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Workstream 2

Legal and interpreting service paths of persons suspected or accused of crime

D.2.2. Interviews

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Editors: Katalin Balogh, Isabelle Bambust, Heidi Salaets

Authors: Katalin Balogh, Isabelle Bambust, Katja Drnovšek, Caterina Falbo, Mira Kadric, Natalia Kaloh Vid, Vlasta Kučič, Sylvi Rennert, Heidi Salaets, Maurizio Viezzi, Christina Weißenböck

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1 Introduction

The TransLaw project aims to improve interpreting services in the legal domain for people who do not have sufficient command of the official language of the country in which they are residing. Thanks to integrated research in the fields of interpreting studies and law, this project seeks to contribute to the state of knowledge and training methods in both fields.

Taking literature research (Deliverable 2.1) as a starting point, the next step of the TransLaw project was to conduct field research by means of semi-structured interviews to gain first-hand accounts of the provision and the quality of interpretation during service paths in criminal matters. The interviews contained a mix of questions regarding the service path of persons suspected or accused of crime (PACs) as well as perception of interpreters, interpreting quality and conditions, and spatial interactions in the physical setting. The aim was to achieve a balance of interviews with legal professionals, legal interpreters, and persons suspected or accused of crime. However, several partners ran into difficulties accessing PACs. On the one hand, complex approval procedures were necessary to reach incarcerated PACs, and in several cases, permission was denied. On the other hand, it was difficult to establish contact with free PACs in the pre- or post-trial stage, as they often did not keep in contact with their lawyers, or were reluctant to agree to interviews when contacted directly.

We then analysed the service paths of PACs through the interviews. None of the interviews focused on the legal aspects of specific cases or the criminal charges, but rather on the moments of interaction with interpreters from the perspective of PACs, legal professionals, and legal interpreters. The responses are described for the individual respondent groups. The results of this research were also used to compile a recommendation paper for all stakeholders working with PAC who require interpreting (Deliverable 2.3).

2 Interviews in Austria

Eleven interviews were conducted in Austria.

2.1 Interview schedule template

Date of the interview	Location of the interview	Quality of the interviewee (LP-LI-PAC)	Institution and location of the institution of the interviewee (optional)	First name, name, and quality of the interviewer(s)
23 October 2018	Interviewee's office	LI	Freelance interpreter	Christina Weißenböck, Sylvi Rennert
23 October 2018	University	LP	Police officer	Christina Weißenböck
5 November 2018	Interviewee's office	LI	Freelance interpreter	Christina Weißenböck
5 November 2018	Café	PAC		Christina Weißenböck, Sylvi Rennert
29 November 2018	University	PAC		Christina Weißenböck
29 November 2018	University	LI	Freelance interpreter	Christina Weißenböck
13 December 2018	Interviewee's office	LP	Judge	Christina Weißenböck
14 December 2018	University	PAC		Christina Weißenböck
11 January 2019	Court cafeteria	LP & LI	Judge and freelance legal interpreter	Sylvi Rennert

Date of the interview	Location of the interview	Quality of the interviewee (LP-LI-PAC)	Institution and location of the institution of the interviewee (optional)	First name, name, and quality of the interviewer(s)
14 January 2019	Interviewee's office	LI	Freelance legal interpreter & judge (civil law – therefore only interviewed in capacity of LI)	Sylvi Rennert
18 January 2019	Interviewee's office	LP	lawyer	Sylvi Rennert

2.2 General description of the quality of the service path

Regulatory guarantees

Despite Directive 2010/64/EU, availability of interpretation varies in different phases of the service path. While interpretation is generally provided in court, where judges appear to err on the side of caution and would rather request an interpreter once too often than have to adjourn a hearing due to lack of interpretation, the police often try to make do with German, English, or interpretation provided by a friend or relative of the person being interviewed. The police also draw from a different interpreter pool than the courts: While the courts generally use a list of sworn court interpreters (with some exceptions), the police list includes more interpreters without formal qualifications, including police officers with a language certificate.

2.2.1 Legal professionals

The interviewed police officer described the process of summoning a police interpreter as follows: If communication with a suspect is not possible, he phones a police interpreter who talks to the suspect on the phone to clarify the situation. Based on this call, he decides the next steps, e.g. in the event of a potential criminal case, he takes the suspect to the police station for interrogation immediately or sends them a summons (written in German) for interrogation in non-urgent cases. He summons an interpreter to be there in person. The police have an internal list of interpreters, which also includes police officers with a language certificate. The caution is given to the suspect in written form at the beginning of the police interview, and sight translated if he or she does not read German. No pre-translated versions exist. The interpreters may explain parts the suspect does not understand.

The judges interviewed reported that they issue summons for any interpreters required when scheduling a trial. If the file indicates that the defendant or a witness have a nationality other than Austrian or German, or if the police report states that an interpreter was used in the police interview or notes that one will be required, they summon an interpreter. In the absence of a request by the defendant, the decision to summon an interpreter is made by the judge based on the nationality and/or name, although this can sometimes lead to mistakes.

The judges interviewed generally only use sworn court interpreters who are members of the Association of Court Interpreters, but note that the list is out of date and many people listed on it have retired or are too busy – a problem especially with languages that are in high demand but for which there are few court interpreters. In such cases, they may get someone who is not on the list, but they generally do not resort to the police list.

A lawyer interviewed stated that she also uses the list of the Association of Court Interpreters to summon an interpreter for talks between her and a client. She uses information from the police that an interpreter was present, or when she herself notices it is necessary.

With reference to the right to interpreting, she noted that some defendants who have been living in Austria for a while do not want to have an interpreter to show the court that they are willing to integrate. This is sometimes difficult and an interpreter has to be summoned nevertheless.

The police or court summons are issued in German. They state that PACs may request an interpreter if they need one. However, a judge noted that not all understand it, and may bring a friend or relative to interpret for them. Several legal professionals remarked that they expect anyone who gets a letter they do not understand to go to someone who can translate it for them.

2.2.2 Legal interpreters

The legal interpreters interviewed worked mainly as court interpreters, and said their main tasks are interpreting during talks between lawyers and PACs and in trials before court.

In general, they receive their court summons weeks or even months in advance. In some cases, the judge's office calls them first to check availability, in others not. They prefer to be called first.

Those who interpret for the police say they often call them on very short notice, asking them to come immediately, even at night.

They generally receive only limited information: court summons contain the alleged offence, but no details. However, they may go to the court to read the charges. When called by the police, they often ask for more details about the case. One interpreter reported that since he interprets for a rather small language community, he asks for the person's name to ensure it is not someone he knows to avoid conflicts of interest.

Some legal interpreters also reported interpreting for PACs during consultations with their lawyers or as observers when detained PACs received visitors. In these cases, the PACs generally have to pay for the interpreter themselves (though interpreting at consultations with lawyers may be covered by legal aid if they qualify). In such cases, the interpreters are contracted by the lawyer's office or the PAC / visitor.

One interpreter also remarked on the practice of summoning interpreters based on the PAC's name or nationality. As there are many varieties of Arabic, mutual comprehension is not always guaranteed, especially in the case of people with little formal education who do not speak Standard Arabic. However, there is a lack of interpreters in some of the dialects; therefore, they often have to manage somehow.

At court, the defendant has to be informed of his rights. The legal interpreters have experienced different situations: In most cases, the judge cautions the defendant and the interpreter interprets; in

other cases, the judge tells the interpreter to caution the defendant. The interpreters dislike this; one interpreter even asks the judge to read out the caution if this happens. One interpreter spoke about the situation at the police: He is never asked to caution the suspect, the police officers always inform the suspects of their rights themselves.

2.2.3 PACs

PACs reported that their service path started either with a call from the police, asking them for their address to send them a summons, or by receiving a letter summoning them before the police or before court for questioning. The PACs interviewed all received the summons in German. They asked friends or NGO workers to translate the summons for them and call to ask for an interpreter, one of them used Google Translate. In this latter case, the PAC understood enough to know when and where to appear but did not know why or what documents to bring. As a result, the hearing had to be adjourned.

Concerning the legal caution, all PACs reported that no one told them about their rights, only one PAC reported that he knew about his rights before coming to Austria and also read about his rights to interpreting on the summons; he then called the police and requested an interpreter.

All PACs stated that no one had asked them what language they spoke.

2.2.4 Service path visualisation

PAC's service path	Interpreting services
Suspicion/charge/caught in the act	suspect may be interrogated immediately by police - police may call an interpreter
Arrest (and perhaps preliminary detention) or remaining at large	police informs suspect of rights - suspect may demand interpreter if suspect has a lawyer, lawyer may bring an interpreter for meetings with suspect interpreter may monitor visits in detention
Summons	in written form and in official language; suspects have to ask someone for translation/interpretation
Interrogation by police and/or public prosecutor	Police call police interpreter, prosecutor calls court interpreter
Charges	in written form and in official language; suspects have to ask someone for translation/ interpretation
Trial	court interpreter (summoned by judge) interpreting mode: consecutive or chuchotage, often only summaries
Appeal	court interpreter (summoned by judge) interpreting mode: consecutive or chuchotage, often only summaries

2.3 Presence of the LI in the service path

In general, interpreters are present in each stage of the service path: During the police investigation phase, especially at interrogations, during talks between lawyer and client, as observers during visits in pre-trial detention, during the trial, and during appointments at court in the appeal process.

2.3.1 Legal professionals

The police call interpreters in urgent cases to provide triage by speaking to the suspect (or victim/witness) on the phone briefly to get basic information. If it turns out the case is urgent, they will call an interpreter (sometimes at night) for immediate interrogation, and in non-urgent cases, they will issue a summons for the suspect to come to the police station in one to three weeks and request the interpreter to come there. The police officer stated that in the phase of clarifying if a crime has happened, the individuals actually do not have a right to interpreting; only when someone is officially

a suspect does he or she have the right to interpreting.

The judges interviewed reported that they request interpreters based on the nationality of the defendant or the police report. The interpreters are present during the trial in the courtroom or appointments in the judge's chamber.

A lawyer interviewed stated that she works with interpreters when talking to clients. Although some clients try to talk in German, she prefers an interpreter if communication is difficult.

2.3.2 Legal interpreters

The interpreters interviewed are mainly present in the trial stage of the PAC's service path. Some legal interpreters also reported interpreting for PACs during consultations with their lawyers or as observers when detained PACs received visitors.

2.3.3 PACs

The PACs interviewed reported that they had met interpreters only when they were interrogated at the police station and in court. They also had experiences with lay interpreters: They asked friends or NGO workers to translate the summons for them; one PAC described a meeting with a lawyer where she brought a friend to interpret.

2.4 Formal quality of the LI (professional or lay person) and degree of experience

The legal interpreters interviewed ranged in experience between one and thirty years. We found that the perception of the quality of interpreters by others did not always match formal qualifications.

2.4.1 Legal professionals

The judges interviewed had an above-average understanding of interpreting, either out of interest or due to being legal interpreters themselves. They have high expectations of interpreter performance and prefer to work only with interpreters with formal qualifications who are also members of the Association of Court Interpreters. However, they all reported that some judges use (or even prefer) lay interpreters who have been working for the justice system for years or even decades, often as de-facto in-house interpreters. Their perception of the police was that although things have improved, the prevalent attitude of the police seems to be that knowledge of language equals interpreting skills.

The police officer interviewed reported that the police interpreter list contains no information on the background of interpreters, but that if someone is on the list, he assumes they have the language skills necessary to interpret.

The lawyer only calls interpreters who are members of the Association of Court Interpreters, which she considers a sign of quality. Like the judges, she prefers to work with interpreters with whom she has had good experiences before. In court, she notices differences between professional and lay in-

interpreters. She knows that some police interpreters do not have a lot of training. She states that sometimes questions or answers are interpreted differently than posed, and that she sometimes intervenes if she notices this.

2.4.2 Legal interpreters

The interpreters interviewed had between one and thirty years of experience as court interpreters. All of them had studied translation and/or interpreting: Two as their main subject, two in addition to studying law, and one in a dedicated course for public service interpreters. Four of them are sworn and certified court interpreters and members of the Association of Court Interpreters, and the one with the shortest experience is working on obtaining the certification. Their working languages included Arabic, Bosnian/Croatian/Serbian, Czech, English, and Italian.

They interpret in criminal law cases between three times a month and several cases a week (their overall workload is higher, as it includes civil cases and written translations in both domains). Three of the interpreters work as full-time freelance interpreters, and two do legal interpreting part-time in addition to their work as judges.

2.4.3 PACs

The PACs interviewed all had a high opinion of the interpreters assigned to them. However, in two cases we observed the trial and heard from the interpreters who interpreted the interviews that the interpreters on the trial had made a number of serious errors and not behaved like professional interpreters.

The third PAC had experienced two different interpreters during her case. She noted that in both cases, communication was much easier than it had been when her friend had accompanied her to the lawyer, and that she felt more like an active participant than someone being spoken for. She noted a difference in warmth expressed by the two interpreters, but none in quality.

All PACs said they trusted that the interpreters interpreted everything, although one of them later in the same interview said he had the impression something had been left out.

2.5 Configuration of the language assistance

The courts generally strive to provide interpretation in the mother tongue of the person needing the interpretation. However, this is not always possible for smaller languages or due to mistakes.

There are no set rules for the use of one or several interpreters throughout the case. Some judges try to get the same interpreter, some do not, but most judges and interpreters agree that it helps the interpreter's work when they do.

2.5.1 Legal professionals

The judges interviewed all erred on the side of caution with regard to interpreters. Even in cases where someone speaks some German, it might not be good enough to express themselves unequi-

vocally or to understand everything, so they will keep the interpreter in the courtroom to interpret when needed. One judge reported having to sometimes insist on a defendant or witness speaking their own language, e.g. to avoid tense errors that might make the timeline unclear.

If no interpreter is present (e.g. because the defendant did not request one and the court did not know they needed one), the judges might resort to English or German for some basic questions in a preliminary hearing before adjourning, e.g. asking who should be called as witness.

The judges who are also interpreters both reported that they cannot interpret in their own trials, as both tasks are very demanding and require a very different mindset and cognitive processes. They also do not conduct trials in languages other than German, as this is permitted only if all statements are interpreted for the court recorder. Therefore, they also use interpreters when the defendant speaks their working language.

The police officer interviewed speaks a little English and sometimes uses it to communicate with suspects, or tries to communicate in German if the suspect speaks enough to manage, especially for initial questions regarding petty crimes.

The judges reported that if they know the interpreter listed in the records of the preliminary investigation and know they are good, they will try to summon them. One of them stated that if he does not know the interpreter used in the preliminary investigation, he will not research whether they're a member of the Association of Court Interpreters and instead summon an interpreter he knows to be reliable. If trials are adjourned, they will try to involve the interpreter in setting the next court date to ensure they can have the same interpreter throughout the trial. They all agreed that it helps if the interpreter is familiar with the case. One remarked that this might be detrimental if statements in the trial differed from the pre-trial phase, but that this was a minor risk and balanced out by the benefits of the interpreter being familiar with the case. The police officer saw this possibility as something positive and expected interpreters to point out such discrepancies in statements if they occurred.

The lawyer only summons members of the Association of Court Interpreters, and prefers to work with interpreters she knows. She prefers the same interpreter to be present in all phases of a defendant's trial or at all court dates. However, she stresses that it might undermine the trust of the defendant if the same interpreter that interpreted during meetings between her and her client was also at court. Talks with clients often contain sensitive information and the PAC might fear a breach of confidence if he/she then saw the same interpreter at court, particularly if that interpreter conversed with the judge or other people in court. If the client speaks a language that she also speaks, she tries to communicate in this language outside of court.

2.5.2 Legal interpreters

When an interpreter has been summoned to court and it turns out the defendant speaks sufficient German, they are not sent away but asked to stay there on standby. As one interpreter noted, "sufficient" German may not always be adequate when it comes to legal terminology that may not always be understood correctly even by German native speakers. In some cases, the suspect may understand German well but prefer to speak in their mother tongue, so that interpretation is only needed in one direction. Some interpreters have the impression that the police are more likely than other legal professionals to be satisfied that a suspect speaks sufficient German and not call in an inter-

preter.

Suspects can waive their right to interpretation and one interpreter assumes that some do so in an attempt to make a good impression by speaking German, adding that some judges will in such cases try to conduct the case in German to save time and money.

Most of the interpreters interviewed have occasionally interpreted for one PAC more than once, either in several phases of the service path or at multiple court dates for longer cases. Most of them prefer this, as they have more information on the case and feel better prepared. The only exception is an interpreter for a language that has a rather small community in Vienna, who prefers to have as little repeated contact with PACs as possible for privacy reasons.

The two legal interpreters who are also judges both declared that while interpreting in several phases of the same case would not lead to a conflict of interest for them, they would decline (and have done so in the past) taking on, as a judge, a case they had interpreted in in a previous phase, or even involving a person they had interpreted for in a different case.

2.5.3 PACs

The PACs interviewed had all received the summons in writing. Two had a friend or NGO worker translate it and therefore found out that they had the right to an interpreter, and asked that person to request one. However, one of them had relied on Google to translate the summons and had not understood that part. The judge had summoned an interpreter for him based on his nationality, but as it turned out, it was a different dialect of Arabic than the one he spoke. He stated that nobody had asked him which language he needed. One of the others said that the police tried to speak German with him initially but when that did not work, they used an interpreter.

One PAC had the same interpreter at two court dates, the two others had different interpreters at the police station and in court and did not mind them changing.

2.6 Linguistic utility/effectiveness of the language assistance

Linguistic utility and effectiveness depends primarily upon the quality and experience of the interpreter. The handling of technical terms is important as well as the time available in the trial and whether the PAC trust the interpreters. However, the most important issue concerning the effectiveness of the language assistance is the selection of the right interpreting language, which is not always the case.

2.6.1 Legal professionals

The legal professionals interviewed try to avoid technical terms and use simple words, whether the defendant speaks German or not. A judge mentioned that it is reasonable to expect interpreters to know common law terms and regulations, but not necessarily the latest changes in law. The lawyer has a similar opinion: The judges should explain technical terms, but the court interpreters should know how to interpret them as well.

The judges interviewed reported that in the absence of a request by the defendant, the decision to

summon an interpreter is made by the judge based on the nationality and/or name of the defendant, and that this can sometimes lead to mistakes.

2.6.2 Legal interpreters

The legal interpreters agreed that it is important to explain technical terms, as defendants often have a low level of education but should be able to understand what is going on. Another strategy is to ask the judge to provide the explanation for a technical term or complicated topic. To ensure mutual understanding, some legal interpreters intervene when there is an obvious misunderstanding between the PAC and the other parties at court. Otherwise, the interpreters remain neutral and add nothing, leaving it to the judge to clear up any misunderstandings. Another source of misunderstandings are technical problems with the audio connection used when the PAC talks to his or her lawyer in pre-trial detention.

Another issue that affects the effectiveness of linguistic support is the PAC's trust in the interpreter's work. One strategy used by the interpreters is to introduce themselves, their role and the interpreting procedure, the other is to stay neutral, distant and impersonal.

Time is also a factor during the trial – efficiency is important at courts because time is always limited. It might be better for the PAC if everything was interpreted; however, for the judges, it is often better when the interpreter summaries things for the PAC.

2.6.3 PACs

All PACs agreed that the linguistic aspect was fine for them, only one PAC complained that he would rather have had an interpreter who spoke the same dialect and that there had been some communication difficulties during the trial.

The PACs displayed a high degree of trust in and respect for their interpreters, both at the police and in court. Only one PAC reported that she had heard of other situations where PACs did not trust interpreters. The PACs experienced most of the interpreters as being friendly, but distant. The PACs assume that the interpreters do a good job, as they cannot check the quality of their interpreting in the language they do not understand. One said: "I have to trust him. Because he's summoned by the court and plays a sensitive and crucial role in the courtroom, a small mistake of his could cost me my life so I have to trust him to interpret everything correctly. An interpreter cannot (should not) make mistakes." However, one PAC said that he noticed that the interpretation was shorter than what had been said.

2.7 Impact of the LI in the service path itself¹

2.7.1 Legal professionals

The judges and the lawyer interviewed all noted that interpreters who lack professional training often give defendants advice or instructions on how to behave. Some are trying to be helpful, others

¹ Does he or she gives legal advice?

are trying to present themselves as an authority figure. The judges noted that non-professional interpreters often act on their own initiative, may interrupt, hold side conversations or even get into arguments with the PAC, etc. One of the judges remarked that non-professional interpreters may sideline the judge or try to present themselves as legal experts. The lawyer commented that interpreters should point out linguistic or cultural misunderstandings or idiosyncrasies, but that they have little opportunity to act autonomously and should generally only interpret. A judge also said that he appreciates it when interpreters point out cultural differences.

2.7.2 Legal interpreters

The interpreters interviewed all agreed that they should not give the PACs any advice, and indeed many try to avoid any interaction outside the courtroom, e.g. by occupying themselves on their mobile phone while waiting. Often, PACs will approach them with questions or requests, but they generally do not give any detailed answers and will refer the PAC to the judge.

One interpreter who is also a judge said he sometimes answers simple questions for suspects at the police station if he knows the answer, such as “what will happen next”, but then immediately tells the police officer what he was asked and what he answered. To him, it is an act of humanity to respond to a person in distress, but he does not do it with the intention of presenting himself as an expert.

2.7.3 PACs

One PAC said that her interpreter had recommended she answer easy questions in German to make a favourable impression on the judge, but she was too nervous to do so.

2.8 Time management of the LI (time of arrival)

Generally, only the police call interpreters on short notice, but they do so even at night. In such cases, they expect the interpreter to come as soon as possible, and they usually manage within an hour.

In all other cases, interpreters have time to prepare. The summons generally includes the charge and article(s) in question, and interpreters can go to court to read the full charge, though they do not always do so. In complex cases, one interpreter will try to get information from the judge beforehand (e.g. complicated financial cases).

2.8.1 Legal professionals

The legal professionals did not report any problems with the arrival time of interpreters.

2.8.2 Legal interpreters

The legal interpreters generally arrive only a short time before the trial, as there is no opportunity to talk to the judge beforehand anyway and they prefer to avoid conversations with the PACs outside the courtroom.

2.8.3 PACs

None of the PACs reported that they had to wait for an interpreter to arrive. They said that the interpreters at the police station had been there when they arrived; at court, the interpreter sometimes waited before the courtroom (the PACs did not know he/she was the interpreter) and entered the courtroom just before the beginning of the hearing.

2.9 Use of a *lingua franca* and quality of expression and understanding

When no interpreters are available for a specific language, a *lingua franca* may be used. Other reasons for using a *lingua franca* are the need for quick answers, a fast trial or when only simple and short questions are asked. English is the most commonly used *lingua franca*; in most cases, it is used by PACs from African countries. Quality of communication often depends on the PAC's education.

2.9.1 Legal professionals

The police officer speaks a little English, and uses it sometimes to communicate with suspects. If he cannot find an interpreter for the suspect's mother tongue, he tries to find an interpreter who speaks a language that the suspect understands, e.g. Russian instead of Chechen. If communication obviously is not working, he has to delay the interrogation until he has found a more suitable interpreter.

One of the judges also uses English, but only for brief questions and more often outside the courtroom than inside, which happens very rarely. Usually, an interpreter for English is called but if he or she does not appear or if the defendant wants a fast trial, English can be used if all parties agree. The judge describes that English is a common *lingua franca* for PAC from various African countries.

The lawyer uses two foreign languages to communicate with clients. However, if communication is difficult, she prefers to call an interpreter. Before the arrival of the interpreter, she tries to speak with the client in a language they both understand at least a little. In general, English is a common *lingua franca* for clients from African countries, also in interpreting situations.

2.9.2 Legal interpreters

One of the interpreters is not certified for English, but has used it occasionally as a compromise solution in cases where she has been called for the wrong language. Some older PAC from former Yugoslavian countries might use what was then known as Serbo-Croatian as *lingua franca*, which they learned at school. An interpreter for English interprets mainly for persons who use English as a *lingua franca* because there are no interpreters for their languages (African countries, India, various South-East Asian countries). Communication quality depends on the PAC's education. She criticises that English is used as *lingua franca* by police even when PAC do not speak/understand English well, and states that for this reason, communication in English is not possible in trials.

2.9.3 PACs

One of the PACs reported that the police had initially addressed him in German, but when that did not work, they communicated via the interpreter present.

2.10 Complexity of the LI in the service path

The interpretation mode in trials is mostly consecutive. During witnesses' or other individuals' testimonies interpreters prefer using chuchotage (whispered simultaneous interpreting) for PACs, but are not always allowed to do so.

2.10.1 Legal professionals

The judges interviewed were familiar with interpreting or were interpreters themselves and therefore aware of the benefits that chuchotage has over consecutive, i.e. saving time and providing a more complete interpretation for the PAC. The extent to which they allow the use of chuchotage in the courtroom varies: while one uses it for everything except the questioning, the other uses it during witness statements only, but has recently started thinking about having interpreters use consecutive interpreting only into German and simultaneous into the other language. The first judge adds that information the defendant already knows (e.g. a repetition of a witness statement that is identical to that in the preliminary investigation) can be summarised. The interpretation should always be as complete as necessary to safeguard the rights of the defendant, but if he can already tell an acquittal is likely, there is not as much need to interpret everything completely. If a lawyer is present, he will address remarks concerning procedure and scheduling directly to the lawyer rather than the defendant, but does so with German-speaking defendants as well.

The police officers said sometimes interpreters will interpret a suspect's statements simultaneously and he will type while listening.

The lawyer stated that in most trials, the interpreting mode is consecutive, rarely chuchotage. In trials, she insists that testimonies are interpreted in full in consecutive. Most courts are careful to provide that. If the judge wants the interpreter to summarise, she objects because important messages might get lost. In her opinion, chuchotage would be the best solution in the courtroom. She pointed out that although she does not consider it right to summarise statements, the European Court of Justice would likely not consider the fairness of the trial to be in doubt and leave it up to national legislation.

2.10.2 Legal interpreters

Most of the interpreters prefer to interpret simultaneously into the PAC's language, although they note that some judges do not like it, as it can be a distraction. They report that many judges expect consecutive summaries, though they also believe some judges are simply not aware of the possibility of simultaneous chuchotage.

Some simply start whispering without asking for permission, as they feel it is their responsibility to ensure the defendant hears witness statements in full so that they can ask questions, or understands

the full extent of court decisions, which otherwise might only be summarised in consecutive. It also saves time.

2.10.3 PACs

All three PACs only experienced consecutive interpreting.

2.11 Language quality of the LI in the service path

The quality of professional interpreters for more common languages tends to be good, but there is a lack of interpreters for some languages, so that interpreters without formal interpreting training have to be used in those cases. Language quality and overall service quality appears to be lower with non-professional interpreters.

2.11.1 Legal professionals

The judges have all been in their position for a long time and know which interpreters are reliable for the most common languages. However, when it comes to rarer languages and interpreters they do not know, they will scrutinise them more closely. One judge, who is also an interpreter, noted that he generally understands enough of languages related to his working languages to determine whether anything has been left out. If he notices the interpreter missed something, he will repeat it or repeat the question rather than embarrassing the interpreter by pointing out the mistake or omission. For languages they do not speak themselves, the judges try to determine the degree of professionalism and quality by other indicators, such as long side conversations with the PAC, direct replies to the judge's questions (indicating that that part had previously been omitted in the interpretation), long duration, the interpreter giving the PAC advice or chastising them, presenting themselves as if they were part of the court. In such cases, the judge will not summon that interpreter again.

The lawyer noted that when she understands the interpretation (in the foreign languages she speaks and related languages), she sometimes notices omissions. She might also notice that the interpretation is too short. In such cases, she points that out to improve the quality of interpretation. This has led to a change of interpreters in some cases. She stressed that interpretation costs time and that might lead to pressure, which reduces the quality of the interpretation and therefore has a negative impact on the defendant.

2.11.2 Legal interpreters

Several interpreters have experienced problems when PACs do not speak the language as their mother tongue, especially in the case of lingua francas. They generally inform the judge of such problems and usually another interpreter is found.

The Arabic interpreter noted that communication can be difficult due to the wide variety of dialects. If he notices that there is a problem with understanding, he will inform the judge, but if no more suitable interpreter can be found, he has to interpret anyway.

One interpreter remarked on the low quality of lay interpreters, saying they were more prone to

making errors.

2.11.3 PACs

The PACs felt the language skill and quality of interpretation was good, although one of them spoke the Syrian variety of Arabic and had had an Iraqi interpreter. He remarked that it would be better to match interpreter and PAC dialects/countries of origin.

2.12 Physical position of the LI in the interpretation setting

2.12.1 Courtroom (“Verhandlungssaal”)

Almost every interview partner talked about the physical setting in the courtroom (one PAC had only been in the judge’s chamber, and the police officer was not asked to draw the situation in the courtroom).

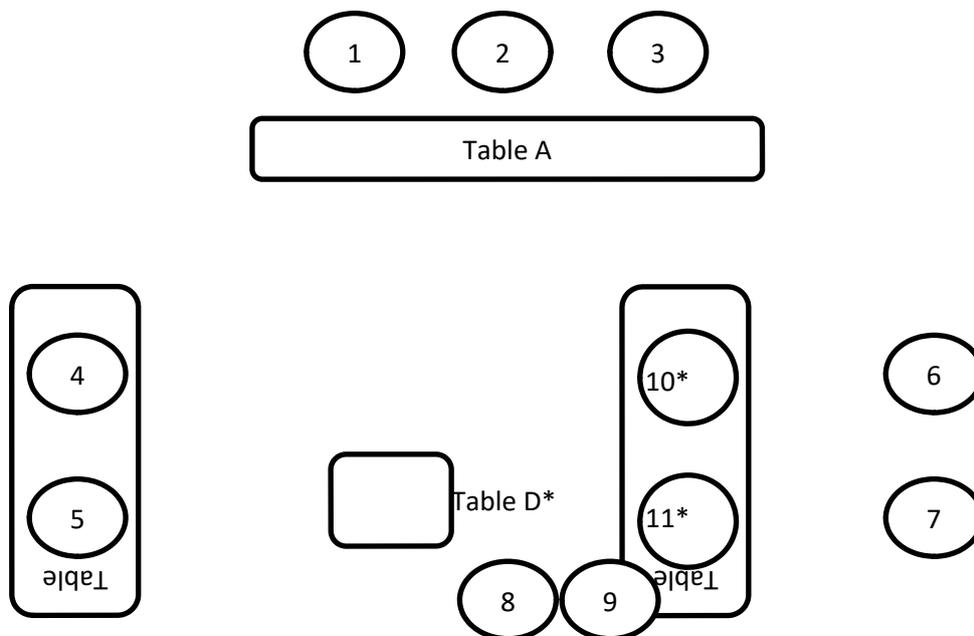


Figure 1: courtroom

1 = Judicial law clerk or interpreter(s) if there is more than one seat (in larger courtrooms, e.g. “Geschworenensaal”).

2 = Judge

3 = Court recorder or interpreter(s) if there is more than one seat

4 = Public prosecutor

5 = sometimes victim’s lawyer(s), sometimes interpreter(s)

6/7 = defendant or interpreter when witnesses or other people are at position 8, sometimes PAC’s lawyer; sometimes there are more than two seats

8 = defendant/witness/other people when giving testimonies

9 = interpreter if there is no space available at 6/7

10*/11* = these seats are not available in every courtroom; position for defendant(s) if there are no seats available at position 6/7 (e.g. two or more defendants with two or more lawyers) during testimonies of witnesses/other people

Table A = this table is in an elevated position compared to Tables B and C

Table D = in some courtrooms, there is no table here

Legal interpreters: There is no official regulation concerning the positioning in the courtroom and there are different positioning strategies at different courts. In some trials, the judge tells the interpreter where to sit (e.g. one judge wants the interpreter to sit next to the defendant's lawyer to make the interpreter's impartiality visible), in others, the interpreter can choose. Sometimes, the seating arrangements are due to availability. The position preferred by the interpreters depends upon various aspects; there are advantages and disadvantages to each position. Some interpreters prefer to sit next to the judge (position 1/3) either because they can look at the file, or because it creates more distance to the defendant, "more seriousness" – the more physical distance, the more interpersonal space. Greater distances in larger courtrooms create an atmosphere of seriousness, solemnity and respect. For another interpreter, it is normal to sit next to the judge (position 1) and she prefers this position, in particular if she does only consecutive. Sometimes she sits next to the public prosecutor (position 5). When the interpreters sit closer to the defendant, it might cause the defendant to see the interpreter as more trustworthy. Most of the interpreters prefer to sit next to the defendant for the possibility to whisper simultaneously. However, one interpreter does not like this position (6/7/9), as it is too close and PACs often try to involve him in side conversations. He also does not want them to look at his notes. One interpreter would prefer to do simultaneous interpreting in a booth to the existing arrangements.

Judges/Lawyers: Some judges have preferences where the interpreter should sit and tell them so, some ask the interpreter where he or she wants to sit, their preferences vary – some prefer to sit closer to the defendant (position 6/7), some closer to the judge (position 1/3). Some judges assign whichever seat is available. In most cases, the interpreter sits next to the judge (position 1). During witnesses' testimonies, some judges want the interpreters to sit next to the defendant (position 6/7) to do chuchotage for the defendant. However, this might be annoying if the defendant then talks to the interpreter in private. If the interpreter sits next to the judge during the whole trial, the interpretation tends to be only summaries. The lawyer stated that interpreters often sit at position 1, which might lead the defendant to believe that they are a part of the court and in a position of power. She thinks it would be better if the interpreters sat nearer to the defendant (behind him).

PACs: In general, the PACs think that positioning of the parties is okay, that the visibility and audibility of everyone was fine. One PAC would have preferred the interpreter to be closer to him – it would have been easier to understand in terms of both acoustics and language (they spoke a different dialect).

2.12.2 Judge's chamber

One interpreter, one judge and one PAC describe interrogations in the judge's chamber. The interpreter explained that if the aim is to apply diversion measures rather than have the case go to trial, a smaller room and short distances between the people are better suited to creating the right atmosphere for that.

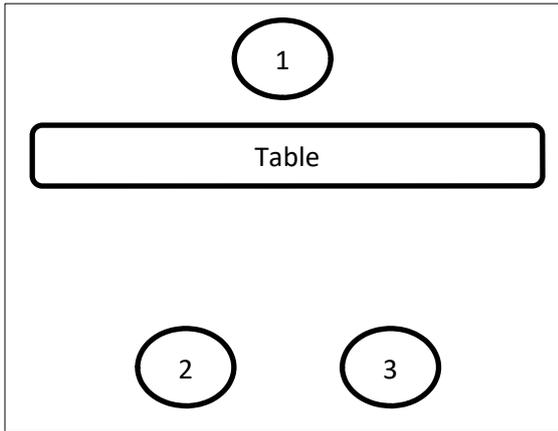


Figure 2: Judge's chamber model 1

1 = judge

2 = interpreter

3 = PAC

The judge prefers this seating arrangement; he wants the defendant and the interpreter on the same side of the table so that he can have eye contact with both of them at the same time.

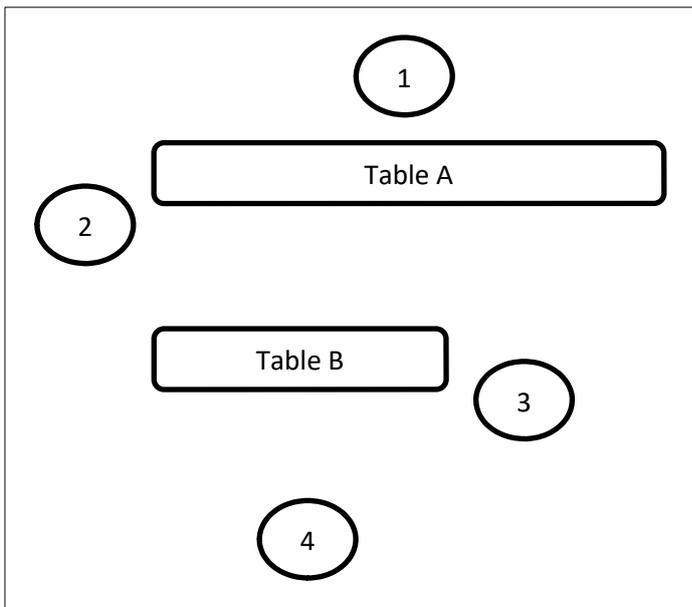


Figure 1: Judge's chamber model 2

1 = judge

2 = interpreter

3 = PAC (appellant)

4 = witness

Table A = in an elevated position compared to Table B

One PAC described a physical setting at court when doing an appeal. Actually, a lawyer should have been present; however, he did not appear in court. She said the situation was okay and the atmosphere was fine; she felt at ease even without the presence of a lawyer.

2.12.3 Police station

One interpreter, one police officer and two PACs talked about the interpreting situation at the police station. Two models have been derived based on their descriptions.

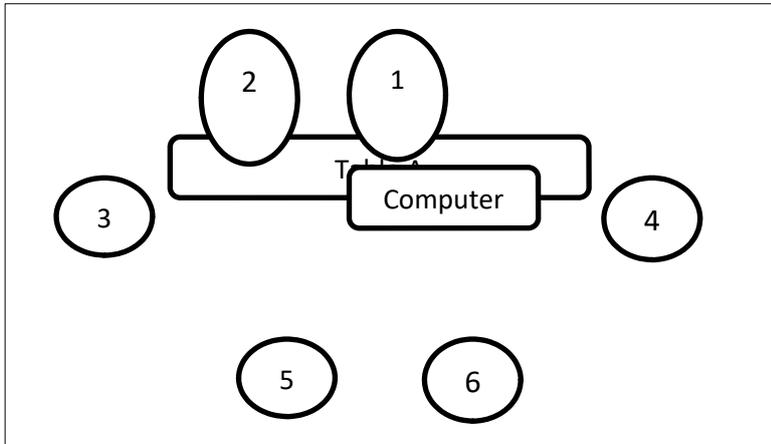


Figure 3: Police station model 1

1 = police officer

2/3/4 = interpreter

5 = suspect

6 = interpreter or second suspect (only one situation)

Police officer: The police officer (position 1) wants to face the suspect (position 5), the interpreter sits at position 3. He explicitly drew the computer on the table. He stressed the importance of having a barrier between the police officer and the suspect for safety reasons, and it is standard to use the PC to write down the suspects' information and answers, i.e. the report.

Lawyer: The lawyer pointed out that in some cases, the interpreter (position 2) sits next to the police officer (positions 1), which creates an atmosphere of confrontation – the suspect (at position 5) might think that the interpreter belongs to the police, which diminishes trust in the interpreter; it would be better if the interpreter sat at position 3.

PAC: All PACs that drew this situation sat at position 4 or 5, the interpreter at position 2 or 3. They said that the seating arrangement was fine, the distances as well as the visibility and audibility was okay.

LI: One interpreter said that it is standard to sit next to the suspect.

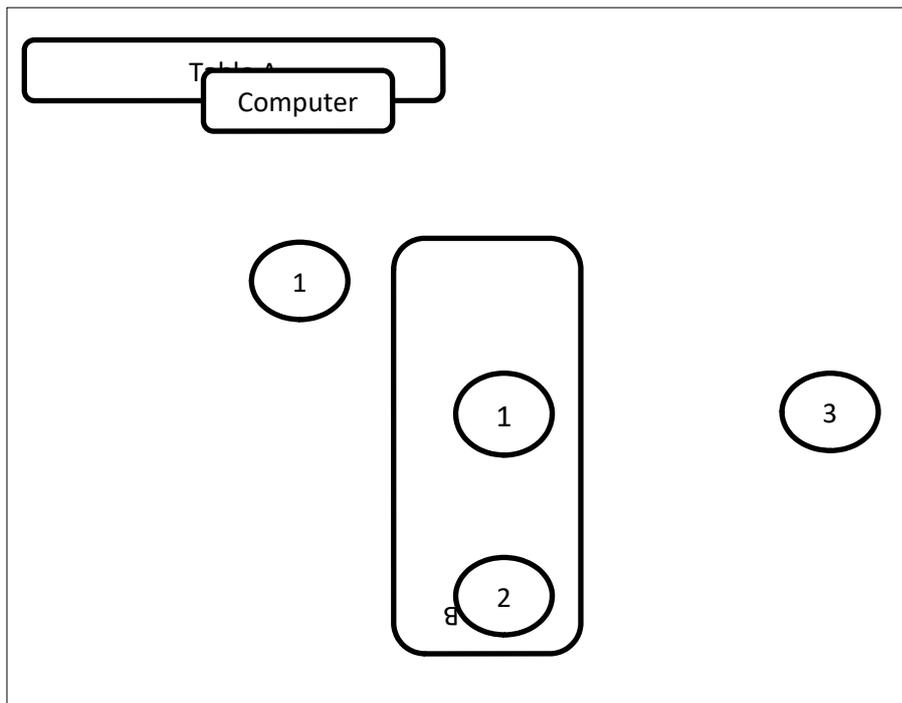


Figure 2: Police station model 2

1 = police officer, changing between two positions (rolling desk chair)

2 = interpreter

3 = suspect

Model 2 was drawn by one PAC. The police officer moved with his chair (positions 1) between Table A and Table B: When he asked the suspect a question, he moved to Table B, the interpreter interpreted the question and the suspect's answer, then the police officer moved back to Table A and typed it in the computer. The PAC felt that the interpreter as well as the police officer were close enough, he heard them both well and did not want a different constellation.

2.12.4 Detention facility – interview zone (“Vernehmungszone” / “Halbgesperre”)

Two legal interpreters talked about their experiences visiting detainees in interview rooms at a pre-trial detention facility. They went there with lawyers and/or judges to talk with the suspects, or with a court trainee to monitor conversations between pre-trial detainees and their visitors.

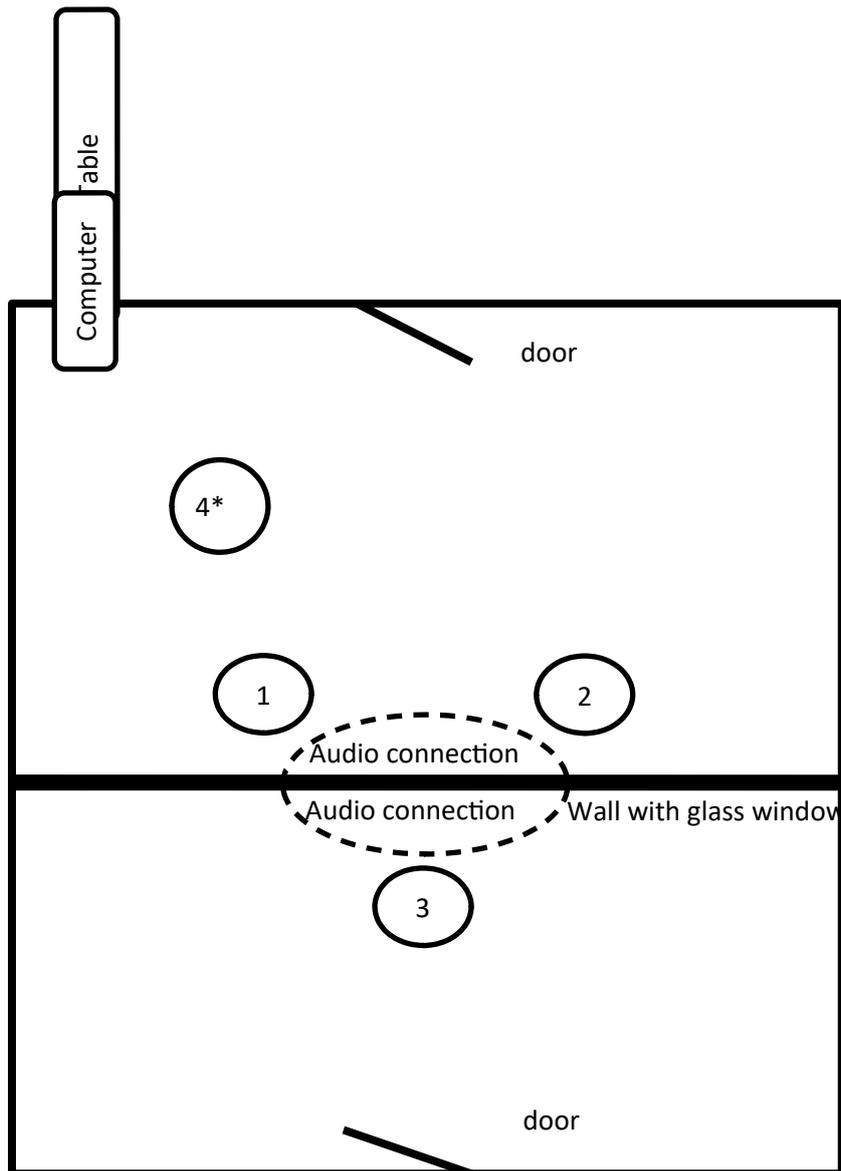


Figure 3: "Vernehmungszone"/"Halbgesperre" – interview room in detention centre

1 = interpreter

2 = judge or lawyer

3 = suspect

4* = recording clerk when interrogation by judge

Audio connection = speaking device or opening in wall

The legal interpreters described that the suspects are brought to this small room by a prison officer. The lawyer and the interpreter or the judge and the interpreter plus a recording clerk are on the other side in the room separated from PAC via a glass wall/window. To communicate, they use a small opening in the glass window or a mechanical device with microphone and speakers.

2.13 Team work position of the LI in the interpretation setting – Power dimension

Both legal professionals and interpreters stress that the judge has the most agency and power in communication situations in the courtroom. There is generally very little interaction between legal interpreters and legal professionals, mostly due to time constraints.

2.13.1 Legal professionals

The judges agreed that communicative agency should rest with them, and that professional interpreters act accordingly. However, they noted that non-professional interpreters often act on their own initiative, may interrupt, hold side conversations or even get into arguments with the PAC, etc. One of the judges remarked that non-professional interpreters may side-line the judge or try to present themselves as legal experts. The judges interviewed do not, on the whole, want the interpreters to take on additional tasks, such as informing PACs of their rights or summarising written documents, but they know some colleagues prefer this. One judge said he would rather summarise a document himself than expect the interpreter to identify all relevant parts in summarising it. The other judge said he sometimes lets interpreters inform PACs of their rights if he knows they are very familiar with the legal language, but the charges are always interpreted, as it is important to him that the defendant knows the charges are brought by the public prosecutor, not the judge.

When the police officer informs someone of their rights, they receive the caution in written form. If the person does not read German, the interpreter translates it on sight.

The judges trust and respect the interpreters they know to be good, and appreciate their cultural and linguistic expertise, including putting certain remarks in context. The police officer assumes that anyone who is on the police list is good and considers them an important support for his work, but whether he trusts them or not depends on the individual interpreter. He uses body language as cues for trustworthiness and if he notices discrepancies and suspects, they are the interpreter's fault, or if the interpreter seems biased, he tries to probe more closely.

2.13.2 Legal interpreters

The legal interpreters agree that communication should be steered by the judge, and appreciate it if the judge takes the interpretation into account (e.g. by interrupting if someone speaks too long). Most of them interpret only when asked to; only one (who is also a judge) will start interpreting when he feels a segment is long enough. The others wait for the judge to give them the floor, though one may give the judge a signal if a segment is getting too long and then wait for the judge to interrupt the speaker before interpreting. If the PAC has a question or says he wants to speak, they will wait for an appropriate moment to tell the judge this. If interpreters do not understand something the PAC said, they will either ask the judge for permission to ask a question or simply tell them they will be asking a question to clarify and then do so, and continue with the interpretation as soon as it has been resolved.

Some interpreters reported that some judges expect them to take on additional tasks, such as in-

forming PACs of their rights directly rather than interpreting the judge's information, as some lay interpreters who have been working for certain courts for years or even decades do so. The interpreters interviewed mostly refuse to do so, stating that it is not their role, but some do it anyway if there are time constraints.

Concerning their introduction, some interpreters do not introduce themselves, other introduce themselves briefly and explain their role and the interpreting procedure, and they do this without being instructed to do so. They do this to increase the understanding and, therefore, trust of the PACs.

While some interpreters feel respected by most judges and public prosecutors and attribute dismissive or unfriendly behaviour to individual characteristics, others often feel unvalued or disrespected, or even feel like they are considered a burden or waste of time, and purported mistranslations may be used as a defence strategy. The English interpreter is sometimes criticised if others in the courtroom understand English. She feels that the attitude towards her is mostly neutral, sometimes negative, and sometimes the judges thank her for interpreting. She wishes her work were more appreciated. The other interpreter who feels unvalued was told by more experienced interpreters at the start of her career that she should try to stay invisible, and that she would only be visible when she made a mistake.

2.13.3 PACs

The PACs described the interaction between LP and LI as respectful but not overly friendly in all cases, and did not observe any side conversations between the two.

Only one PAC reported that the police officer introduced the legal interpreter, and another PAC stated that the legal interpreter introduced himself and the police officer. No PAC experienced an introduction of the legal interpreters at court.

All PACs had a high opinion in their interpreters and trusted them in everything.

2.14 Other aspects: Financial issues

2.14.1 Legal professionals

The police officer mentions that financial considerations influence which interpreter he calls. He stated that if he expects a criminal case to go to court, he would rather call an interpreter and not a colleague with a language certificate. The colleague does not charge extra fees, but his interpreting knowledge may not be sufficient.

2.14.2 Legal interpreters

Some interpreters described the financial aspect as a major issue, e.g. documents are translated only orally in many cases.

The legal interpreter who is also a judge describes that he interprets more out of social commitment than because of the payment, which is very low. He stated that he would rather go and interpret himself than let the police use a lay interpreter.

2.15 Description of other services during the service path

One PAC went to an NGO with the police summons to have it translated and stated that he goes there with any important-looking mail. The other PACs did not use any other services, although one said he had heard they existed but did not know how to access them.

2.16 Feeling about the instauration of transcultural law clinics

The response to the idea of transcultural law clinics is overwhelmingly positive from all three groups interviewed.

2.16.1 Legal professionals

The judges interviewed were very much in favour of setting up a transcultural law clinic and would have participated in one had it existed during their time at university. They also advocated for joint workshops for candidate judges and interpreters, as the training for candidate judges does not teach them how to work with interpreters.

The police officer felt learning to work with interpreters was not a priority, as the police training curriculum is very dense as it is.

The lawyer supported the idea of a transcultural law clinic, but considered workshops more important as training possibilities for future professional court interpreters than as further training for practicing legal professionals.

2.16.2 Legal interpreters

The interpreters also supported the development of a transcultural law clinic and expressed the wish for workshops and training opportunities for both people preparing for the court interpreter certification and for (recently) certified interpreters.

2.16.3 PACs

Two of the PACs responded very favourably to the idea and said they would have sought assistance at such a law clinic had one existed at the time. They feel that law students could help with simple matters, and they would have felt good about it being interpreted, even by students.

3 Interviews in Italy

Nine interviews were conducted in Italy.

3.1 Interview schedule template

Date of the interview	Location of the interview	Quality of the interviewee (LP-LI-PAC)	Institution and location of the institution of the interviewee (optional)	First name, name, and quality of the interviewer(s)
7 December 2018	interviewee's office	LP		Prof. Caterina Falbo Prof. Maurizio Viezzi
7 December 2018	interviewee's office	LP		Prof. Caterina Falbo Prof. Maurizio Viezzi
14 December 2018	University of Trieste	LI		Prof. Caterina Falbo Prof. Maurizio Viezzi
14 December 2018	University of Trieste	LI		Prof. Caterina Falbo Prof. Maurizio Viezzi
11 January 2019	interviewee's office	LP		Prof. Caterina Falbo Prof. Maurizio Viezzi
16 January 2019	interviewee's office	LP		Prof. Caterina Falbo Prof. Maurizio Viezzi
18 January 2019	prison	PAC		Prof. Caterina Falbo Prof. Maurizio Viezzi
23 April 2019	University of Trieste	LI		Prof. Maurizio Viezzi
6 May 2019	University of Trieste	LI		Prof. Maurizio Viezzi

3.2 General description of the quality of the service path

While communication is guaranteed in all stages of the service path, the conditions in which language assistance is provided are not always ideal – LIs are often untrained and unqualified, they are poorly remunerated, there is often little respect for their role and their needs. All this has obvious repercussions in terms of quality. Significantly, while quality is the focal point of Directive 2010/64/EU, there is no mention of it in the Italian Code of Criminal Procedure.

3.2.1 Service path visualisation

Suspicion/caught in the act First contact with judicial authority	Right to an interpreter to “provide personal details and any other information that may help identify” the person involved and to “state or choose address for service”
Arrest (and perhaps preliminary detention) or remaining at loose	police informs suspect of rights - an interpreter must be appointed right to an interpreter to speak with lawyer
Validation hearing	an interpreter must be appointed
Preliminary hearing	an interpreter must be appointed right to an interpreter to speak with lawyer
Trial	an interpreter must be appointed right to an interpreter to speak with lawyer
Appeal	an interpreter must be appointed right to an interpreter to speak with lawyer

3.3 Presence of the LI in the service path

3.3.1 LI

According to Italy’s Code of Criminal Procedure, the presence of an interpreter is required at all stages of the service path if the PAC does not speak or understand Italian. An interpreter must be appointed even when the court, the prosecutor or the criminal police officer know the PAC’s language or dialect (Article 143(5), Code of Criminal Procedure). Interpreters are therefore always present when PACs are before the court, the judge, the prosecutor or the police. As regards meetings between PACs and lawyers, interpreters may or may not be present, depending on their availability and also on the ability to cover their costs. When PACs are entitled to legal aid, interpreting costs are covered by the State, but the application/authorization procedure is extremely complex which leads to reducing the meetings between PACs and their lawyers to a minimum. When interpreting costs are not covered by the State, interpreters are often non-professionals (friends, relatives etc.) or a lingua franca is used. Finally, when meeting PACs just before a hearing, lawyers often resort to the Court-appointed interpreters.

3.3.2 PAC

The PAC says that no interpreter was present when he was arrested. As he does not understand Italian well, the PAC asked the police officers to speak English. When he arrived at the police station there was no interpreter. The police officers' English was unclear and the other person who had been arrested with him served as interpreter. The PAC was asked to sign some documents written in Italian, but he did not sign as he could not understand them. He said he would only sign them if a lawyer were present or before a judge. An interpreter was present at the arrest validation hearing. In prison, language help is provided by his fellow countrymen. He speaks English with his lawyer.

3.4 Formal quality of the LI (professional or lay person) and degree of experience

3.4.1 LI

The LIs who were interviewed have considerable experience and have been working for the police and the court for over 10 years. They do not just work as interpreters – they also do translation work and phone call transcription. They work almost every day. One interpreter has a degree in conference interpreting. The others do not have any specific training in translation or interpreting – although one of them has a language degree and recently attended two professional development courses – and basically “learned by doing”, both in terms of interpreting technique and in terms of knowledge of the legal and judicial fields.

3.5 Configuration of the language assistance

3.5.1 LP

The Court typically resorts to interpreters included in its lists, which is no guarantee as to their training or qualifications – it is a fact that knowledge of two languages is often enough to be engaged as an interpreter by the Court officials. Generally the same interpreter is used throughout the trial. As regards lawyers, when they really need an interpreter to communicate with a PAC that has just been arrested or is in custody, they may resort to those same interpreters or else to interpreters they personally know. When they are not in custody, PACs may also rely on relatives or friends.

3.5.2 LI

The same interpreter is used in all stages. The interpreters say that being involved throughout the proceedings makes their work easier and has no impact on their impartiality.

3.6 Linguistic utility/effectiveness of the language assistance

3.6.1 LP

Language assistance is absolutely crucial not just to ensure communication, but also to help PACs not

to feel isolated or excluded. One LP mentioned the case of a PAC who had suicidal thoughts just because he was completely isolated and could not make sense of anything around him. Everything changed when his language was correctly identified and he began receiving some language assistance.

3.6.2 PAC

The PAC says that interpreters are useful or, better, necessary.

3.7 Impact of the LI in the service path itself

3.7.1 LP

Interpreters are not supposed to give legal advice or information to PACs and they generally confine themselves to interpreting, although cases of emotional involvement occur, occasionally leading them to exceed the limits of proper professional conduct.

3.7.2 LI

The interpreters say they never take the initiative and give advice. If they feel something should be clarified or explained to the PAC, they ask the lawyer to do so. Before a hearing, though, they may occasionally inform the PAC about the different stages of the proceedings.

3.7.3 PAC

In the PAC's experience, interpreters restrict themselves to translating questions and answers. They do not give any suggestions or advice.

3.8 Time management of the LI (time of arrival)

3.8.1 LP

Lawyers complain that they are not always able to see a PAC just after his or her arrest (for example because they simply do not know where the PAC is – in prison or in one of many police stations). Furthermore, it is not always easy to identify the language spoken by the PAC. An interpreter may therefore be called just on the basis of the PAC's nationality, and it is not uncommon for him or her to be sent back home and replaced by someone with the right language combination. When an interpreter is called, it does not take long for him or her to arrive, although it may be difficult to find an interpreter at night or for certain languages.

3.8.2 LI

The interpreters say that they can always reach the place where they are called very rapidly.

3.8.3 PAC

The PAC says that no interpreter was present when he was arrested or when he needed medical care in prison.

3.9 Use of a lingua franca and quality of expression and understanding

3.9.1 LP

English or French or Spanish or German are not uncommon as lingua franca in encounters between lawyers and their clients. In general, when a lingua franca is used, communication quality ranges from satisfactory to very poor. One LP said that on one occasion he resorted to drawings to exchange information with his client.

3.9.2 LI

English is sometimes used as a lingua franca by one interpreter, with no negative impact on communication. One interpreter mentioned the rather uncommon case of Croatian being used as a lingua franca with a Chinese PAC. The PAC's language proficiency was poor, however, which made communication difficult.

3.9.3 PAC

The PAC says he could not understand the police officers when they spoke English. Furthermore, the police officers thought he pretended not to understand Italian.

3.10 Complexity of the LI in the service path

3.10.1 LP

The interpreting modes are consecutive and whispered. Whispered interpreting is generally used in court to inform the PAC about what is going on – it is a sort of unofficial interpreting provided by the interpreter; no judge or court official ever checks whether it is actually provided and how. Consecutive interpreting (generally in short segments) is used for everything that is said specifically to the PAC or by the PAC. Lawyers generally brief interpreters about the case and the contents of the meeting or hearing, and make sure interpreters understand technicalities and are able to translate legal terms.

3.10.2 LI

When they are called by the court or the police, interpreters generally are not informed in advance about the case – they therefore do not know what they are supposed to deal with and who they are supposed to interpret for. Things are different when they are called by a lawyer, as lawyers do provide information to interpreters. The interpreters report about difficulties deriving from the lack of preliminary information (for example, when there are several defendants in a hearing it is very difficult to identify them also because it is not uncommon for judges to mispronounce names; if they

do not even know what charges are brought against the defendant, they cannot prepare properly etc.) or from the LPs' communication style (for example, they generally have to summarise the court decision as it is typically read out very quickly; LPs often speak very fast) or from PACs giving inconsistent answers to questions they do not understand or pretend not to understand (which may be a source of considerable embarrassment).

3.11 Language quality of the LI in the service path

3.11.1 LP

The legal professionals say that by and large communication works, but there is great variability in terms of quality. Some interpreters are pretty good – they have excellent command of their languages, they know the legal procedure and terminology, they have good interpreting skills. Other interpreters are not as good and others are definitely unable to do a proper job.

3.11.2 PAC

The PAC says that the interpreting service he has benefited from so far has been high-quality.

3.12 Physical position of the LI in the interpretation setting

3.12.1 LP

The legal professionals are aware that the physical position of the interpreter is not always ideal, particularly in court where the interpreter is often far from the PAC.

3.12.2 LI

The interpreter tends to stay close to the PAC. This may not always be possible in court, though, for example when the PAC sits in a cage or is under heavy guard. Furthermore, room acoustics in court is rather bad. The situation is better when interpreting in prison, where rooms are smaller and there are fewer people.

3.13 Team work position of the LI in the interpretation setting – Power dimension

3.13.1 LP

While stressing that much actually depends on the people involved and their attitude, the lawyers say that in many cases judges do not seem to be much aware of or attentive to language issues, their main concern apparently being the completion of the procedure.

3.13.2 LI

The legal interpreters say that judges are occasionally impolite and often unresponsive to their needs. For example, whispered interpreting, as used by interpreters to inform PACs about what is going on in court, is seen as an annoyance and sometimes cut short. One interpreter feels she is not always treated respectfully by judges – for example, although she is a dottoressa (“Doctor”) she is generally addressed as signora (“Mrs”) which shows, she says, a lack of respect for her and her work.

3.14 Description of other services during the service path

No other services were mentioned by the interviewees.

3.15 Feeling about the instauration of transcultural law clinics

3.15.1 LP

The legal professionals regard the creation of a transcultural law clinic as a great opportunity for future professionals to work together and learn from each other. Joint training of legal professionals and legal interpreters is also seen as an excellent idea and an opportunity to “move forward” and improve the way in which language issues and language assistance issues are dealt with.

3.15.2 LI

The legal interpreters are also very much in favour of a transcultural law clinic as they think it could lay the foundations of real cooperation between legal professionals and legal interpreters and therefore improve, in the long run, quality of language assistance in legal settings.

3.15.3 PAC

In the PAC’s opinion, joint training of future professionals may be useful if it leads to good interpreting.

4 Interviews in Belgium

Ten interviews were conducted in Belgium.

4.1 Interview schedule template

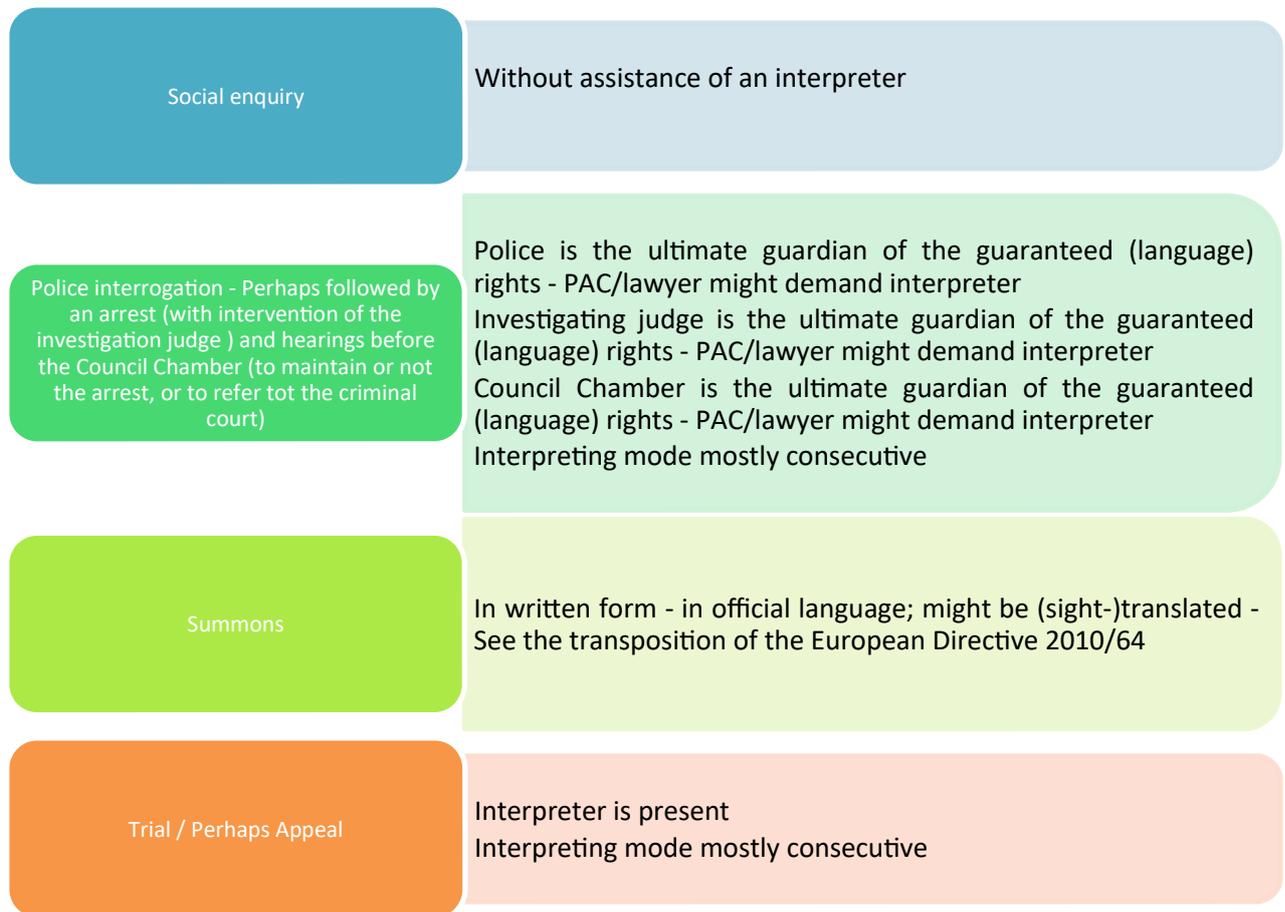
Date of the interview	Location of the interview	Quality of the interviewee (LP-LI-PAC)	Institution and location of the institution of the interviewee (optional)	First name, name, and quality of the interviewer(s)
26 November 2018	Antwerp (Our department)	LP Police (pre-trial)	Police in Antwerp	Kati Balogh and Isabelle Bambust – TransLaw researchers
2 December 2018	Home of the interviewee	LI	Legal interpreter	Heidi Salaets – TransLaw researcher
3 December 2018	Antwerp (Office of the judge)	LP Investigating judge (pre-trial)	Court of first instance in Antwerp	Kati Balogh and Isabelle Bambust – TransLaw researchers
4 December 2018	Antwerp (Office of the judge)	LP Investigating judge (pre-trial)	Court of first instance in Antwerp	Isabelle Bambust – TransLaw researcher
10 December 2018	Antwerp (Our department) and home of the interviewee (Skype interview)	LP Lawyer	Bar of Antwerp	Kati Balogh and Isabelle Bambust – TransLaw researchers
18 December 2018	Antwerp (Our department)	LI	Legal interpreter	Kati Balogh and Isabelle Bambust – TransLaw researchers
19 December 2018	Antwerp (Our department)	LI	Legal interpreter	Kati Balogh and Heidi Salaets – TransLaw researchers

Date of the interview	Location of the interview	Quality of the interviewee (LP-LI-PAC)	Institution and location of the institution of the interviewee (optional)	First name, name, and quality of the interviewer(s)
8 March 2019	Beveren	PAC	In prison	Heidi Salaets and Isabelle Bambust – TransLaw researchers
8 March 2019	Beveren	PAC	In prison	Heidi Salaets and Isabelle Bambust – TransLaw researchers
8 March 2019	Beveren	PAC	In prison	Heidi Salaets and Isabelle Bambust – TransLaw researchers

4.2 General description of the quality of the service path

According to the LPs the language protection offered to the PACs works well. So, at first sight, the PACs seems to be well and good linguistically protected. Though, the story of the three interviewed PACs shows something else (see further “The presence of the LI in the service path”).

4.2.1 Service path visualisation (of the theoretical language protection) according to the LPs



4.3 Presence of the LI in the service path

The presence of the LI in the service path is often determined by the theoretical legal necessity of an adequate language protection (see the visualisation of the theoretical language protection above).

4.3.1 LP – Police

The interpreter is certainly needed at the beginning of the police interrogation. The concept of ‘police interrogation’ is clearly defined. As soon as an explanation is asked about the essence of the actions of the PAC, we are dealing with a hearing situation. This is the right moment for the interpreter to intervene. Nevertheless, this isn’t the very first stage of the global service path. Before the police interrogation, there is a kind of social questioning.

It is clear that a later intervention is certainly not appropriate, because in that case we would not comply with the law. In other words, we must respect the provided (language) protection during the interrogation. An earlier intervention is not feasible in our multidiversal society. It is not possible to call in an interpreter at any time for a mere social questioning.

4.3.2 PACs

For the Arabic speaking PAC 1 the contact with the Belgian authorities was in French. The authorities asked if he could speak and understand other languages. He honestly indicated French and Spanish.

PAC 2 speaks some Dutch. The authorities declared that PAC 2 was Dutch speaking. PAC 2 opposed by saying he didn't understand everything. He asked the authorities and his lawyer for an interpreter. He didn't obtain any interpreter during the police interrogation or before the Council Chamber, and neither during the three court hearings before the juvenile court. So, he was obliged to speak Dutch. He knows 25 to 30% of that language, just the daily common words of the street. Finally he asked and obtained an interpreter before the criminal court. Though, he didn't understand a word of what the interpreter was saying. Everything happened far too fast. He even didn't understand his sentence. The interpreter didn't translate his reaction to that sentence. Before the appeal court he also obtained the assistance of an interpreter.

The first contact with the Belgian authorities of the Arabic speaking PAC 3 was in French. Later he obtained an Arabic interpreter: first a female Moroccan interpreter and afterwards a Syrian interpreter.

4.4 Formal quality of the LI (professional or lay person) and degree of experience

4.4.1 LP – Police

On the one hand the police seems to feel a difference in *experience* of the interpreters but not so much in *professionalism*.

4.4.2 LP – Investigation judge

On the other hand judges indicate they do feel a difference between the trained interpreter and the non-trained interpreter. That is what an investigation judge said about it:

"I notice that there is a very large difference in quality. I often find it difficult to assess this, but I can judge it when I understand the language that the suspect speaks. This means that we sometimes find ourselves forced to compromise on quality in favour of availability. The objective quality requirement of a qualified interpreter is not yet in force [in Belgium], and the limited availability sometimes makes it necessary to call on someone that does not always reach the quality standard that I personally use as a minimum standard."

4.5 Configuration of the language assistance

4.5.1 Assistance in the mother tongue (LP-LI)

In Belgium, one genuinely strives to provide the assistance of the interpreter protecting the first language of the PAC. There is sometimes a problem of availability (an investigating judge gives the example of the lack of interpreters for Sorani).

The principle is that both the police and the judges must work with the territorial official language. Only police officers who know the language of the PAC can address that person in his own language (but even then the official report must be drawn up in the official language).

4.5.2 Absence of an interpreter

The LPs have not any knowledge of cases where no interpreter has been appointed. Again, since an interpreter is not available, an official report of inability to questioning will be drawn up.

4.5.3 Different interpreters during the trial

There are no rules about that aspect. Due to insufficient availability, the same interpreter sometimes comes back in the different process phases. Sometimes it happens that there are other interpreters in the different process phases.

According to the LPs, both situations have their advantages and disadvantages:

1. When an interpreter interprets in the various phases, he knows what the dossier is about, and he also knows the behaviour of the person concerned.
2. When an interpreter interprets in the various stages, it means that he will also become a positive familiar face to the PAC.
3. When an interpreter interprets in the different phases, there is a possibility of loss of neutrality and objectivity of the interpreter.
4. When there are different interpreters, this means that there may be a variety of interpreters, in that sense that some interpreters may have Dutch as their mother tongue and that others may have the involved foreign language as their mother tongue. This creates a more balanced image. This could be an added value. The translation into Dutch could be more sophisticated when the interpreter is a native speaker in Dutch. However, it is not a black-and-white problem. Many factors play a role, such as the degree of education and the sensitivity for language of the interpreter. Moreover, the intervening interpreters – irrespective of whether they have the official language as their mother tongue or not – cannot fully live in the two cultures concerned at the same time.

PAC 1 says there were definitely differences between the different interpreters. Though, it is difficult to precise those differences. It will depend on the situation if PAC 1 prefers one or more interpreters. When the whole case is followed by one interpreter, that interpreter knows the PAC and the situation, and that is of course an advantage.

PAC 2 prefers one interpreter for the whole case. But, first there should be a control to check if the PAC understands the interpreter.

PAC 3 didn't observe any remarkable difference between the three interpreters he had. He doesn't express a preference between the service of one or two interpreters.

4.6 Linguistic utility/effectiveness of the language assistance

4.6.1 LP

Sometimes the LI is seen by the LP as a *necessary evil*. In that case, he will only be regarded as a *useful instrument*. Other LPs see him as an *essential co-worker*. Other LPs consider him an *essential instrument*. A lawyer said beautifully: "If the interpreter is not there, the procedure is lame."

4.6.2 LI

Linguistic utility is obtained by doing one's job well. It is important to follow the competence limits. LIs want to stick to their position. As soon as they leave that position, they are simply lost. It is good to be friendly and sympathetic, but there it stops. LIs have only to make clear what the parties say. The parties must feel the neutrality of the LI. That neutrality can be a moral support.

4.6.3 PAC

PAC 1 sees the interpreter as an essential public service that has a positive effect on one's emotional state. The only concern of PAC 1 was to give an honest answer to the question. He considered the interpreter as being a part of the state. PAC 3 found that the interpreter was (normally) treated like anybody else. PAC 2 declares that the interpreter complicated his life. Everything became unclear, and happened far too fast. He complains about the quality of the interpretation. He even misunderstood the punishment.

4.7 Time management of the LI (time of arrival)

4.7.1 LI

The court interpreters always leave as good as immediately. They limit their intervention to a certain radius from their starting point. The time management also depends on their mobility options. There is for instance an interpreter who does not have a car.

In the point of view of the LIs, the time of arrival varies between 30 and 60 minutes.

4.7.2 LP – Police

The police declares that searching for an interpreter is not always self-evident. There is an absolute need for a well-furnished updated database of interpreters that are available. The first line police has a lot of trouble with that. Sometimes the police has to wait a few hours.

4.7.3 LP – Investigating judge

It rarely happens that the investigating judge has to wait long for the arrival of a legal interpreter.

4.7.4 PAC

PAC 2 claims to have waited 30 minutes for the interpreter with regard to the hearing on appeal.

4.8 Use of a *lingua franca* and quality of expression and understanding

In Belgium, one genuinely strives to provide the assistance of the interpreter protecting the first language of the PAC.

4.8.1 LP

On the one hand there is sometimes a problem of availability (an investigating judge gives the example of the lack of interpreters for Sorani). In that case, the PAC is asked whether he really wants an interpreter Sorani. If so, and since this interpreter is not available, an official report of inability to questioning will be drawn up. If not, the PAC can for instance accept an English interpreter.

On the other hand, the PACs themselves sometimes want to rely on a *lingua franca*, because they do not trust the interpreter from their own community², or because they think to know the (more accessible) common language (while they see afterwards that this is not the case)³.

4.8.2 LI

Nevertheless, it is confirmed that using a *lingua franca* has a disadvantage. Hereby a statement of an interviewed LI: "I find it difficult to say that someone does not actually speak his or her mother tongue. In the best scenario he or she speaks his or her second national language, then it is often not so bad. But you do feel the semantic possibilities narrowing. They do not speak a wrong language, but they do not speak as freely as they would like. And then they are sometimes accused of being vague. So I am myself having an internal conflict, because how far can you go to translate a clumsy language to the judge clumsily? It all has an impact on the interpreter."

4.9 Complexity of the LI in the service path

4.9.1 Mode of interpretation

In the majority of cases there is consecutive interpretation. An interviewed investigating judge also indicates there is partial simultaneous interpreting when the investigation judge formulates the questions. An interviewed interpreter states that consecutive interpreting in a court session is almost impossible due to the rapid course of this session.

² We have an example of an Albanian man preferring the Italian language to the Albanian language in the interpretation setting.

³ We have an example of a young Syrian man that was first speaking French. A bit later he asked for an interpreter in Arabic.

4.9.2 Length of the segments

Sometimes the interpreted segments are far too long. It happens that the LP or the LI makes a gentle end to the word stream, to insure the quality of the interpretation. In the other case, it becomes far too difficult for the LI to remember the long passages.

4.10 Language quality of the LI in the service path

There is definitely a problem with the quality of non-professional interpreters (terminology, methodology, ethics). Besides that, a problem of integrity remains. These are mainly cases where the LI holds a different ideology than the ideology of the PAC.

PAC 2 declares that the interpreter complicated his life. Everything became unclear, and happened far too fast.

4.11 Physical position of the LI in the interpretation setting

There do not exist any rules about the position. Thus, various positions are possible.

4.11.1 LI

The LIs involved rarely complain about the position of the participants. Sometimes it happens that the public prosecutor does not speak clearly enough or too much in the direction of the judge. In that case, the LI does not hear well what the prosecutor is telling.

4.11.2 LP – Police

A table with a computer on it forms a kind of frontier between the police and the other present people. The PAC and the LI take place behind that table. The interview rooms are small. The police needs his computer screen because he has to write everything down during the questioning. Safety is a priority. In that standard constellation the police can always see and hear the actors well.

4.11.3 LP – Investigation judge

Also the non-verbal communication is very important. The investigation judge is behind his desk. He doesn't write himself; the registrar summarizes the conversation. The investigation judge sits right in front of the PAC on the other side of the desk. That distance is psychologically important because it is not a confidential conversation. It is actually a very formal conversation. The formal nature of the conversation is also expressed by that distance. The lawyer takes place beside the PAC, but half a meter behind him. The interpreter is at the same height of the lawyer but on the other side of the PAC.

4.11.4 LP – Lawyer

During the police interview the lawyer sits behind the PAC. The interpreter sits between the PAC and

the police.

In the council chamber the president, the prosecutor, the registrar and the investigating judge are sitting in front. The PAC, with the LI next to him, sits on the benches. The lawyer stands behind the PAC and the interpreter. When I am sitting near the PAC, the PAC feels somewhat more psychologically protected. With a greater distance between the lawyer and the PAC, it might be possible that the PAC could be put under more pressure.

4.11.5 PACs

The position doesn't seem to be a problem for the three interviewed PACs. During the police interrogation the interpreter and the lawyer sit next to the PAC, all together in front of the police officer. In the criminal court, again, the interpreter sits close to the PAC, the judge and the public prosecutor sitting in front of them. PAC 2 couldn't understand anything of what the interpreter was saying to him, because everything went far too fast.

4.12 Team work position of the LI in the interpretation setting – Power dimension

4.12.1 Introduction of the interpreter – Declaration of the interpreter's deontological guarantees

View of the LI. They introduce themselves. They ask the LP if they may do so. They say they are the interpreter, and they also mention the deontological guarantees. One interpreter mentions that it is sometimes very difficult to mention all the deontological guarantees because of the fact it often provokes very negative reactions on behalf of the police. Some interpreters, for self-protection reasons, don't mention their name. Some interpreters add they are attached to secrecy. This means in practice that if the interpreter and the PAC see each other later again in other circumstances, they won't talk about the earlier contact.

An interviewed interpreter says that it is sometimes very difficult to declare all the guarantees offered by the interpreter, because of the fact that it often provokes very negative reactions from the Belgian federal police.

View of the LP. They ask the interpreters to introduce themselves or the interpreters introduce themselves spontaneously. An interviewed lawyer says that he introduces the interpreter himself.

View of the PAC. According to the PACs the interpreter was certainly introduced.

4.12.2 Intervention of the interpreter asking information about the dossier – Briefing

In some rare cases the LP will spontaneously mention some information about the file, for instance when the PAC could be aggressive. In general, the LP does not give file information in a natural way. If the LI has the possibility to ask himself what the dossier is about, he generally receives an answer when there is no risk for an infringement of the investigation secrecy.

Two of the interviewed PACs didn't remark any communication between the authorities and the interpreter. One PAC observed a communication between the interpreter and the police officer, and felt a bit excluded.

4.12.3 Intervention of the interpreter about the length of the interpreted segments

Sometimes the interpreted segments are far too long. It happens that the LI makes a gentle end to the word stream, to insure the quality of the interpretation. In the other case, it becomes far too difficult for the LI to remember the long passages.

4.12.4 Intervention of the interpreter about cultural aspects

The legal interpreter generally gets the opportunity to explain the cultural context in all phases of the procedure. This happens on two levels. Firstly, there is the legal-cultural level (1). Secondly, there is the cultural-linguistic level (2).

- (1) The cultural context can form an attenuating or an aggravating circumstance. For example, with regard to a culture from the Middle East where the girls are married off very young, one may wonder whether this is rape or paedophilia. Here, culture comes into contact with legal public order. In order to clarify this situation to the judge, this cultural aspect remains important for the level of the penalty.
- (2) The cultural-linguistic context is of course also important. What the suspect says must be translated as neutral as possible. It is important what the court precisely understands, because the court ultimately decides about the facts.

4.12.5 Information about the Belgian law system – Legal advice – Explanation of terminology

View of the LP and of the LI. The interview results show that the interpreters never give legal advice. This is not their job. When the rights are explained to the PACs, the interpreters translate these rights afterwards for the PAC. During a police questioning it sometimes (wrongly) happens that the interpreters already give the rights to the PACs in the language of the PACs (without any intervention of the police).

The authority itself chooses the language in which to interpret. But, when the language communication with the interpreter is absolutely unsuccessful, the interpreter could indicate this. In this way he has the possibility to adjust the language protection for the PACs.

View of the PAC. PAC 1 firmly declares he is educated and that he understood the terminology. PAC 2 says he didn't understand anything about the terminology. Sometimes he wanted to interrupt the court hearing. PAC 3 declares that the interpreter spoke in normal terms, and that he was helped when he didn't understand something. The three PACs didn't receive any information about the Belgian legal system. PAC 3 specifies it wasn't possible to have a direct contact with the judge. He says this is however possible in Italy.

4.12.6 Personal communication

PAC 3 says there was no personal communication between him and the interpreter. PAC 2 declares that the interpreter said to him that his punishment was too severe.

4.13 Other services during the service path

4.13.1 LI

The interpreter gives assistance in the language communication. He is there as a conduit to convey what is said to the police or to the judge, and to make clear what the other parties say to them in their language. An interpreter told us that a woman asked him: "Can you inform my cousin?" The cousin was another person that had been arrested. This was obviously not the job of the interpreter, and he went not into that question.

4.13.2 LP – Lawyer

The lawyer provides of course legal assistance. But also the human aspect is important. Especially when family members are present, the lawyer can try to make the family understand the situation. This remains of course on a professional level. The lawyer stays a lawyer, but he comes across as a friend, as someone who is going to prove a service.

4.13.3 LP – Police

The first line police will offer more services than the second line police. This first line police has much more support anyway. The first line is required by law to do some victim support. That police level usually has better agreements with for example 'justice houses' and youth institutions. It can respond more directly to the needs. If, for instance, the second line police meets a father whose son is no longer manageable, the second line police can only refer to the first-line police. This second line lacks the essential contacts to guide the persons in need. So, the second line police works a little bit in an ivory tower. Humanity stays of course very important for both police levels

4.13.4 LP – Investigation judge

The judge has to commit a very objective investigation. The investigation can have very serious consequences for the person sitting in front of the judge. So the investigation judge does not offer any other service. He has to stay be very neutral, objective, and professional. Of course, the judge will always assess whether recidivism cannot be limited, for example, by organizing some specific assistance. He will always try to avoid a detention if there may be some alternatives. In that sense he will also try to find for instance an underlying drug problem or aggression problem. Then he decides if this alternatives could help to prevent future new problems.

4.13.5 PACs

PAC 1 declares having rights like anyone else. He wants to obtain the same rights as anyone else, nothing more, nothing less. He knows having the right to a lawyer, the right to telephonic family contact. He didn't receive any other services. He had to help himself.

PAC 2 declares his lawyer had little time for him. He didn't receive any other services neither.

PAC 3 asserts there are no rights in Belgium. He says that lawyers don't explain anything, and that lawyers are not competent.

4.14 Feeling about the instauration of transcultural law clinics

4.14.1 LP – LI

The instauration of those law clinics was very positively welcomed.

The interviewees consider the law clinics as a fantastic gift for the modal student and as an absolute added value. It is an excellent opportunity to experience the field work:

1. It can help the students to decide what they want to do in their later professional life. In this way we can get the right persons in the right place.
2. It helps to put the theory into practice.
3. The students have the opportunity to the practice in real. So, later on they may be less afraid of this.
4. It is very useful that the interpreter knows the legal world. The interpreter must know the judicial setting, and he has to know what the police, the prosecutor and the investigating judge do, and what happens in the Council Chamber and at a correctional hearing. It is therefore important to know the theatre in which you have to take a role.

When organizing these transcultural law clinics, there are some important points to work on:

1. A very good guidance of the students is needed. It will help to avoid a lack of confidence among the students.
2. One must take into account the people's sense of justice. There are for example countries where "fencing stolen property" is not a criminal offence. As a result, people sometimes do not know that they are committing a crime.

4.14.2 PACs

PAC 1 believes in the transcultural law clinics project. It is good for the students to have that experience, but the user of that service should also stay in contact with the supervisor (to avoid possible irregularities). PAC 1 is ready to use that kind of service.

PAC 2 is also positive. This project could solve several language problems. After his personal bad language experiences, he is ready to use that kind of transcultural law clinics service.

PAC 3 doesn't believe in this project.

5 Interviews in Slovenia

Ten interviews were conducted in Slovenia.

5.1 Interview schedule template

Date of the interview	Location of the interview	Quality of the interviewee (LP-LI-PAC)	Institution and location of the institution of the interviewee (optional)	First name, name, and quality of the interviewer(s)
25.11.2018	Lawyer's office	PAC		Natalia Kaloh Vid, assoc. prof.
10.11.2018	Lawyer's office	LP		Natalia Kaloh Vid, assoc. prof.
3.12.2018	Lawyer's office	PAC		Natalia Kaloh Vid, assoc. prof.
5.12.2018	Interpreter's office	LI		Natalia Kaloh Vid, assoc. prof.
9.11.2018	Interpreter's office	LI		Vlasta Kučič, assoc. prof.
14.11.2018	Interpreter's office	LI		Vlasta Kučič, assoc. prof.
16.11.2018	Court Maribor	LP		Vlasta Kučič, assoc. prof.
30.11.2018	Interpreter's office	LI		Vlasta Kučič, assoc. prof.
3.12.2018	Police station	LP		Vlasta Kučič, assoc. prof.

Date of the interview	Location of the interview	Quality of the interviewee (LP-LI-PAC)	Institution and location of the institution of the interviewee (optional)	First name, name, and quality of the interviewer(s)
18.04.2019	Court Maribor	LP		Vlasta Kučič, assoc. prof

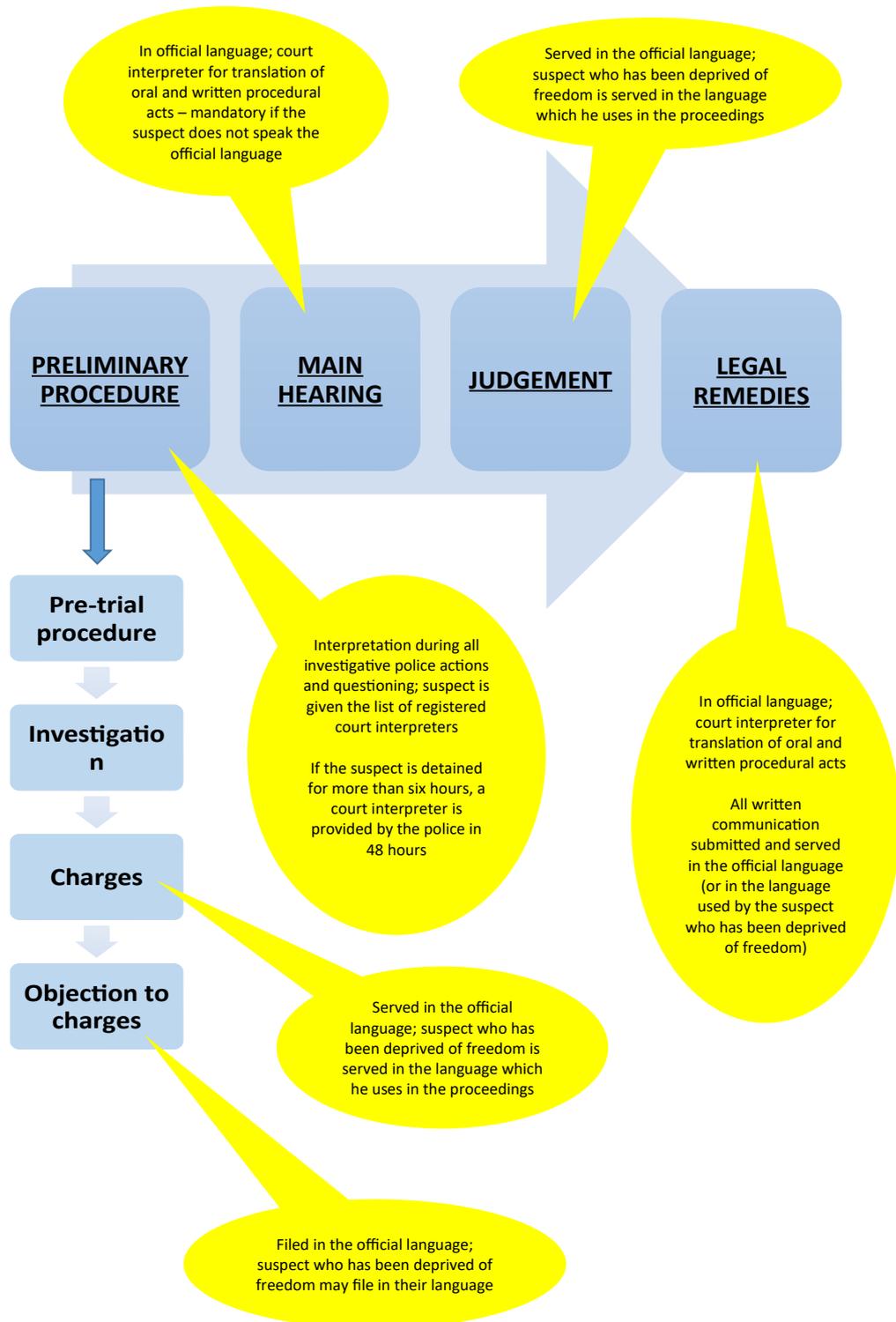
5.2 General description of the quality of the service path

According to Slovene legislation, a legal interpreter should always be present in all stages of service paths, otherwise the whole procedure can be compromised, and they have to start the procedure from the beginning.

According to the people accused of crime that were interviewed, the legal interpreter is always present when the PAC is talking to their lawyer, if there is a need for it. If the PAC and the lawyer both understand a common language, this may vary from case to case.

The legal interpreter is always present at court hearings, to make sure the PAC understands everything, and also to ensure that everyone involved in the process understands the other people in the room.

5.2.3 Service path visualisation



5.3 Presence of the LI in the service path

According to Slovenian legislation, the interpreter has to be called immediately after the police come to the conclusion that the person accused of a crime does not speak or understand Slovene. They contact the Police Call Centre, who contact the interpreter and send them to the police station. Sometimes, it also occurs that the interpreter is appointed by the judge, in which case the interpreter is usually waiting at the court already.

Out of all interviewees, none feel that the interpreter was ever called in too late, or if they were, it occurred very rarely. The interpreter is usually involved since the investigative phase of the procedure, or at the latest at the first court hearing.

Overall the interpreters stressed the importance of being involved since the beginning, due to a better background knowledge of the case.

5.4 Formal quality of the LI (professional or lay person) and degree of experience

The work experience of the interpreters interviewed vary from nine to twenty-eight years of working as a legal interpreter. Most of them have a law degree, some have a more linguistic background with the addition of law seminars and all of them need to take the state exam to become a legal interpreter.

All of the interpreters spoke two or more languages.

It is worth mentioning that in Slovenia, to successfully complete this exam, you need to pass both, the law and linguistic part of the exam, and the legal interpreters are obligated to take part in various seminars in order to renew this licence.

5.5 Configuration of the language assistance

According to various interviews, the legal interpreter is often involved from the police questioning to the end of the trial. The competent authority for calling in an interpreter is the authority competent for that specific stage of the procedure. This can be either police or the state prosecutor, or the court.

The interpreter is usually involved from the very beginning. The person taken into custody must be immediately informed of the reasons in their mother tongue, or in a language that he or she understands, so the interpreter is present from the beginning and at every hearing.

Everyone asked told us that there is usually only one legal interpreter involved with one person accused of a crime, so from the beginning to the final trial. Except, of course, in case that the same legal interpreter is not available for some reason (medical issues etc.).

5.6 Linguistic utility/effectiveness of the language assistance

From the point of view of people accused of crime, the language assistance was very effective, as they all stressed how much better they felt using their own language. An interpreter usually presented as someone in PAC's corner, their advocate, and they all trusted the interpreter completely.

The legal professionals have also said that they value the work of an interpreter, and that they mostly behave in a professional manner. They also recognize that they (legal professionals) and legal interpreters have the same goal, which is to successfully bring the trial to an end in a fair way.

The persons accused of a crime have all spoken very highly of their interpreter. They stressed that the interpreter was nice, professional, that they spoke their language well, that they were friendly with their lawyer, which offered additional reassurance.

5.7 Impact of the LI in the service path itself

The legal interpreter has a very clearly defined role, which is to interpret. This was recognized by the legal interpreters, as well as legal professionals.

The only exception is in the case where a legal interpreter is also a legal professional, in which case they might offer some additional information if they feel the person accused of a crime does not understand it well.

Otherwise, the interpreters stick strictly to conveying the message of the speaker to the others, and do not add information.

5.8 Time management of the LI (time of arrival)

In some cases, the need for an interpreter is more urgent than in others. One of the legal interpreters said that once they needed an interpreter right away, so they had to arrive in approximately fifteen minutes. The case was already in trial stage when they found that the person accused of crime does not speak or understand English well enough.

In most cases, the interpreter will arrive within an hour, except maybe in cases where they need the interpreter in another city, which then means they have to calculate the time of the transfer.

The legal professionals also said that the expected time for the legal interpreter to arrive is between half an hour to an hour, so this seems to be an optimal time.

5.9 Use of a *lingua franca* and quality of expression and understanding

The use of English as a *lingua franca* is described as rare by the legal interpreters, with the exception of cases where the interpreter they call in is an interpreter for English language, in which case they said that English is very rarely the native language of the speaker, and most often the language they just understand and speak well.

The language of an interpreter usually matches the PAC's mother tongue, except in extreme cases where they cannot find the interpreter for that language.

In cases of interpreting into/from English, the interviewees said the PACs are rarely native English speakers, and are most often the people who just understand and speak the language well.

5.10 Complexity of the LI in the service path

The mode of interpretation in legal interpreting is always consecutive, which has been confirmed by all the interviewees. The interpreters interpret segments of various sentences at once, or sometimes sentence for sentence. It depends on what the speaker is saying and whether the speaker is used to being interpreted e.g. a judge or a police officer in comparison to the PAC.

When the speaker talks for too long, the interpreter might interrupt them, ask them to repeat something, but reportedly it is always done in a polite manner, and nobody sees this as a problem.

If the person accused, or anybody else involved in the process, does not understand something, the interpreter might ask for clarification.

5.11 Language quality of the LI in the service path

From PAC's point of view, the interpreter always spoke the language perfectly. One of the PAC's even said that the interpreter spoke his language like it was her mother tongue. None of them ever had problems understanding the interpreter.

The legal professional sometimes noticed that the legal interpreters did not quite understand the meaning of particular legal terms, in which case they always intervene and explain further.

The legal professionals also said that trust towards the legal interpreter is gained, and because of some bad experiences, they sometimes like to monitor the legal interpreting (in case they speak the language). If they do not speak the language, they have no other choice but to trust the legal interpreter.

In most cases, the legal interpreter is said to do a good job, so the majority of experiences are positive.

5.12 Physical position of the LI in the interpretation setting

The legal interpreter's position sometimes varies, depending on the size of the room and the stage of the procedure, but in a court room the legal interpreter sits either facing the PAC, or in the middle of the court room, by the PAC's side. Occasionally, the legal interpreter will be seated next to the judge, since he is the leader of the communication. Everyone interviewed said that they are usually positioned close enough to each other, and none of them would change their position had they had a chance.

The legal interpreter is always positioned so that they can see and hear the PAC well. If that is not the case, they can ask to be moved, or for the speaker to be louder.

Everyone said that they could always see and hear the other well enough for fluent communication. If somebody did not hear something, they asked to repeat and there was no problem.

5.13 Team work position of the LI in the interpretation setting – Power dimension

The legal interpreter is usually treated with certain respect by everyone involved. The legal professionals and police officers say that LI gained this respect and trust by behaving professionally and doing their job well. Most legal professionals do not automatically trust the legal interpreter and check the accuracy of translation if their linguistic knowledge permits them.

The legal interpreter usually introduces themselves, explaining why they are here, and how it is going to work. The good relationship between the legal professional and legal interpreter acts as a reassurance to the PAC, so it is especially crucial in the beginning.

Occasionally, the legal professionals are not satisfied with the translated version, in which case they can get offended. But those cases are rare, and according to the legal interpretation more of an exception than the rule.

Some of the legal professionals did mention that if they understand the language, they monitor the interpreter closely for mistakes, whether in the case of other unknown languages they just have to trust them, which indicates that trust isn't always presents between a legal professional and legal interpreter.

The legal professionals and other involved treat legal interpreters with respect. Nobody reported any sort of unpleasant experience. Most of the time they work together as equals.

5.14 Financial aspects

The financial aspect of the interpreting was not in any way mentioned during the course of interviews.

5.15 Description of other services during the service path

None of the people accused of crime used any other services than the interpreting.

5.16 Feeling about the instauration of transcultural law clinics

Few of the interviewed people have experience with law clinics, but most of them welcome the idea and say that they would have participated if it had existed during their student life.

The people accused of crime are not very welcoming of the idea of students being present or offering any services.

The legal professionals and legal interpreters mostly think that students being involved could be beneficial for them and their further career.

All have said that they would welcome the idea of joint trainings and would attend them if the topic interested them.

6 Summary

Driven by the Directive 2010/64/EU, the general description of the quality of the service path should be virtually the same in all countries. But there are large differences. In some countries, the police is less concerned with language rights. Sometimes there is a clash between what LPs claim in terms of protection of language rights, and the stories of the PACs.

We cannot draw any conclusions regarding the quality of services. Some PACs were very satisfied with the language services, others were more neutral, and others were not at all satisfied with the intervention of the interpreters.

Language protection should of course aim to provide communication in a language the PAC is fluent in. However, this can be difficult, as sometimes there is a problem with the availability of interpreters (especially for languages of lesser diffusion), and sometimes people are satisfied with a *lingua franca*, even if they do not speak it fluently. The utility and effectiveness of the interpreter's work depends mainly on the quality of the services the interpreter is able to provide.

The interpreter maintains absolute neutrality in his or her work and therefore does not give advice on his or her own initiative. There are hardly any problems with the use of time, and the time it takes the interpreter to arrive depends on practical factors and on the interpreter's schedule. The interpretation mode in trials is mostly consecutive, and whispered simultaneous interpreting is used infrequently.

It should be noted that there is no official regulation concerning the positioning of the interpreter in relation to the other parties. There are different possible positioning strategies, and interpreters are only sometimes allowed to choose for themselves.

Legal interpreters are generally respected by legal professionals. However, there is a clear difference in communicative power. The judicial authorities are the leading actor in these settings due to the nature of the event; some of the legal professionals interviewed reported that some interpreters, particularly non-professional ones, tried to exceed the limits of their role, but in general, interpreters were aware of their position in the interaction and communication dynamics of the setting.

The idea of transcultural law clinics is welcomed by the vast majority of respondents.