of Criminal Procedure § 161 section 6).
- A suspect or accused or his or her counsel may file an appeal against the provision of a false translation or interpretation by a translator or interpreter pursuant to the procedure provided for in § 228 of the Code of Criminal Procedure (the Code of Criminal Procedure § 161 section 7).
- According to § 162 of the Code of Criminal Procedure bases for interpreters and translators to remove themselves and removal of translators or interpreters are:
 1. An interpreter or translator is required to remove himself or herself from criminal proceedings on the bases provided for in subsections 49 (1) and (6) of the Code of Criminal Procedure.
 2. If an interpreter or translator does not remove himself or herself on a bases provided for in subsections 49 (1) and (6) of the Code of Criminal Procedure, the prosecutor, suspect, accused, counsel, victim or civil defendant may submit a petition of challenge against the interpreter or translator.
 3. A body conducting the proceedings may remove an interpreter or translator if the interpreter or translator does not perform his or her duties as required or if the quality of the interpretation or translation may impair the exercise of the right of defence of the suspect or accused.
 4. Petitions of challenge shall be resolved pursuant to the procedure prescribed in subsections 59 (5)-(6) of the Code of Criminal Procedure.
- According to § 318 of the Code of Criminal Procedure unjustified refusal by a translator or interpreter to perform his or her duties in a criminal or misdemeanour proceeding is punishable by a pecuniary punishment or up to one year's imprisonment.
- § 321 of the Code of Criminal Procedure states that knowingly providing false translation or interpretation by a translator or interpreter, is punishable by a pecuniary punishment or up to one year's imprisonment.
- § 75 of the Code of Criminal Procedure regulates the **interrogation of suspect:**
 1. Upon application of interrogation of a suspect, his or her name, residence or seat and address, personal identification code or, in the absence thereof, date of birth,

citizenship, education, native language and the place of work or educational institution shall be ascertained.

2. At the beginning of interrogation, it shall be explained to the suspect that he or she has the right to refuse to give statements and that the statements given may be used against him or her.
3. The suspect shall be asked whether he or she committed the criminal offence of which he or she is suspected and a proposal shall be made to the suspect to give statements in his or her own words concerning the facts relating to the criminal offence on which the suspicion is based.
4. The suspect and his or her counsel have the right to get a copy of the record of interrogation of the suspect during the interrogation to the extent provided for in clauses 76 (1) 1)-3) of the Code of Criminal Procedure.
5. Subsection 66 (21), subsections 68 (3)-(6) and subsections 69 (1) and (2) of the Code of Criminal Procedure apply to interrogation of suspects. If necessary, the questioning of a suspect who is a minor shall be recorded.

- § 76 of the Code of Criminal Procedure regulates the record of interrogation of suspect. The following shall be entered in the minutes of the hearing of a *witness*:

1. The name, residence or seat and address, personal identification code or, in the absence thereof, date of birth, citizenship, education, native language and the place of work or educational institution of the suspect;
2. marital status of the suspect;
3. the facts relating to the criminal offense of which the person is suspected and the legal assessment of the criminal offense pursuant to the relevant section, subsection and clause of the Penal Code;
4. statements of the suspect.

The record of interrogation of a suspect shall be prepared pursuant to subsections 74 (2) and (4) of the Code of Criminal Procedure (§ 76 section 2 of the Code of Criminal Procedure).

Police interrogation

One of the aims of police interviews is to acquire essential data for an investigation, and to validate what happened during the crime. Interviews are usually regarded as problematic because police interviewers sometimes presume the guilt of their suspects during interrogation; they may be more concerned with verifying guilt or obtaining a confession than with discovering what actually occurred. Overtly coercive questioning methods, on the other hand, have grown to be considered as inappropriate in recent years, and some legislation amendments such as the Police and Criminal Evidence Act have resulted in the creation of formal rules for investigative questioning in various areas of the world to assure adequate processes and the admissibility of police interviews as evidence.

As a result, the discourse of police interviews must take into consideration the fact that the police interviewer's questioning orientation should be directed by willingly offered free narrative assertions. However, if the police interviewer is under pressure, especially if there is no other evidence pointing to the suspect's guilt, there is a conflict between the necessity to create the police-favored version of events and the legal preference for voluntarily supplied tales. The interpreter's grasp of these institutional contexts impacting the interview might alter the quality of interpreting and consequently the outcome of the interview.²¹

Police interviews are communication procedures, but they are also products in the sense that they create evidence that is utilized and scrutinized throughout the trial. This dichotomy must be considered while analyzing police interviews. For instance, in Australia police interviews are videotaped and can be used as evidence in court. This implies that remarks can be proven in court in terms of what was said and how it was stated. However, and most crucially, the presence of a future audience as well as the recording of the interview process itself might influence how police interviews are handled and questioning strategies are employed. The requirement for the police interviewer to guarantee a recording whose content and quality would be acceptable in court is another result of the duality of police interrogation.²²

When talking about interpreter-mediated interviews, the issues of interpreter's understanding and handling of the legal framing as well as linguistic realisation need to be taken into account, not to

²¹ Nakane I, 'Interpreter-Mediated Police Interviews A Discourse-Pragmatic Approach' (Palgrave Macmillan UK 2014) 7

²² Ibid.

mention the understanding of the reasons why questions are constructed and sequenced in certain ways. An interpreter may affect the course of investigative interviews and consequently the outcome of the case.²³

Moreover, police interviews are regarded as legal genres. The main point concerning the overall structure of police interviews is that there are opening and closing phases before and after the questioning respectively, where communication addressing legal requirements and orientation take place. The questioning itself usually begins with an invitation for a narrative account, followed by specific questioning and probing. In interpreter-mediated police interviews, an awareness of the overall genre structure and the purposes of each of the stages is required, since the underlying institutional principles and assumptions are not always explicitly communicated to the suspect.²⁴

The essential aspect about the overall framework of police interviews is that there are opening and closing stages before and after questioning, where information about legal requirements and orientation takes place. Typically, the inquiry begins with an invitation for a narrative account, followed by specific asking and probing. Hence, the interpreter must be aware of the general genre structure and the aims of each step.²⁵

The 'body' of the interviewing discourse may be seen as the information gathering phase, or the 'body' of the questioning proper. As previously stated, the aim of questioning a suspect is twofold: to acquire information relevant to the investigation of the occurrence and to decide whether or not he or she has committed a crime. As previously noted, the police's bias frequently results in confirmation of guilt. However, the interviewer's goal and the suspect's interests are at conflict. Suspects usually attempt to either deny involvement in the crime or concoct a story with potentially mitigating factors.

What's more, there are three crucial factors that need to be taken into consideration in a trial context: form, content, and style.

In terms of the immediate environment of the discursive event, police interrogation is more private than trial questioning. There are more examples of discourse co-construction, and dialogue is often more spontaneous than in court. The translator may have difficulties due to the spontaneity of participation in police interrogation speech.

Liaison interpreting (as opposed to simultaneous interpreting) is commonly utilized in police interrogation. The fragmentation created by the interpreter cutting in to take a turn before his/her

²³ Ibid., 9 - 17

²⁴ Ibid.

²⁵ Ibid.



memory capacity is overwhelmed is one of the distinguishing features of interpreter-mediated interaction.²⁶

Another distinguishing feature is how interpreters handle simultaneous communication.

In interpreter-mediated dialogue, overlaps and interruptions occur. The limits imposed on turn-taking and the organization of conversation by mediation create a number of issues that are particular to triadic interaction with an interpreter: First, if there are ignored turns or if not everything is rendered, the information provided by primary speakers may not be shared among all interview participants; second, overlapped utterances affect the quality of the recorded evidence; third, uninterpreted utterances are not recorded in the language of the court as evidence; and finally, the interpersonal function, or power.

The manner in which interpreters handle conflicts and tensions among primary speakers is a critical component of interpreter-mediated police questioning. Based on an assessment of real legal conversations, it has been claimed that translators may be inclined to intervene in order to alleviate friction. Because they are frequently aiming to construct opposing interpretations of events, confrontation between the police interrogator and the interviewee is to be expected.

If the translator takes the effort to resolve faulty communication, the interpersonal part of police interview discourse may be influenced.²⁷

The job of the legal interpreter is a difficult subject that has received a great deal of attention in the field of interpreting studies. While an interpreter's role influences the story creation process and the judgement of a suspect or defendant, considering an interpreter's position or stance provides us a better understanding of interpreter mediated discourse.

All the characteristics of police interviews mentioned above have an impact on, and are influenced by, institutional discursive processes. As a result, they are pertinent to our analysis. Second, the police interview as a legal genre was analyzed in light of prior research's significant conclusions. The book's approach, which sees police questioning as a site of struggle between two versions of events and power struggles between the interviewer and the interviewee, was presented. These conflicts are manifested through speech strategy.²⁸

The police interview is one of the most common and most important law enforcement activities. Police play an important role in the criminal justice system by providing the courts with all

²⁶ Ibid.

²⁷ Fabrizio Gallai (2017) Pragmatic competence and interpreter-mediated police investigative interviews, *The Translator*, 23:2, 177-196

²⁸ Ibid.

important ‘documentary evidence’ or ‘soft facts’ in the form of written statements, electronic recordings of interviews and corresponding transcripts. Interviews should obtain complete, accurate, relevant and reliable information fairly so that this will be admissible in later stages of the process. Reliance on the products of police interviews has in recent decades attracted significant interest from researchers in criminology and linguistics.²⁹

The lack of scholarship on interlingual police interviews is surprising in today’s multicultural and multilingual societies, and interpretation is a bridge between linguistic and cultural barriers.

The interpreter’s role has become codified in more specific terms, making the issue of role an integral part of professional codes of ethics and practice. And principles such as confidentiality, accuracy and completeness are difficult to maintain in certain interactional contexts.³⁰

Other participants are dependent on the interpreter because they do not possess bilingual expertise, thus allowing interpreters some degree of control over their behaviour and others. In police interpreting, they act as gatekeepers and/or manager of the exchange.

Features of the legal interpreter’s verbal and non-verbal production are relevant not only for their cognitive effect, but also for hearers’ evaluative and interpersonal response.

Overall, interpreters should be aware to maintain pragmatic aspects of language. It might be also said that interpreters should see things from an interdisciplinary perspective.³¹

In addition to specialised linguistic knowledge and familiarity with legal systems, police users above all stress the need for confidentiality and neutrality on the part of the interpreter. A major concern, which is raised in this connection revolves around in-group loyalty between the interpreter and the interviewee as members of a shared cultural background. However, interpreters also present a more complex picture of the conflicting expectations, which they are exposed to with regard to their role. The interviewee on the other hand might view the interpreter as an ally in a foreign language. This is of particular relevance in contexts where the interviewee’s perception of the police is shaped by repressive policing regimes in their home countries. According to Sandra Beatriz Hale, ‘Community Interpreting takes the interpreter into the most private spheres of human life’³²

Police users of interpreting services should be provided with training for interaction through an interpreter. Specific training for interpreters in a policing context should be part of training courses in legal interpreting. Directive 2010/64/EU of the European Parliament on the right to interpretation and translation in criminal proceedings, which forms the framework of this report,

²⁹ Ibid, p. 3

³⁰ Ibid, p. 3

³¹ Ibid, p. 3

³² Sandra Beatriz Hale, ‘COMMUNITY INTERPRETING’ 32



addresses the question of the quality of interpreting and translation services rendered in criminal proceedings. One factor, which is closely related to quality, is the ethical conduct of interpreters during, before and after an interpreting assignment in court or for the police, generally referred to as legal interpreters. Article 5 of the Directive which deals specifically with “Quality of the interpretation and translation”, stipulates in paragraph 3: Member States shall ensure that interpreters and translators be required to observe confidentiality regarding interpretation and translation provided under this Directive. Article 6 on training stipulates that 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. These references suggest that ethical standards for interpreting in the above-mentioned settings must exist but apart from confidentiality, no specific requirements are mentioned. However, the ethical behavior and codes of conduct of interpreters working in court proceedings or for police authorities are important instruments for guaranteeing the professional quality of interpreting services rendered in judicial settings.³³

Another point where it was found that more information is necessary is that of mutual understanding and cooperation between police officers and interpreters. Police officers need to understand and accept that interpreting will always impact and modify the way an interview is conducted, as the type of discourse changes with any change in interaction. This is corroborated by findings of studies in the fields of discourse and translation research.³⁴

The interpreter also has to mediate the way of thinking of a person who comes from a different culture. There is a need to make police officers understand that they should abandon the idea of keeping exclusive control when working with interpreters; what the latter render in the foreign language cannot be controlled easily and on the spot anyway, and one therefore has to rely on the quality of the interpreter’s service. Police officers must gain an insight into the fact that word-for-word rendering is impossible, not only for linguistic reasons but also because concepts and ideas are different between cultures and are also verbalised differently in different cultures. It is therefore all the more important that police officers know that the interpreter can be trusted to perform quality work and abide by the ethical standards of the profession. As there are no specific

³³ ‘ImPLI Improving Police and Legal Interpreting 2011-2012 Final Report’ 4 - 48

³⁴ Ibid.

codes of behavior, the provisions of the more general codes are not always accepted by the police officers.³⁵

Moreover, police officers in search of an interpreter are not always informed about the importance of the latter's relevant qualifications. For a number of police officers the interpreter is always a "risk factor" (as a police representative put it in one of the round tables).

Such lack of trust needs to be overcome, and to achieve this, efforts should be undertaken to inform police officers about the necessary interpreter qualifications, which are not limited to the knowledge of two languages but include ethical principles and translational procedures. The standards for professional interpreting include, apart from confidentiality as mentioned in the Directive, impartiality, trustworthiness, reliability, and discretion. In addition, ethical principles include that interpreters should accept only work assignments for which they are qualified, that they should decline work if it involves unprofessional behavior or disrespect of ethical principles, and that they should be extraordinarily conscientious in the handling of documents and files obtained.

Professional interpreters recruited for the police see it as their duty to provide high quality interpretation, to be loyal, objective and impartial. Part of their ethics is that they translate everything correctly, and it is included in the oath that if they cannot do so, they have to ask for clarification. They regard it as their duty and an obligation to contribute to establishing the truth.. Professionals regard it as part of their code of ethics to interpret everything that is said in both directions; in some countries it is not clear whether they should only interpret the most important parts or even simplify complex legal language for the lay side. The latter is common practice in most countries. Interpreters usually interpret in direct speech (first person). They are in control of their body language, and they do not show their emotions with respect to the interpreted communication. The interpreter does not communicate with the interviewed person without the interviewer being involved. Members of a professional association abide by its code of ethics. Professional associations have systems of ascertaining the quality of the work performed by their members. Ethical standards also require interpreters to pursue further training.³⁶

For the reasons stated above, it is recommended to include ethical standards under the heading of quality and to make explicit mention of what these standards are. For example, it should be an ethical principle that interpreters' own contributions to the interaction should be restricted to an absolutely necessary minimum, and it should always be clear and transparent whether an interpreter translates or asks for clarification or gives an explanation.

³⁵ Ibid.

³⁶ Ibid.



Community interpreting in Turkey

Community interpreting has been a highly researched and debated topic in Turkey, especially in recent years. This is mainly due to the increasing number of refugees in Turkey. In this paper we will look into the legal framework of community interpreting in Turkey, the academic and educational background of community interpreting and practical challenges of community interpreting.

To start with, it should be stated that ‘community interpreting’ is not included in the laws, bylaws and regulations regarding interpreting in Turkey. It is included as ‘interpreting’ only, as we are not looking into translation for the purposes of this paper. The Turkish Criminal Procedure Code is one of the key legal documents regulating the use of interpreters in public sphere, especially in courts. Article 202 (1) of the Turkish Criminal Procedure Code refers to the use of interpreters as follows: “If the accused or victim of the offense does not speak enough Turkish in order to express himself, the essential points of the accusation and the defense shall be translated by an interpreter appointed by the court.”^[1] This article highlights some of the important aspect in the use of interpreters in Turkey. Firstly, it states that the interpreter is appointed by the court. This recruitment process is further regulated by the Regulation on Interpreter Lists in Accordance with the Criminal Procedure Code (Regulation). This Regulation sets the general qualifications to be met for interpreters, ethics and regulations to be followed.

Article 6(1) of the Regulation states the qualification to be met by the interpreters, and sub-article (c) provides that an interpreter has to be graduated from elementary school at least.^[2] This sub-article shows the educational criteria required by the regulation is not in accordance with vocational standards. It does not set forth a standard by stating that any interpreter applying for the position must hold a Bachelor Degree in this profession or an equivalent degree and/or documentation. This proves that any individual meeting the rest of the criteria can provide court interpreting service without the necessary educational or professional background. Additionally, Article 10(1) of the Regulation states that any interpreter deemed to be suitable for the position

must ‘sworn’ in accordance with the Regulation.^[3] This article also provides the ethical principles to be followed by interpreters: independency, impartiality, honesty and telling the truth, professionalism, confidentiality, and being competent with the basic judicial principles.^[4] Moreover, the article highlights that any interpreter not following the above mentioned principles shall be removed from the employment list of the courts.

The second important aspect highlighted by the Regulation is the use of interpreters for deaf and/or mute. Yet, one of the critical points to be mentioned is the focus on the ‘essential points’ wording of the article. This statement creates a loophole within the law as any point or phase of a criminal proceeding would be highly important and essential for the suspects and victims. However, it can be stated the most regulated field of community interpreting in Turkey is court interpreting.

Tourism is a significant economic source for Turkey, and it has different branches. One of these branches is health tourism, which makes an important part of the community interpreting in Turkey. It can be stated that the community interpreting for health tourism is regulated by the Regulation Concerning International Health Tourism and Tourist Health (Tourism Regulation). Article 6(2) of the Tourism Regulation states the following: “According to the potential number of the health tourists, a health professional can also be employed as the international health tourism assistant unit supervisor.”^[5] This article does not mention interpreters, and it also provides that a health professional can serve as an interpreter with the condition of meeting the criteria specified in the Tourism Regulation. One criteria worth mentioning is the requirement for diploma as following: “To have an undergraduate diploma showing that he/she has graduated from the Department of Translation & Interpreting.”^[6] As having diploma both in medicine and interpreting would be extremely rare, this criterion creates a confusion due to previously mentioned article concerning health professionals. Yet, this also shows a significant difference compared to the court interpreting, which basically does not require any level of educational and professional background.

This brings us to the general educational and academic sphere of the community interpreting in Turkey. Currently, community interpreting is taught in a few courses in a very limited number of universities. It does not have its own education or committed curriculum. Additionally, these limited

courses are generally applied within the context of Turkish and English, which can be problematic and irrelevant in practice as the most used languages for community interpreting in Turkey are Arabic and Kurdish due to the current refugee population in the country.

It should also be stated that community interpreting in Turkey usually is limited with these two fields; court and health. It is challenging to have access to community interpreting service in other public services such as police and education. In asylum services, usually the relevant NGOs and institutions provide assistance. For example, the United Nations High Commissioner for Refugees (UNCHR) in Turkey employs its own full-time and freelance interpreters itself through a language competency examination. However, it is stated that the ‘interpreters’ do not have to be professionals as long as they meet the criteria for language competency.^[7]

To conclude, it can be stated that community interpreting has a long way to go in many aspects in Turkey. Educational aspects and improvements definitely require further discussion and research. However, it must be stated that the educational and professional criteria and requirements in most public services are unsatisfying and inadequate. Standardisation and quality assurance can only be achieved by establishing higher and more professional criteria and requirements.

[1] Turkish Criminal Procedure Code (2004), s (2) art 202.

[2] Regulation on Interpreter Lists in Accordance with the Criminal Procedure Code (2013), s(2) art 6(1).

[3] Ibid 2.

[4] Ibid 2.

[5] Regulation Concerning International Health Tourism and Tourist Health (2017), s(2) art 6(2).

[6] Ibid 5.

[7] Ş Tahir Gürçağlar and E Diriker, ‘Community Interpreting in Turkey’ (2004) *Interview with Former Interpreter and Interviewer from the UNCHR (Int:6)* 4.3.2004.

Community interpreting in China

China has not been open until 1978 when it began its reform process. Back then, there was no community interpreting system. Mandarin Chinese is considered to be hardly learned outside China, therefore the main goal of community interpreters is to fill the cultural gap. China's rapid growth and a large number of foreigners mean that there is demand for community interpreters.

Community interpreting in China is quite popular in courts, in areas with ethnic minorities who do not speak Mandarin. In Guangzhou, for instance, non-mandarin speaking drug dealers have been sued and request court interpreting as a means of legal aid.

As regards challenges, there are three main ones. The first one is the lack of professional interpreters. The second one is related to the insufficient training of community interpreters. In 2006 pilot training on court and medical interpreting were approved. The third reason is the lack of academic research. The positive aspect is that the Beijing Olympics provided an opportunity for China to develop community interpreting.

In 2010 the rapid rise of the language service industry was witnessed. Since the 2010 China International Conference on Language Service Industry, TAC seems to have expanded its scope of work to the broad spectrum of language services. For instance, from 2012, TAC has been releasing China Language Service Industry Development Report each year at its annual conference. Many of its policies, norms and standards are labelled as covering 'the Language Service Industry'. The Code of Ethics for Chinese Language Services Industry issued by TAC in 2013 was aimed at the entire industry. In the 2018 China Language Service Industry Development Report released by TAC, those who need translation and interpreting services come under the label of 'language service demand side' and the 'trainers of language service talents' actually refer to universities with T&I programs.

A similar tendency of equating language services with T&I services has also been observed among academics and on translator and interpreter training programs. Admittedly, China is not the only country to witness this tendency. Based on a survey responded by CIUTI members in Europe, East and West Asia and Australia, one of the future interpreting-related challenges is interpreters' role diversity. In other words, an interpreter may be expected to be simultaneously a conference organiser, a language and cultural advisor, a translator, a project manager, etc. Also, the Code of

Professional Ethics for Translators and Interpreters was released to the public in November 2019, marking the first complete code of professional ethics for translators and interpreters in China.

Sources:

Claudia Kainz, Erich Prunc, Rafael Schogler. Modelling the Field of Community Interpreting: Questions of Methodology in Research and Training: 6 (Translating Across Cultures and Societies) Paperback – 6 April 2012.

<https://books.google.ee/books?id=xoFKQpp0ob4C&printsec=frontcover&hl=ru#v=onepage&q&f=false>

The evolution of interpreters' perception and application of (codes of) ethics in China since 1949: a sociological and historical perspective.

<https://www.tandfonline.com/doi/full/10.1080/13556509.2020.1832019>

The video script

FADE IN

INT. INTERROGATION ROOM DAY

An investigator walks into the room. A suspect, the suspect's lawyer and an interpreter are already sitting by the desk. The lawyer is typing on their phone. Investigator sits down.

INVESTIGATOR/UURIJA

Tere päevast! Ma olen uuriija Mariliis
Laula Politsei ja Piirivalveametist, ja ma
soovin teid, Ahsen Ai, üle kuulata kriminaalasjas
nr.33351104. Uurimistoimingus osaleb
tõlk, Sofia Demtšenko, kes on Kriminaalmenetluse Seadustiku § 161
lõike 6 kohaselt kohustatud tõlkima
kõik menetlustoimingute puudutava
täpselt ja täielikult ning hoidma
saladuses talle tõlkimises teatavaks
saanud andmeid.

INTERPRETER/TÕLK

Vabandust, kas on võimalik siin peatuda, et ma saaksin
tõlkida? Muidu see ütlus on liiga pikk.

POP-UP TEXT

ERROR N1

An interpreter can intervene to ask for a pause to interpret. However, they should do it in an appropriate way - raising their hand and using the 3-d person: "The interpreter apologises and asks for a pause to interpret."

The investigator nods his head affirmatively. The interpreter begins to interpret.

INTERPRETER/TÕLK

Good afternoon! My name is Mariliis
Laula, I am an investigator in the
Police and Border Guard Board. I'd like
to interview you, Ahsen Ai, on the
criminal case number 33351104. An
interpreter, Sofia Demtšenko, is
involved in investigative proceedings.
According to section 161 subsection 6
of the Code of Criminal Procedure the
interpreter is obliged to interpret
all the information concerning the
procedural steps accurately and
completely and to keep confidential
the information which has become
known to her during the interpretation.



INVESTIGATOR/UURIJA
Tõlki on hoiatatud, et
oma ülesannete täitmisest alusetu
keeldumise ja teadvalt valesti
tõlkimise eest vastutab ta Karistusseadustiku
§de 318 ja 321 järgi....

At the same time as the investigator is speaking, the
interpreter is taking notes. The suspect takes quick
glimpses of the notes, trying to be as inconspicuous as possible.

2.

INTERPRETER/TÕLK
The interpreter has been warned that
for unjustified refusal to perform
her duties and knowingly misinterpret
she is liable pursuant to sections
318 and 321 of the Penal Code..

The investigator takes some documents out of their briefcase
and hands them to the suspect.

INVESTIGATOR/UURIJA
Palun tutvuge kahtlustatava õiguste ja
kohustustega.

POP-UP TEXT

According to the Code of Criminal Procedure § 34 a suspect has the right to:

- **know the content of the suspicion and give or refuse to give testimony;**
- **know that their testimony may be used against them;**
- **the assistance of an interpreter and counsel...**

INTERPRETER/TÕLK
Please read the rights and
obligations as a suspect.

The suspect takes a quick look through the document, not
really concentrating on any part. The suspect turns to show
the lawyer the papers. The lawyer takes a glance at the front page and nods.

INVESTIGATOR/UURIJA
Kas teil on küsimusi?

INTERPRETER/TÕLKIJA
Do you have any questions?

SUSPECT/KAHTLUSALUNE
Ah, no, no questions so far. Where should I sign?

INTERPRETER/TÕLK
Ei ole küsimusi. Kuhu ma pean allkirja panema?

INVESTIGATOR/UURIJA
All paremas nurgas.

INTERPRETER/TÖLK
In the lower right corner.

The suspect signs the paper and hands it back to the investigator.

INVESTIGATOR/UURIJA
Seda ülekuulamist salvestatakse. Nüüd
loen teile ette kahtlustuse
kvalifikatsiooni.

INVESTIGATOR/UURIJA (cont'd)
Teid kahtlustatakse KarS § 203 lg 1 järgi kvalifitseeritava kuriteo
toimepanemises, võõra asja
rikkumises. Kui sellega on tekitatud
oluline kahju, - karistatakse see
tegu rahalise karistuse või kuni
viieaastase vangistusega. Meie
andmete järgi, 10.09, kl 22.00 teie,
proua Ahsen, lõhkusite küljeklaasi
autol Tesla Model S...

Suspect shoots up from the chair.

SUSPECT/KAHTLUSALUNE
That's not true!

Investigator and interpreter look at the suspect, then each other.

INVESTIGATOR/UURIJA
Palun istuge maha, proua Ai. Ja laske
mul kahtlustuse ettelugemisega
jätkata.

INTERPRETER/TÖLK
Please sit down, mrs Ai. And let me
read out the rest of the suspicion.

The suspect sits down like her strings are no longer
attached. The suspect crosses her arms and looks away from
the investigator and interpreter.

INVESTIGATOR/UURIJA
Nii, kuhu ma jäin? Ah, siin.
Tesla Model S, mis oli pargitud
Gonsiori, 31 maja hoovis, Tallinnas.
Auto kuulub Kristiina Varimetsale,
1992 s.a. Kas te tunnistate oma süüd?

The interpreter checks her notes quickly.

INTERPRETER/TÖLK
Umm, right (mumble) This investigative interview will be recorded.
Now I will read to you the
qualification of the suspicion. You
are suspected of committing a criminal
offense qualified pursuant to Penal Code § 20
subsection 1. Damaging or destroying another's possession, if
significant damage is thereby caused,
is punishable by a fine or up to five years'
in prison. According to our

information, on the 10th of
September, at 22.00 you, Ahsen Ai,
broke the windscreen of a Tesla Model S...

ERROR N2

Did you catch the mistake?

As the suspect interrupted the investigator, the interpreter could not hear properly, which caused misinterpretation: she said "windscreen" instead of "side cab window".

How can this barrier be overcome?

The interpreter should apologize and ask for the statement to be repeated. And then she should translate it correctly:

"The interpreter apologises and asks for clarification - was it the windscreen or the side window of the car?" - "The side window" - "Thank you!"

So, according to our
information, on the 10th of September, at 22.00 you,
Ahsen Ai, broke the side window of a Tesla Model S,
which was parked in the yard of
Gonsiori 31, Tallinn. The car belongs
to Kristiina Varimets, born in 1992.
Do you admit your guilt?

Suspect starts gesturing, trying to implore to the investigator.

SUSPECT/KAHTLUSALUNE

No, I didn't break any windows! I was
nowhere near that car. I was home at
that time!

INTERPRETER/TÕLK

Ei, ma ei lõhkunud mingit klaasi. Ma
polnud selle auto lähedalgi. Ma olin
tol ajal kodus.

INVESTIGATOR/UURIJA

Kas keegi saab seda tõestada?

INTERPRETER/TÕLK

Can anyone verify this?

The suspect deflates and sits fully back to the chair.

SUSPECT/KAHTLUSALUNE

No, I was alone.

INTERPRETER/TÕLK

Ei, ma olin üksi.

INVESTIGATOR/UURIJA

Siin on tõendid, et te olite kell
21.45 Hobujaamas ning kõndisite sealt



edasi Gonsiori tänavale. Teie hoiate
käes kotti, mille sees on ilmselt
mingi raske piklik ese.

The investigator pulls out a bunch of pictures. The suspect
goes through all of them, scoffing.

INTERPRETER/TÕLK

Here is evidence that at 21.45 you
were at Hobujaama station and headed
from there to Gonsiori Street. You
are holding a bag that probably has a
heavy elongated object inside.

SUSPECT/KAHTLUSALUNE

Yeah, no. It's not me. I don't even
own that kind of jacket.

INTERPRETER/TÕLK

See pole ju mina. Ma ei oma sellist
jakki.

INVESTIGATOR/UURIJA

Auto omanik, 29-aastane Kristiina,
väidab, et nägi teid aknast. Tema
sõnul, oli teil motiiv ka: selliselt
te maksite kätte Kristiinale, kes
teadaolevalt sai teie abielu lahutuse
põhjuseks.

INTERPRETER/TÕLK

The owner of the car, 29-year-old
Kristiina, claims to have seen you
out the window.

The suspect laughs as though she couldn't believe it. The
suspect shakes her head while smiling.

INTERPRETER/TÕLK

She said, you also had a motive: this
is how you retaliated against
Kristiina for breaking up your marriage.

SUSPECT/KAHTLUSTATAV

This is complete nonsense! That's her
words against mine!

The suspect turns towards the interpreter, now acting
imploring towards them.

SUSPECT/KAHTLUSTATAV

Please, explain to the officer that
she is lying! I did not damage her
car! That cunt just wants to slander
me! She is afraid that my husband will come back to me.

The investigator also turns towards the interpreter with a
questioning face. The investigator tilts their head,
indicating to the interpreter to translate.



INTERPRETER/TÕLK

Ütleb, et see ei vasta tõele,
sõimab kannatanu ja väidab, et teda
laimati.

ERROR N3

The interpretation is not precise, there are many omissions. The interpreter is speaking in the third person.

How can this barrier be overcome?

The investigator must intervene and ask the interpreter to render the utterance precisely and completely.

The investigator sneers.

INVESTIGATOR/UURIJA

(irritated)

No, mida te selle peale ütlete?

The investigator takes out a rolling pin in a plastic bag and puts it on the table. The suspect starts to look worried.

INVESTIGATOR/UURIJA

See ese teie sõrmede jäljedega oli
leitud sündmuskoha läheduses olevast
prügikastist!

INTERPRETER/TÕLK

What do you say to this? This item
with your fingerprints on it was
found near the crime scene, in a
garbage bin!

SUSPECT/KAHTLUSTATAV

I didn't do that!

The interpreter leans towards the investigator.

INTERPRETER/TÕLK

(whispering)

Ta eitab ilmselgeid fakte.

The interpreter then addresses the suspect solely.

INTERPRETER/TÕLK

Please, do not try to dodge! They
have irrefutable evidence against
you! You'd better tell the truth!
It's in your best interest to
cooperate with the police!

POP-UP TEXT

ERROR N4

The interpreter is biased, not impartial, the interpreter is speaking with her own voice, which clearly demonstrates a misunderstanding of roles.



How can this barrier be overcome?

The interpreter should only translate what has been said and use the 1st person, be impartial and not add any information or comments.

The lawyer finally looks up from their phone. The lawyer looks around confused. The suspect, the interpreter and the investigator are tense and look ready to physically fight each other.

LAWYER/ADVOKAAT

Ummm...Do not make assumptions about my client.

The lawyer stands up.

LAWYER/ADVOKAAT

We will take a break, if that's alright? I need to speak to my client privately.

CUT TO BLACK.