



The Inns of
Court College
of Advocacy

Interpreters

Clear Communication

Transcript of video

Narrator One A foreign language can easily act as a barrier, stopping you from establishing a proper dialogue with the witness. There are ways of dealing with this. When you are working with an interpreter you must take greater care than usual with the form and structure of your questions - remember that someone has to translate them accurately. Engage with the witness as much as you can; even though the witness may tend to focus on the interpreter, use the interpreter to break that barrier down by asking very simple, straightforward questions which can be translated easily.

In these short clips we give some examples of the way in which you can help the process.

Screen Text *Pronunciation*

Advocate One: Miss Shimscheck could you please state your full name for the court?

Screen Text: *Listen to how the witness pronounces their name. Respect that pronunciation.*

Witness: Terim Shimscheck

Interpreter: Terim Shimscheck

Screen Text: *How important is eye contact?*

Advocate One: What colour were the bruises?

[Interpreter translates question to witness, receives reply in native tongue]

Interpreter: Is that when I first saw them?

Advocate One: Yes.

Screen Text: *With the addition of the interpreter, eye-contact between the witness and the advocate, or the witness and the judge, becomes more complicated. Stay alert to the problem.*

[Interpreter translates question to witness, receives reply in native tongue]

Interpreter: Well, when I first saw those bruises they were nearly black, and then on her cheek they were dark.

Screen Text: *Eye contact*

Advocate Two: ...between your job and going to the pub?

[Interpreter translates question to witness, receives reply in native tongue]

Interpreter: No, I didn't go to home, we went straight to the pub.

Narrator Two: The advocate is trying to maintain eye contact with the witness, but the witness addresses his answers to the interpreter. This gives an unintended impression that they are in some way collaborating. Interpreter and witness should be seen as two very different persons; advocates should encourage witnesses to maintain proper eye contact with them.

Screen Text: Avoid hanging or convoluted questions.

Advocate Three: In terms of your involvement in the day to day life of this family, it's right that you're away from them most of the time?

Screen Text: Avoid hanging or convoluted questions. They are unnecessary and create extra work for the interpreter.

[Interpreter translates question to witness, receives reply in native tongue]

Advocate Two: Now I understand you were laying some carpet down, and you would have had some equipment for that presumably?

[Interpreter translates question to witness, receives reply in native tongue]

Screen Text: *Example of good communication*

Advocate Four: And when you were in the pub on the 15th, did you have the knife with you?

[Interpreter translates question to witness, receives reply in native tongue]

Interpreter: Yes I had the knife with me.

Advocate Four: The knife was inside your coat pocket?

[Interpreter translates question to witness, receives reply in native tongue]

Interpreter: Yes, I had it in my pocket.

Advocate Four: And you left the blade outside the knife didn't you?

[Interpreter translates question to witness, receives reply in native tongue]

Interpreter: No, the blade was hidden because if it would have been outside it would cut me.

Advocate Five: Did you need the money that they were offering?

[Interpreter translates question to witness, receives reply in native tongue]

Screen Text: *Don't accept unfocused answers.*

Interpreter: Not necessarily.

Advocate Five: They offered you a million pounds didn't they?

Narrator Two: The advocate asked the question "did you need the money that they were offering?" The answer he got was "not necessarily"; that should of set off alarm bells; the inconclusive answer should have been followed up, did the interpreter misunderstand the question - or did she misunderstand the answer? Or was the witness being deliberately evasive?

Neither judges nor juries will pay any attention to ambiguous answers based on possible misunderstanding. On the other hand it will be important for them to know that the witness is being evasive.

Narrator One: Interpretation is a three-way transaction between the advocate, the interpreter, and the witness. Advocates must ensure that the witness answers their questions. Interpreters must ensure that the questions and answers are accurately interpreted; the court has to be confident that the witness's answers are accurately recorded. The key is clear and simple expression.

Screen Text: Clear and simple expression.

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