

Appendix A

Questions for use in interviews with persons who have served as or observed (contract) court interpreters in the Taiwan legal system.

- 1) What are your working languages? How long have you served as a court interpreter? How many times have you observed court interpreting? Where? When?
- 2) Describe the circumstances on how you came to be an observer/court interpreter. What were the requirements? (Tests, permanent residency, etc.) Who can become a court interpreter?
- 3) Did you receive any training or participate in orientation programs before serving as a court interpreter? Were you given any booklets or information regarding court procedures, interpreter ethics, and how to interpret? If not, were you briefed orally?
- 4) How are you assigned to a case? How early are you contacted and how much time do you have to prepare? Do you participate in client/attorney interviews? Any briefings? Do you have access to case files or other information to prepare?
- 5) How would you define your role? Are you responsible for other duties besides interpreting? Are you required to inform the court who you are and what your responsibilities are at the beginning of the trial to clarify your role to all parties?
- 6) What is a typical day as a court interpreter? What are the routines? Describe some cases you have interpreted for/observed.
- 7) When interpreting: Are you ever interrupted during the proceedings? What do you do when it's hard to hear or understand a segment? When you can't remember or don't know how to say something in the target language? Is there a check interpreter? Are you ever corrected? Do the attorneys/judge(s) speak to one another and not wait for your interpretation? Do you ever have to interrupt if you feel a segment is getting too long? What happens?

- 8) Are witnesses allowed to bring in their own interpreters? Do attorneys, judges, foreign police etc. ever interpret?
- 9) Are you ever addressed directly by the judge(s)/attorneys/defendants? What happens in that kind of scenario? (Does the interpreter answer or interpret?)
- 10) Does the non-Mandarin speaking defendant/witness ask you for help? Does he/she ever try to converse with you? What do you do? Can you give examples?
- 11) Do you feel court interpreting is easy, difficult? Why? Note taking, short-term memory, multi-tasking, legal terminology, accents, difficult segments to translate? Can you give examples?
- 12) What suggestions or comments do you have about court interpreting in Taiwan? Is it adequate? Does it need to be improved? Why? How?
- 13) Do you consider the Taiwan legal system as one that is fair and just? Why or why not?
- 14) How are you paid? Monthly? Daily? Hourly? Overtime? Does the judge decide the amount? Based on what? Do you think you are paid fairly? Why or why not?
- 15) Do you continue to train yourself outside of court? How? With what materials? If the court provided additional training courses would you be willing to attend?
- 16) Do you interpret as a freelancer outside of the court system?
- 17) Do you like court interpreting? Is it a good job to have? Do you think it's a profession in Taiwan? Why or why not?

Additional Questions for use in interviews with court staff
and government officials in the Taiwan legal system.

- 1) Are there many cases that require court interpreters? How many every year?
- 2) How are interpreters managed? How are they assigned cases? Are different interpreters used for civil court and criminal court?
- 3) Are freelance interpreters or foreign police used? Are data being collected on contract court interpreter usage? How much are staff interpreters and contract court interpreters paid?
- 4) How would you describe the relationships between interpreters and judges, lawyers, courthouse staff, etc.?
- 5) Are there ever any complaints about court interpreters? From who?
- 6) Do you think court interpreting is a profession?

Appendix B

Relevant R.O.C. Laws

Constitution of the Republic of China, Chapter II. Rights and Duties of the People, Article 8:

Personal freedom shall be guaranteed to the people. Except in case of flagrante delicto as provided by law, no person shall be arrested or detained otherwise than by a judicial or a police organ in accordance with the procedure prescribed by law. No person shall be tried or punished otherwise than by a law court in accordance with the procedure prescribed by law. Any arrest, detention, trial, or punishment which is not in accordance with the procedure prescribed by law may be resisted. When a person is arrested or detained on suspicion of having committed a crime, the organ making the arrest or detention shall in writing inform the said person, and his designated relative or friend, of the grounds for his arrest or detention, and shall, within 24 hours, turn him over to a competent court for trial. The said person, or any other person, may petition the competent court that a writ be served within 24 hours on the organ making the arrest for the surrender of the said person for trial. The court shall not reject the petition mentioned in the preceding paragraph, nor shall it order the organ concerned to make an investigation and report first. The organ concerned shall not refuse to execute, or delay in executing, the writ of the court for the surrender of the said person for trial.

中華民國憲法第八條:

人民身體之自由應予保障。除現行犯之逮捕由法律另定外，非經司法或警察機關依法定程序，不得逮捕拘禁。非由法院依法定程序，不得審問處罰。非依法定程序之逮捕，拘禁，審問，處罰，得拒絕之。人民因犯罪嫌疑被逮捕拘禁時，其逮捕拘禁機關應將逮捕拘禁原因，以書面告知本人及其本人指定之親友，並至遲於二十四小時內移送該管法院審問。本人或他人亦得聲請該管法院，於二十四小時內向逮捕之機關提審。法院對於前項聲請，不得拒絕，並不得先令逮捕拘禁之機關查覆。逮捕拘禁之機關，對於法院之提審，不得拒絕或遲延。人民遭受任何機關非法逮捕拘禁時，其本人或他人得向法院聲請追究，法院不得拒絕，並應於二十四小時內向逮捕拘禁之機關追究，依法處理。

The Code of Criminal Procedure, Article 99:

If an accused is deaf or dumb, or not conversant with the language, an interpreter may be used; such accused may also be examined in writing or ordered to make a statement in writing.

刑事訴訟法第 99 條: (訊問方法 (五)－通譯之使用) 被告為聾或啞或語言不通者，得用通譯，並得以文字訊問或命以文字陳述。

The Code of Criminal Procedure, Article 96:

In an examination, an accused shall be given an opportunity to explain the offense of which he is suspected; if there is an explanation, the accused shall be ordered to make a detailed statement of the complete matter; if the explanation contains facts favorable to him, he shall be ordered to explain his method of proof.

刑事訴訟法第 96 條:

(訊問方法 (二)－罪嫌之辯明) 訊問被告，應與以辯明犯罪嫌疑之機會；如有辯明，應命就其始末連續陳述；其陳述有利之事實者，應命其指出證明之方法。

The Code of Civil Procedure, Article 207:

The court shall appoint an interpreter where a person who participates in the argument does not understand the language used in the R.O.C. The same principle will apply when the judge does not understand the dialect used by a participant in the argument. Although the court shall appoint an interpreter where a person who participates in the argument is unable to hear or is mute, the court may also question such person in writing or direct such person to express answers in writing.

民事訴訟法, 第 207 條:

(應用通譯之情形) 參與辯論人如不通中華民國語言，法院應用通譯；法官不通參與辯論人所用之方言者，亦同。參與辯論人如為聾、啞人，法院應用通譯。但亦得以文字發問或使其以文字陳述。關於鑑定人之規定，於前二項通譯準用之。

The Organic Law of Court Organization, Article 98:

(Interpreting) For litigants, witnesses, forensics experts and other relevant persons unable to speak Mandarin an interpreter will be used. The same applies to persons who are deaf or dumb. [Author's translation: No official English translation found.]

法院組織法第 98 條:

(傳譯) 訴訟當事人、證人、鑑定人及其他有關係之人，如有不通國語者，由通譯傳譯之，其為聾啞之人，亦同。

Language Equality Law (Draft), Article 10:

(Court Language Rights) Citizens have the undeniable right to use their own language in court. If necessary, the court will provide interpretation or translation services. [Author's translation: No official English translation found.]

語言平等法草案第十條 (92.2.10 教育部國語推行委員會第 13 次全體委員會議討論通過之版本):

(訴訟語言權) 國民在法庭有使用自己語言的權利，不可因此視為無效。如果有必要進行傳譯、或是翻譯，應由法庭承擔。

Appendix C

Glossary of Chinese Terms and Names

TERMS

Staff interpreter	法庭通譯, 法院通譯, or 外語通譯
Contract court interpreter	特約通譯
Court clerk	書記官
Special Examination for Judicial Personnel (Grade 5)	司法特考五等
Assistant Clerk	錄事
Court Attendant	庭務員
Liufaquanshu	六法全書

NAMES

Legislator Hsiao Bi-Khim
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Appendix D

Glossary of Non-Governmental Organizations

Judicial Reform Foundation

7th F, No. 3, Lane 90, Songjiang Road, Taipei 104, Taiwan

財團法人民間司法改革基金會

104 台北市松江路 90 巷 3 號 7 樓

<http://www.jrf.org.tw>

Hsinchu Catholic Diocese Migrant Workers and Brides Office, Taiwan Alliance to
Combat Trafficking (Taiwan ACT)

116 ChungHwa Rd., Bade City, Taoyuan County, 334-64, Taiwan

Tel. 886-3-217-0468 Fax: 886-3-379-8171

天主教會新竹教區外籍牧靈中心, 越南外勞配偶辦公室

桃園縣八德市中華路 116 號

電話: 886-3-217-0468, 傳真: 886-3-379-8171

Awakening Foundation 婦女新知基金會

台北市龍江路 264 號 4 樓

Tel: 02-2502-8715 Fax: 02-2502-8725 E-mail: hsinchi@ms10.hinet.net

<http://www.awakening.org.tw>

Rerum Novarum Center 新事社會服務中心

地址: 106 台北市和平東路一段 183 巷 24 號

電話: 02-2397-1933 · 2394-7474, 傳真: 02-2341-0106

http://www.seewa.com.tw/rerum_novarum/

Taiwan International Workers Association 台灣國際勞工協會

地址: 台北市中山北路三段 53 之 6 號 3 樓

3F, No.53-6, Chungshan North Road, Section 3, Taipei City 104

TEL: 02-25956858 FAX: 02-25956755

<http://www.tiwa.org.tw/>

財團法人台北市賽珍珠基金會
台北市和平西路一段 56 號 4 樓之 5
THE PEARL S. BUCK FOUNDATION, Taipei, Taiwan.
Phone: (02)2369-8880 | Fax: (02)2369-8879
<http://www.psbf.org.tw/>

中華民國南洋台灣姊妹會【北部辦公室】
電話: 02-2515-9943 傳真: 02-25175464
地址: 104 台北市中山區龍江路 264 號 3 樓
<http://www2.cooloud.org.tw/user/sisters/>

Taiwan Association for Human Rights 台灣人權促進會
網址: <http://www.tahr.org.tw/> 電子郵件信箱: tahr@seed.net.tw 地址: 106 臺北市
大安區新生南路三段 25 巷 3 號 9 樓電話: (02) 2363-9787 傳真: (02) 2363-6102