

Katja Dobrić
University of Rijeka

THE FUTURE OF COURT INTERPRETING IN CROATIA

Abstract. Court interpreting in Croatia is a very unregulated field especially regarding the training and the skills that are to be acquired in order to provide accurate translation at courts. One of the prerequisites according to the Regulations on Court Interpreters in Croatia is knowledge of the structure of judicial power, state government and legal terminology. Although the Regulations prescribe that the training should last no longer than two months, the organisations providing such training shorten this to three or four days. Taking into account all that has been said one realizes that in such short time a person cannot be properly qualified to practice as a court interpreter. According to the EU Directive on the right to interpretation and translation in criminal proceedings member states should provide adequate training in order to ensure the quality of interpretation and to avoid that suspected or accused persons complain that the quality of interpretation was not good enough to secure the fairness of the proceeding, which according to Article 2 of the Directive they have the right to. Since Croatia joined the European Union on 1 July 2013, it will have to change its Regulations on Court Interpreters in order to comply with this Directive. This paper will try to analyze the problems within the scope of court interpreter's profession in Croatia both in civil and in criminal proceedings. Several examples will be suggested as the possible model for modifying court interpreting in Croatia. Since this profession is often underrated by the national courts, the paper will suggest ways to prevent such views and point out the importance of good court interpretation.

Keywords: court interpreting, civil and criminal proceedings, Directive 2010/64/EU, professional terminology, training.

The following paper focuses on the profession of court interpreters in Croatia and changes that will occur in the future regarding the training, remuneration, cooperation with legal personnel and the effect of Directive 2010/64/EU. Croatia ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms in which the right to free translation and interpretation during the criminal proceedings is guaranteed. Directive 2010/64/EU further specifies the requirements that must be met by member states in order to secure the quality of interpretation

during trial. Although the Directive was transposed into the Croatian legal system in the way that its provisions were included in the new version of the Croatian Criminal Procedure Act, training of court interpreters remained the same. Court interpreters in Croatia have to pass an exam before they “swear in”, but this exam includes only oral examination of Croatian legal system and no examination of the legal system of the country in which the chosen language is official. Regulations on Court Interpreters in Croatia have been modified twice, first in 2005 when the provision on training was added (before 2005 no training was conducted) and the provision on remuneration was modified, and lastly in 2008 when the provision on the duration of training was shortened from six to two months and the article on remuneration was modified again. The 2008 Regulations also add the article on keeping the electronic register of court interpreters (*Sudačka mreža*). The paper will provide several suggestions for increasing the quality of training. Since the profession is often underrated both in Croatia and in other countries the paper will try to offer several solutions to this issue.

Translating vs interpreting

Laypersons are not always aware of the difference between translating and interpreting. An interpreter conveys the original speaker’s ideas as spoken words. Therefore, he uses a particular rhythm and intonation as well as gestures and rhetorical devices. In interpretation communication is immediate and in translation translator has some time to work on the text. Therefore, an interpreter, apart from being trained linguistically, also has to have a good command of information processing as well as communication skills. If one disregards the communication mode and the performance level one could claim that both translation and interpreting re-express “in one language what has been expressed in another for communication or other purposes” (Gile, 2009:6). Although one might think that any person who has the knowledge of two languages is up to this task, there are some obstacles that he might encounter. Therefore, a person who has had no formal training in conference interpreting might feel that he does not perform well in consecutive interpreting due to the lack of formal training in note-taking. Formal training in translation/interpreting is in many countries not mandatory for an interpreter/translator to be admitted to the profession. Gile claims, however, that it could help the ones who wish to become professional interpreters or translators to improve their performance as well as develop their translation and interpreting skills “more rapidly than through

field of experience and self-instruction” (Gile, 2009:7). This is especially true of interpreting, since, an interpreter, apart from having good command of both working languages, also has to have good communication skills and memory as well as perform well under pressure.

The concept of court interpreting in Croatia

An interpreter is “a person whose job is to translate what somebody is saying into another language.” This definition taken from the *Oxford Advanced Learner’s Dictionary* suggests that *interpreter* or *Dolmetscher* or *tumač* translates either spoken language or interprets written text orally. Court interpreters, however, despite the fact that the term *interpreter* refers to conveying speaker’s words as spoken text, translate both written and spoken text. This can be supported by the fact that the new version of Criminal Procedure Act, which is in force since January 2013, began to distinguish between oral and written translation. Therefore, the old version of the same Act prescribed that the person charged with a criminal offence shall be provided with translation of summons, decisions and petitions, whereas the new Criminal Procedure Act includes modifier *written* for the noun *translation*.

The modifier *court* does not mean that court interpreters translate court documents only. Moreover, they are asked to translate documents from various field e.g. medical records, bank statements, diplomas etc. One could therefore define a court interpreter as a certified person appointed by the court to translate documents or interpret spoken language from and into the language(s) he had chosen to practice in. This definition suggests that a court interpreter should possess a wide range of knowledge covering legal, medical, bank, construction terminology as well as skills of consecutive, simultaneous or whispered interpreting. Therefore, the person who wishes to qualify as a court interpreter should before being appointed by the court be properly trained and upon the completion of such training examined.

Interpreting in civil proceedings vs interpreting in criminal proceedings

Interpreting in civil proceedings differs from interpreting in criminal proceedings. Firstly, a court interpreter in criminal proceedings has more responsibilities, since often the outcome is depriving someone of his liberty. Due to the growing awareness of human rights, the EU imposed Directive

2010/64/EU, which applies to persons who have committed a criminal offence and who have to be notified that they are suspected or accused. The Directive does not apply to persons who have committed a minor offence nor to the participants in civil proceedings. Though being deprived of one's liberty is far more serious than having to pay a certain amount of money as a sanction in civil proceedings, the right to interpretation should be seriously acknowledged in civil proceedings as well, since it is of the essence that its participants are provided with adequate interpretation in order to understand both the documents used in proceedings and the language of the proceedings. In wills, for instance, that are drafted in the common law system, and that can extend to more than thirty pages, it is extremely important that the document be properly translated, so that the judge could adequately fulfill the decedent's last will. If a court interpreter is not trained in the terminology of the common law system, he will often not understand the terms used in the will by merely looking up the Croatian equivalent. And finally, if he fails to provide adequate interpretation, serious consequences could arise e.g. property being assigned to a wrong person, whereupon the cost of the proceedings could rise.

Regardless of what has been said above, article 102 of Croatian Civil Procedure Act prescribes that parties in civil proceedings shall be the ones who will bear the costs of interpretation. According to art. 145 par. 4 of the Croatian Criminal Procedure Act, however, the person charged with a criminal offence, does not have to meet the costs of interpretation. Parties that are deprived of their liberty also have the right to address the court in their mother tongue (art. 8. par. 3 of Croatian Criminal Procedure Act), whereas parties in civil proceedings have to file their complaints in Croatian language and Latin script (art. 103 of Croatian Civil Procedure Act). This is why some parties in civil proceedings might waive their right to interpretation, if they feel they understand Croatian to some extent, not being aware of the fact that the language used in court is often one that even native speakers, especially non-lawyers, find difficult to follow.

Directive 2010/64/EU requires from a member state to provide the person charged with a criminal offence with an interpreter from the time he is made aware that he is charged with a criminal offence up to the completion of proceedings. According to art.2 par.5 of Directive 2010/64/EU the person charged with a criminal offence has the right "to complain that the quality of the interpretation is not sufficient to safeguard the fairness of the proceedings". Unlike Civil Procedure Act, that does not specify whether a hearing can be audio taped when there is an interpreter (Art. 126a of the Croatian Civil Procedure Act only prescribes the possibility of audio taping the court

hearing; it does not impose the obligation to record a hearing when there is an interpreter), article 290 of Croatian Criminal Procedure Act specifies that a witness' examination can be audio or video recorded if the witness examination is based on interpretation. This provision opens the possibility to review the quality of interpretation if the defendant, for whom the interpretation was provided, complains about its quality. In civil proceedings, even if the party complains, there is no evidence that an interpreting expert can look into in order to prove the inadequacy of interpretation. Therefore, courts should be obliged to record court hearings in civil proceedings if a court interpreter is present.

Finally, in order to ensure the quality of interpretation, Croatia should provide adequate training for court interpreters in order to meet the quality of interpretation. It should also raise the awareness among the legal personnel of the importance of communicating with an interpreter in order to achieve effective communication during criminal proceedings. Since the Directive refers only to criminal proceedings, the outcome will be either unique extensive training both for court interpreters in civil and criminal proceedings or there will be two trainings involved, one, for court interpreters in criminal proceedings, that will be more thorough, and the other, that will be less detailed. If the latter becomes true, then the ones qualified to interpret in criminal proceedings will be valued more and called upon to translate in civil proceedings as well. Therefore, in order to prevent this, the same training must be offered to all, and it must include all components necessary to prevent challenging the court decision on the account that interpretation provided was not good enough to ensure the fairness of the proceedings.

A questionnaire (see Appendix A), that was conducted among six judges of the County Court in Pula regarding the current cooperation with court interpreters and the quality of interpretation they provide, revealed that judges often have to work with court interpreters; in civil proceedings, mostly with the ones for German, and in criminal proceedings, mostly with the ones for Italian. Parties in civil proceedings rarely waive their right to translation and interpretation, and if they do, the reason for that is their understanding of the language used in proceedings. All interviewed judges said that the court where they work does not have the possibility to record the court hearing if there is an interpreter, but they find this the most appropriate way of proving an inadequate interpretation. They also find, that the court should refuse to pay for the services of the court interpreter who had provided inadequate interpretation and that such interpreters should be apprehended by the President of the County Court. They all think that there will be more responsibilities for court interpreters in the future since

Directive 2010/64/EU was transposed into the Croatian legal system. Three of them think that parties in civil proceedings should also have the right to free translation and interpretation as well as the right to complain about the quality of translation/interpretation provided. They all think that two or three days of training is not enough to educate high quality court interpreters. Five of them would be willing to take part in the training. There is a comment by one judge, who said that two major problems with court interpreters are, that, if they provide bad translation, there are no penalties, and, if they, on the other hand, provide good translation, they are not paid on time and this affects the quality of their work.

Training of court interpreters in Europe and in the US

According to the Court Interpreters Act 28 USC § 1827 court interpreters who wish to work at the US federal courts have to be certified “on the results of criterion-referenced performance examinations”. Due to this Act the US had improved the quality of court interpreting since only in cases when a certified court interpreter is not available, may otherwise qualified interpreters be called to interpret. Court interpreters have to pass Federal Certification Exam in order to interpret at the United States Courts. The examination includes a written exam that consists of multiple choice questions about job relevant language abilities and an oral exam that consists of interpreting in the consecutive mode; interpreting a monologue in the simultaneous mode; interpreting a witness’ examination in the simultaneous mode; sight translation of a document from English into Spanish; and sight translation of a document from Spanish into English. The oral examination is the basis for certification. The problem with the federal certification exam, however, is that it is available only for interpreters of Spanish, Navajo and Haitian Creole, though only the Spanish one is regularly conducted. There are also unique requirements within each state that court interpreters must meet in order to practice at state courts. There are several associations in the US that provide certification programs which are recognized by many state court systems e.g. NAJIT, the Consortium for Language Access in the Courts or the American Translators Associations. National Center for State Courts also offers weekend workshops in states where testing is about to take place. Mikkelson states that “after attending these workshops, many interpreters have practiced on their own, following the guidelines presented in the workshop, and have passed the certification exams” (Mikkelson, 1999:7). Mikkelson also suggests that a good way to train future court interpreters

is to script and record mock court proceedings, that would allow practice in simultaneous interpreting.

In Europe there is a difference between interpreters working at international courts and the ones working at national courts. As Driesen suggests: "...the activity of international courts has resulted from international politics, in which the quality of interpreting has been recognised as indispensable" (Driesen, 2011:315).

For the ones working at national courts there are quite a few possibilities to get an adequate training. The European Commission proposes European Masters's in Translation as an adequate programme, whereas some authors suggest alternative programmes e.g. the "Tandem" method proposed by Driesen and Drummond. Within the EU there were also some projects developed in order to establish "EU equivalences in the standards of training, assessment and practice of legal interpreters and translators – to all member and candidate states" (Agisproject. Retrieved June 7, 2013, from http://www.agisproject.com/Grotius_info.htm) such as Grotius 98/GR/131 or Grotius 2001/GRP/015. In Austria, for instance, in order to be admitted to the profession, the ones who graduated from interpreter and translator university programme have to furnish proof of two years of professional work, whereas other candidates have to furnish proof of five years of professional work. Austrian Association of Certified Court Interpreters advises candidates to prepare at least six months for the examination in order to acquire necessary knowledge. It also gives advice on how to acquire necessary knowledge. Apart from self-study there are one-day seminars organized by the Association. The Association also suggests watching court proceedings in order to prepare for the exam. In Germany, on the other hand, only one program of study leads to a highly specialized competence in interpreting. However, only few universities provide specific court interpreting training courses e.g. FH Magdeburg (Fachdolmetschen für Behörden und Gerichte. Retrieved January, 29, 2014, from https://www.hs-magdeburg.de/studium/s-studienangebot/bachelor/b_fachdolmetschen). In Slovenia, for instance, there is the Judicial Training Centre that organizes preparatory legal seminars for court interpreters, assessors and evaluators. The examination board consists of the President (lawyer), Employee of the Ministry of Justice (also lawyer) and a language examiner (either linguist or lawyer). An interesting fact is that the applicants who are linguists by profession are questioned both by lawyers and the language examiner, whereas the applicants who are lawyers by profession are questioned only by the language examiner (Court interpreters and sworn translators of legal language. The case of Slovenia. Retrieved January 29, 2014, from <http://www.eulita.eu/sites/default/files/>

Court%20interpreters%20and%20sworn%20translators%20of%20legal%20 language_0.pdf). In the Netherlands all interpreters working for the Ministry of Justice were invited to take part in the quality program, the most important requirement of which was to take and pass a theoretical and practical test. There were some flaws in the curriculum of the quality program, hence, 30% of the legal terms used in criminal cases were not included in the program. Therefore, the decision was that in future the Ministry of Justice will no longer organize tests and accreditation for interpreters. An independent institute will have to be established that will ensure standardization of the minimum requirements regarding knowledge, skills and attitude (van der Vils, 2003).

Training of court interpreters in Croatia

In Croatia there are several associations that have been providing training for court interpreters since 2005. Before that time court interpreters did not receive any formal training since the Regulations on Court Interpreters that were in force up to 2005 did not prescribe it. The Regulations from 2005 stipulated that the training can last for maximum six months. In 2008 this provision was shortened to two months. Although the duration of training is prescribed in months, associations providing the training measure this in 16, 17 or 16+5 hours, the last being the maximum hours of training provided by an association of court interpreters in Croatia. The training consists of guidelines for maintaining business records, translating public notary's certifications, diplomas and documents from various professional fields such as medicine or construction. Simulated consecutive interpretation is also included in the training program although in practice it is often excluded from the training. Lecture is given on the organization of government in Croatia. Some programs require that court interpreters practice at least four hours in the office of certified court interpreters. This is often excluded from the training as well. The training is concluded by an examination often consisting of translating a document from and into the language(s) the court interpreter wishes to practice in. An oral examination takes place at the County Court and it includes questions on constitutional, criminal and civil law. After the candidate has passed the examination he is asked to take an oath whereupon he is qualified to practice as court interpreter and his data are added to the electronic register called *Sudačka mreža*.

Programs that are offered by two associations of court interpreters (*Tempus* association does not list the price in its program) in Croatia cost

3,380,00 Kn plus VAT, which amounts to total of 4,225,00 KN and comprise either 16 hours of lectures (*Društvo sudskih tumača i prevoditelja*) or 16 hours of lectures plus 5 hours extra for each foreign language the candidate wishes to practice in (*Hrvatska strukovna udruga sudskih tumača*), whereby he has to pay 1,000,00 Kn extra for each extra foreign language. One association offers 14 hours of lecture for the price of 3.525,00 Kn (*Udruga stalnih sudskih tumača*). Sometimes these associations have to rent premises in order to organize the training, which could be an explanation for such a high price. The alternative in future could be that training for court interpreters is organized by universities, since this way candidates would not have to pay for renting the premises and would thereby attend more hours of lectures for the same or even lower price.

Figure 1. List of associations providing the training for court interpreters in Croatia, number of hours included in the training and the price thereof

Name of association providing the training	Number of hours included in the training	Price of the training
Tempus	12 + 4 hours of practice in the office of a court interpreter	do not state the price in their programme
Hrvatska strukovna udruga sudskih tumača (HSUST)	16 + 5 hours for each foreign language a candidate wishes to practice in	4.225,00 Kn + 1.000,00 Kn for each extra foreign language
Udruženje stalnih sudskih tumača (USST)	14 + 3 extra hours (optional) of individual consultations with the mentor	3.525,00 Kn
Društvo sudskih tumača i prevoditelja (DSTIP)	16 hours	4.225,00 Kn

It is obvious that a court interpreter in Croatia does not get adequate training in order to practice to the best of his ability. Moreover, the number of hours and the content of the training program varies depending on the association organizing the training. It is clear that this will have to change in the future since the importance of training skilled court interpreters is growing every day. This will of course require more money since the training will have to last longer and since there will have to be more persons involved in providing the training i.e. there will have to be cooperation between judges, lawyers, public notaries and future court interpreters. Otherwise Croatia will have to face up to what the UK was facing in 2012 when trials collapsed due to unqualified translators appearing before the court or solicitors using Google Translate for translating witness' statements. In

July last year, for instance, a murder trial was brought to a sudden halt when a court interpreter confessed he was an unqualified stand-in for his wife, who was busy. The trial had to be suspended which costed “tens of thousands of pounds” (Judd, 2012).

Possible training models

Universities in Croatia offer teaching of interpreting and translation techniques within their specialist study programs in translation (there are currently two specialist programs in translation, one at the Faculty of Humanities and Social Sciences in Zagreb and the other at the Faculty of Humanities and Social Sciences in Rijeka, as well as one specialist program in conference interpreting at the Faculty of Humanities and Social Sciences in Zagreb). However, no university offers programs or special courses, the aim of which would be certificate in court interpreting. There is, however, professional training in conference interpreting organized by the Department of Conference Interpreting of the Faculty of Humanities and Social Sciences in Osijek. The program comprises 60 hours of lectures (4 ECTS) and is organized on 10 Saturday. The price candidates have to pay is 3,000,00 Kn and upon the completion of the program candidates receive a certificate.

Since the Regulations on Court Interpreters 2008 lay down that the training should last no longer than two months, one could organize such training on six weekends (since the training has so far been organized on weekends), whereby each weekend would comprise ten hours of lectures and exercises. The training would have to include lectures on the legal system where the chosen language is official, since when translating or interpreting documents drafted in the legal system that differs from the one they practice in, court interpreters will encounter difficulties as to how interpret certain terms, which when translated with the help of a monolingual dictionary are not of much help to the judge. For instance, if a court interpreter would have to translate the term *tangible personal property* into Croatian and if he would choose to consult the bilingual English-Croatian Dictionary of Law by Milica Gačić, he would find the equivalent *osobna materijalna imovina*, which does not tell the judge whether this term includes immovables or not. But, if he were aware that the term *personal property* in the common law system excludes immovables, he would translate the term using the descriptive method, since there’s no “functional equivalent” (Šarčević, 2000:236) in Croatian (hence, the Croatian term *dugotrajna*

materijalna imovina, which refers to the property that can be “touched”, includes immovables).

The training would also have to include a lecture on Croatian legal system (which has to some extent already been taught in the trainings organized so far) as well as a lecture on EU terminology since Croatia has joined the EU and *the acquis* has been translated into Croatian. The training would also have to include other professional terminologies e.g. construction, bank, medical etc. since court interpreters can often come across such terminology both in written translation and in oral interpreting. If a court interpreter encounters such terminology in written text, he will have enough time to find an equivalent. If a witness uses such term when giving his statement under oath, a court interpreter will not have time to look up the term in the dictionary. For this purpose various terminologies should be taught as well as ways of approaching such terms. The practical part should comprise exercises in translation of written documents e.g. school records, diplomas, wills, contracts, testimonies, bank statements, medical records, as well as teaching interpreting techniques. The latter, although stated in the programs of associations providing the training for court interpreters in Croatia, is often neglected, since it is demanding, time-consuming and it requires expertise. Nevertheless, it must be included in the training, since court interpreters after swearing in and after being called to interpret a court hearing “simultaneously” (many laypersons are unaware of different interpreting modes) are familiar neither with the code of ethics nor with the techniques used in such environment e.g. using the first person when speaking on behalf of the parties, or when and how to ask for clarification.

The groups should comprise up to 5 participants since it is extremely important that each participant gets the chance to practice interpreting using the above mentioned techniques and that other participants as well as the expert providing the training comment on his interpretation and discuss possible improvements. Once one technique has been taught it should be practiced in the upcoming blocks.

The problem remains with the already “sworn in” court interpreters, who have completed no formal training. One cannot expect from them that they pass the training consisting of 60 hours (if such would be introduced in Croatia), but from time to time they can be expected to attend weekend seminars or workshops, the aim of which would be professional development and lifelong learning. These seminars should pay special attention to interpreting techniques, since many court interpreters do not feel at ease when being called by the court to interpret a court hearing. Another choice for those already practicing could be what Gile calls the “in-house on-the job

training option” (Gile, 2009:12), which means that they learn while translating for someone during which period they are supervised by experienced translators. This, of course, does not mean, that the ones who have passed the formal training, shouldn’t take part in seminars and workshops. There is need for what the European Commission calls continuous Professional Development (CPD), that can help to evaluate interpreter’s competences and, if necessary, improve them.

Figure 2. Possible training program

	Theory	Practice
Weekend 1	<p>Maintaining business records (lecture; 45 min)</p> <p>Croatian legal system and court procedures in Croatia (lecture; 90 min)</p> <p>Legal system of the country in which the chosen language is official and its court procedures (lecture; 90 min)</p> <p>Professional writing skills (45 min)</p>	<p>Composing an official template for translating official documents (45 min)</p> <p>Comparing a document composed in one legal system with the document composed in another legal system e.g. a will composed in the US with a will composed in Croatia (45 min)</p> <p>Analysing (concentrating on the reason for errors) and correcting typical writing errors in various texts translated by court interpreters (90 min)</p>
Weekend 2	<p>EU terminology and databases – getting familiar with the requirements of the European Commission when translating EU documents (Eurolook; Legiswrite) and getting familiar with various databases (STRUNA¹ and IATE (lecture; 45 min)</p> <p>Professional terminologies: medicine, economics, construction etc. (lecture; 90 min)</p>	<p>Translating an EU document into Croatian and into the chosen language and comparing it with the official versions (90 min)</p> <p>Translating a medical record (45 min)</p> <p>Translating a bank statement (45 min)</p> <p>Translating a sales and purchase agreement (45 min)</p> <p>Translating a construction contract (45 min)</p> <p>Translating Articles of Association (45 min)</p>

The Future of Court Interpreting in Croatia

	Theory	Practice
Weekend 3	<p>Translating official documents (lecture, 45 min)</p> <p>Getting familiar with the code of ethics (lecture; 45 min)</p> <p>Modes of interpreting (simultaneous, consecutive, whispered) (lecture; 135 min)</p>	<p>Translating a diploma and a diploma supplement (45 min)</p> <p>Translating birth, death and marriage certificates (45 min)</p> <p>Translating ID cards and certificates of clear criminal record (45 min)</p> <p>Simultaneous interpreting – practice e.g. listening in your native language and repeating the same thing in order to learn how to listen and speak at the same time (45 min)</p> <p>Consecutive interpreting – note-taking (45 min)</p>
Weekend 4	<p>Communication techniques (speaking in the first person while interpreting witness' statements; asking for clarification) (interactive lecture; 45 min)</p>	<p>Watching and detecting already introduced techniques in a video recording of simultaneous interpreting (45 min)</p> <p>Watching and detecting already introduced techniques in a video recording of consecutive interpreting (45 min)</p> <p>Watching and detecting already introduced techniques in a video recording of whispered interpreting (45 min)</p> <p>Simultaneous interpreting – tandem method i.e. one candidate reads a statement and the other translates it simultaneously (45 min)</p> <p>Simultaneous interpreting – analysing the errors and formulating strategies about avoiding them (45 min)</p> <p>Consecutive interpreting – tandem method i.e. one candidate reads a statement and the other translates it consecutively using the proper way of note-taking (45 min)</p> <p>Consecutive interpreting – analysing the errors and formulating strategies about avoiding them (45 min)</p>

	Theory	Practice
		<p>Whispered interpreting – e.g. a lecturer delivers a speech and a candidate whispers translated text consecutively into the ears of two other candidates (45 min)</p> <p>Whispered interpreting – analysing the errors and formulating strategies about avoiding them (45 min)</p>
Weekend 5	<p>Hearing in civil proceedings (45 min)</p> <p>Hearing in criminal proceedings (45 min)</p>	<p>Watching and commenting a video recording of a hearing in civil proceedings (90 min)</p> <p>Watching and commenting a video recording of a hearing in criminal proceedings (90 min)</p> <p>Interpreting a hearing in civil proceedings (video recording of the hearing can be paused at appropriate places so that each candidate gets the chance to practice; these exercises should be audio recorded) (90 min)</p> <p>Listening to the audio recorded version of delivered interpretations, detecting the errors and developing strategies for avoiding them (90 min)</p>
Weekend 6	<p>Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings; getting familiar with the responsibilities of court interpreters (45 min)</p> <p>Translations tools (dictionaries; machine translation) (45 min)</p>	<p>Interpreting a hearing in criminal proceedings (video recording of the hearing can be paused at appropriate places so that each candidate gets the chance to practice; these exercises should be audio recorded) (90 min)</p> <p>Listening to the audio recorded version of delivered interpretations, detecting the errors and developing strategies for avoiding them (90 min)</p> <p>Translating a text using Wordfast (45 min)</p> <p>Translating a text using Trados (45 min)</p>

	Theory	Practice
		Analysing advantages and disadvantages of using machine translation (45 min) Feedback from the candidates (what they have profited from, what should have been excluded or dealt with to a smaller extent) (45 min)

Examination

Upon the completion of the training candidates should be asked to pass a written examination consisting of several translations both into and from their working language(s) as well as an oral examination consisting of providing simultaneous, consecutive and whispered interpreting of a part of the court hearing. Using interpreting and communicative techniques that were taught and practiced during the training should be graded.

There should be one more examination at the court (which is already held), but apart from being questioned on Croatian legal system, candidates should also be questioned on EU law and the legal system and court procedures of the country where the chosen language is official. Candidates should also be questioned on the sequence of a hearing in civil and criminal proceedings.

Raising awareness of the importance of court interpreting in Croatia

Unlike trained conference interpreters and interpreters at international courts, court interpreters at national courts are often underrated. One reason for this could be the lack of formal training or, if such is present, the inadequacy thereof. The model proposed in this paper could be one step towards building up a profession that will be well acknowledged within the Croatian milieu. Another step could be establishing strong relationships with judicial profession i.e. judges, lawyers, public notaries. Members of judicial profession, on the other hand, have to acquire skills to work with court interpreters. Finally, court interpreters should be paid on time for their services and the provision on payment they receive for their work should also

be modified. In Croatia, according to art. 28 of the Regulations of Court Interpreters, court interpreters currently receive 150,00 Kn gross (20 EUR) for each hour they interpret at national courts. In Austria, for instance, according to the *Gesetz über die Vergütung von Sachverständigen, Dolmetscherinnen, Dolmetschern, Übersetzerinnen und Übersetzern sowie die Entschädigung von ehrenamtlichen Richterinnen, ehrenamtlichen Richtern, Zeuginnen, Zeugen und Dritten*, court interpreters and expert witnesses, receive minimum 65 Euro per hour. There shouldn't be such discrepancies between member states regarding the payment court interpreters receive. Moreover, oral interpreting should be valued more than it is, since it requires excellent listening, speaking and communication skills, good command of both working languages and of various terminologies as well as of interpreting techniques.

Conclusion

The profession of court interpreters, though regulated by law in Croatia, often faces many difficulties regarding its practice. One could say that the training that future court interpreters have to complete is very costly if one takes the training program into consideration. Moreover, it does not prepare court interpreters properly for their future work. This is especially true for various interpreting techniques that are to be used when interpreting a court hearing or a witness' examination at police stations. Croatia is now a member state of the EU and it has already transposed Directive 2010/64/EU into its national legal system. Associations providing the training for court interpreters in Croatia, however, haven't modified their training programs yet, in order to meet the requirements of the Directive regarding the quality of interpretation provided. Moreover, some courts in Croatia have not yet ensured the necessary requirements regarding the right to interpretation e.g. they have no possibility of recording a court hearing. This paper tries to suggest a possible training program that could be adapted in the future in order to ensure that there are qualified and responsible court interpreters that will assist in proceedings when a party does not speak the language used in court. Although the said Directive applies only to criminal proceedings, some provisions should apply to civil proceedings as well e.g. there should be an obligation to record court hearings when a court interpreter is present. If Croatia manages to introduce a more thorough training program for future court interpreters, some changes should also be made regarding the payment court interpreters receive for their services. Finally, if all mem-

ber states secure minimum standards for the training of court interpreters, then there will be no obstacles in building up the trust in each other's justice systems, and, most importantly, there will be no violation of human rights in the course of the proceedings.

N O T E

¹ STRUNA is a database of Croatian professional terminology that includes online terminologies of various field, among them being EU law terminology; see <http://struna.ihjj.hr/browse/?pid=24>, retrieved on 10 September 2013.

R E F E R E N C E S

Books and articles

- Cao, D. (2007). *Translating Law*. Clevedon: Multilingual Matters Ltd.
- Driesen, C. (2006). Gerichtsdolmetschen. In Mary Snell-Hornby, Hans G. Höning/Paul Kußmaul, Peter A. Schmitt (Eds.) *Handbuch Translation* (pp. 312–315). Tübingen: Stauffenburg.
- Driesen, C. & Drummond, G. (2011). The “Tandem” Method Training Interpreters to Work at National Courts. *FORUM*. Volume 9 (2), 139–156. Retrieved September 2, 2013, from Eulita website: http://www.eulita.eu/sites/default/files/file/TandemForumEn2011_eulita.pdf.
- Gačić, M. (2010). *Englesko-hrvatski rječnik prava i međunarodnih i poslovnih odnosa*. Školska knjiga: Zagreb.
- Gile, D. (2009). *Basic Concepts and Model for Interpreter and Translator Training*. Amsterdam: Philadelphia: J. Benjamins.
- Hambrook, J. & Lonergan, J. (1999). *Interpreting matters: practical training for interpreters*. Chelmsford, Essex: IBI Multimedia.
- Hertog, E. (Ed.) (2001). *Aequitas: Equal Access to Justice across Language and Culture in the EU*. Antwerpen: Lessius (GROTIUS Project 98/GR/131).
- Hertog, E. (Ed.) (2003). *Aequalitas: Equal Access to Justice across Language and Culture in the EU*. Antwerpen: Lessius (GROTIUS Project 2001/GRP/015).
- Hornby, A.S. & Wehmeier, S. (Eds.) (2000). *Oxford Advanced Learner's Dictionary of Current English*. New York: Oxford University Press.
- Mikkelson, H. (1999). The Court Interpreter as Guarantor of Defendant Rights, Retrieved September 16, 2013, from ACEBO website: <http://www.acebo.com/papers/guarantr.htm>

- Šarčević, S. (2000). *New Approach to Legal Translation*. The Hague: Kluwer Law International.
- Van der Vlis, E. (2003). Implementing a Model: The Dutch Experience. In: E. Herzog (Ed.) *Aequalitas: Equal Access to Justice across Language and Culture in the EU*. Antwerpen: Lessius (GROTIUS Project 2001/GRP/015).

Web pages

- Agisproject. Retrieved June 7, 2013, from http://www.agisproject.com/Grotius_info.htm. Court interpreters and sworn translators of legal language. The case of Slovenia. Retrieved January 29, 2014, from http://www.eulita.eu/sites/default/files/Court%20interpreters%20and%20sworn%20translators%20of%20legal%20language_0.pdf.
- Društvo sudskih tumača i prevoditelja. Retrieved July 18, 2013, from <http://www.dstip.hr/index.php?id=6&page=page>.
- European Master's in Translation (EMT). Retrieved June 7, 2013, from http://ec.europa.eu/dgs/translation/programmes/emt/index_en.htm.
- Fachdolmetschen für Behörden und Gerichte. Retrieved January, 29, 2014, from https://www.hs-magdeburg.de/studium/s-studienangebot/bachelor/b_fachdolmetschen.
- Federal Court Interpreter Certification Examination. Retrieved September 9, 2013, from <http://www.ncsc.org/sitecore/content/microsites/fceice/home/About-the-program.aspx>.
- How to become a court interpreter? Retrieved July 23, 2013, from http://gerichts.dolmetscher.at/index.php?option=com_content&view=article&id=51&Itemid=58&lang=en.
- Hrvatska strukovna udruga sudskih tumača. Retrieved July, 18, 2013, from <http://www.hsust.hr/HSUSTo%20nama.html#>.
- Judd, T. (2012). Court interpreter farce halts murder trial. Retrieved April 4, 2013, from <http://www.independent.co.uk/news/uk/crime/court-interpreter-farce-halts-murder-trial-7962587.html>.
- Lister, S. (2012). Applied Language Solutions boss Gavin Wheeldon blames interpreters from company's failures. Retrieved April 4, 2013, from http://www.independent.co.uk/news/uk/home-news/applied-language-solutions-boss-gavin-wheeldon-blames-interpreters-for-companys-failures-8258986.html?utm_source=twitterfeed&utm_medium=twitter.
- National Association of Judiciary Interpreters & Translators (2006). Equal Access as it Relates to Interpretation and Translation Services. Retrieved June 20, 2013, from <http://www.najit.org/publications/Equal%20Access200609.pdf>.
- Reflection Forum on Multilingualism and Interpreter Training. Retrieved September 9, 2013, from http://ec.europa.eu/dgs/scic/docs/finall_reflection_forum_report_en.pdf.

- Stručno usavršavanje iz konferencijskog prevodenja. Retrieved July 18, 2013, from http://web.ffos.hr/cjelozivotno_obrazovanje/?id=21.
- Sudačka mreža. Retrieved June 6, 2013, from www.sudačka-mreža.hr/tumaci.aspx.
- Tempus. Retrieved April 6, 2013, from <http://www.tempus-obuka.hr/program/54-program-strucne-obuke-kandidata-za-stalnog-sudkog-tumaca.html>.
- Udruga stalnih sudskih tumača. Retrieved April 6, 2013, from http://www.usst.hr/cms_view.asp?articleID=77.
- U.S. Bureau of Labor Statistics. Interpreters and Translators. Retrieved July 23, 2013, from <http://www.bls.gov/ooh/Media-and-Communication/Interpreters-and-translators.htm>.

Acts, regulations and directives

- Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings. Retrieved April 1, 2013, from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:280:0001:0007:en:PDF>.
- Gesetz über die Vergütung von Sachverständigen, Dolmetscherinnen, Dolmetschern, Übersetzerinnen und Übersetzern sowie die Entschädigung von ehrenamtlichen Richterinnen, ehrenamtlichen Richtern, Zeuginnen, Zeugen und Dritten (Justizvergütungs- und -entschädigungsgesetz – JVEG). Retrieved September 11, 2013, from <http://www.gesetze-im-internet.de/jveg/BJNR077600004.html>.
- Interpreters in courts of the United States. Retrieved July 24, 2013, from <http://www.law.cornell.edu/uscode/text/28/1827>.
- Pravilnik o stalnim sudskim tumačima NN 25/98. Retrieved February 20, 2013, from <http://narodne-novine.nn.hr/clanci/sluzbeni/269832.html>.
- Pravilnik o stalnim sudskim tumačima NN 132/05. Retrieved February 20, 2013, from <http://narodne-novine.nn.hr/clanci/sluzbeni/289971.html>.
- Pravilnik o stalnim sudskim tumačima NN 88/08. Retrieved February 20, 2013, from <http://narodne-novine.nn.hr/clanci/sluzbeni/340413.html>.
- Resolution of the Council of 20 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings (2009/C 295/01). Retrieved July April 6, 2013, from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:295:0001:0003:en:PDF>.
- Zakon o parničnom postupku NN 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 123/08, 57/11, 148/11, 25/13. Retrieved June 6, 2013, from <http://www.zakon.hr/z/134/>.
- Zakon o kaznenom postupku NN 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13. Retrieved June 6, 2013, from <http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku>.

Appendix A

Questionnaire on Court Interpreting

The Questionnaire on Court Interpreting was conducted among six judges of the County Court in Pula in order to find out the current situation at the Court regarding the cooperation with court interpreters, especially regarding the possibility of recording a court hearing when the judge's decision is based on interpretation.

PROFESSION:

JOB POSITION:

WORK EXPERIENCE AT THE COURT:

SEX:

1. How often do you cooperate with court interpreters?
1 – very often 2 – often 3 – rarely 4 – never
 2. Which foreign language is mostly present in civil proceedings?
1 – English
2 – German
3 – Italian
4 – Spanish
5 – French
6 – Albanian
Other _____
 2. Which foreign language is mostly present in criminal proceedings?
1 – English
2 – German
3 – Italian
4 – Spanish
5 – French
6 – Albanian
Other _____
 - 3.1. How often do parties in civil proceedings waive their right to translation and interpretation?
1 – very often 2 – often 3 – rarely 4 – never
 - 3.2. What is the reason for waiver?
1 – they understand the language completely
2 – they understand the language to some extent
3 – they do not understand the language, but they don't want to carry the costs of interpretation
4 – other reasons
-

4. Since art. 87 of the Croatian Criminal Procedure Act prescribes the possibility of recording a hearing by means of audio or audio-video equipment, and since art. 126a of the Civil Procedure Act prescribes the possibility of recording a hearing, does the court where you work have this possibility?

YES NO

4.1. If the answer to the previous question was YES, are hearings at the court where you work recorded if there is an interpreter?

YES NO

5. Have you ever come across cases in which the defendant complained about the quality of interpretation?

YES NO

5.1. If the answer to the previous question was YES, what was the consequence of the complaint?

1 – the lawsuit was renewed

2 – witness was reexamined

3 – another court interpreter was appointed

4 – other _____

6. Have you ever come across cases in which a court interpreter provided an inadequate translation of a written document, whereupon you did not know how to proceed in the case?

YES NO

6.1. If the answer to the previous question was YES, what was the consequence thereof?

1 – the court refused to pay for the services of the court interpreter in question

2 – court interpreter was apprehended by the President of the County Court

3 – court interpreter had to pay a fee

4 – another court interpreter was appointed

5 – other _____

7. Are you familiar with Directive 2010/64/EU on the right to translation and interpretation in criminal proceedings?

YES NO

8. Since the above mentioned Directive prescribes that the person deprived of one's liberty has the possibility to address the court in one's own language, have you already come across such cases?

YES NO

8.1. Are you familiar with the experiences of other judges who have come across such cases?

YES NO

9. How, in your opinion, should one prove that interpretation provided was inadequate?

1 – if there is a court interpreter, the hearing should be recorded (either by means of audio or audio-video equipment)?

2 – it is not necessary to record the hearing if there is an interpreter; the judge himself can establish whether the interpretation provided was inadequate

3 – other _____

10. In your opinion, if it is proven that the interpretation provided was inadequate, what should be the consequence for a court interpreter that had provided the interpretation?

1 – the court should refuse to pay for the services of the court interpreter in question

2 – court interpreter should be apprehended by the President of the County court

3 – court interpreter should pay a fee

4 – there should be no consequences

5 – other _____

11. Do you find it positive that, according to the Directive, the person charged with a criminal offence does not have to meet the costs of interpretation?

YES NO

12. Since the Directive was transposed into the Croatian Criminal Procedure Act, do you think that there will be more responsibilities for court interpreters in criminal proceedings in the future?

YES NO

13. Do you think that parties in civil proceedings should have the same rights as persons charged with a criminal offence regarding the right to translation and interpretation? Circle YES next to the right you think parties in civil proceedings should have.

– the right to free translation and interpretation YES NO

– the right to address the court in their mother tongue YES NO

– the right to complain about the quality of translation/ interpretation YES NO

– the right to have the court hearing recording if the judge's decision is based on interpretation YES NO

14. Since the responsibility of a court interpreter grows every day, especially in criminal proceedings, do you find that two or three days of training is sufficient to educate high quality court interpreters?

YES NO

15. Would you be willing to take part in the court interpreters' training?

YES NO

16. In your opinion, what should be an essential element of the training regarding the court interpreter's role in civil and in criminal proceedings (being familiar with the Acts, skills of communicating with witnesses/judges e.g. to interpret witness' words in the first person singular etc.)?

Your comments
