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「亞洲共同體：東亞學的構築與變容」系列講次(3)
講題：司法通譯應用實務初探

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Title: A Preliminary Study on the Application Practice of Judicial Interpretation

中國文化大學 110 學年度 Eurasia 基金會國際講座第 3 回，邀請到本校日文系老師的蔡珮菁副教授以「司法通譯應用實務初探」為題擔任主講。本次的演講蔡教授向與會師生介紹如何加入司法通譯工作，以及實務接案時必須做的準備。

For the third lecture of the Eurasia Foundation International Lecture of the Chinese Culture University, we invited associate Professor Tsai Peiching of the Department of Japanese Language and Literature at our university to give a lecture entitled “A Preliminary Study on the Application Practice of Judicial Interpretation.” In this speech, Professor Tsai introduced how to become a judicial interpreter, as well as the practical preparations that must be made when accepting cases.

首先蔡教授提及「司法通譯」是從 2009 年開始施行之規定。依照國際人權條約，執法單位必須免費提供瘖啞人、不通國語人士通譯，以保障其訟訴權益。能夠擔任司法通譯工作的人，須具備基本法律常識，以及中上程度的外語能力。蔡教授在本校日文系擔任中日口譯課程多年，司法通譯亦為課程內容之一部分。為了充實自己的經驗，到台灣司法通譯協會參加培訓，並在東吳大學推廣部修得刑法、刑事訴訟法 8 學分，以符合司法通譯必須具備基本法律常識的條件。蔡教授從 2017 年開始擔任地檢署特約通譯，而後擔任台灣司法通譯協會培訓學員的種子教師。為了讓更多人了解司法通譯，同時盡到大學教師的社會責任而投身於此工作。

First of all, Professor Tsai mentioned that “Judicial Interpreter” is based on an international rule that has been implemented since 2009. According to “International Bill of Human Rights,” law enforcement agencies must provide free interpreting service for people who are hearing-impaired and those who do not speak Mandarin to protect their rights in litigation. Those who can serve as judicial interpreters must have basic legal knowledge and an intermediate or higher level of foreign language skills. Professor Tsai has taught the course “Chinese-Japanese interpretation” in the Department of Japanese Language and Literature) at our university for many years and judicial interpretation is also part of the course. In order to enrich her experience, Professor Tsai went to the Taiwan Judicial Interpreters Association to participate in training and obtained 8 credits of criminal law and criminal procedure law from School of Extension Education at Soochow University, in order to meet the requirements of basic legal knowledge as a judicial interpreter. Professor Tsai has served as an interpreter for the District Prosecutors Office since 2017, and then served as a seed teacher for trainees of the Taiwan Judicial Interpreter Association. In order to introduce the judicial interpreters to the public and fulfill the social responsibility of university teachers, Professor Tsai chose to participate in court-interpreting practice.

如何加入司法通譯工作

主要有徵選和培訓兩種管道。各級法院和法律扶助基金會不定期會針對所需的語言進行特約通譯的徵選。由於日文通譯人數已經足夠，目前招募的對象以東南亞語言為主。台灣司法通譯協會的培訓課程，包括基礎倫理、行政訴訟類、刑事民事類、實務演練各 8 小時。除了一般上課方式外，另外有 VR 教學影片，模擬在警察局等司法通譯工作會遇到的情境，教學方式相當先進。

How to become a judicial interpreter

There are mainly two channels: recruitment and training. Courts at all levels and “Legal Aid Foundation” recruit interpreter for the required languages irregularly. Since the number of Japanese interpreters are sufficient, the current recruits are mainly Southeast Asian languages. The training courses of the Taiwan Judicial Interpreter Association include basic ethics, administrative litigation, criminal and civil, and

practical exercises for 8 hours each. In addition to the common teaching methods, there are also VR teaching videos that simulate situations encountered in judicial interpreting in workplaces such as police stations. The teaching methods are quite advanced.

實務接案時必須做的準備

在實務應用方面，有兩點必須注意。首先，必須堅守司法通譯人員倫理規則。司法通譯的基本倫理包括：迴避原則、保密原則、不主動接案原則、保持中立、不做通譯人員角色外的事、辭退無法勝任的工作等。再者，是貫徹實務操作規定。分成以下階段：

Preparations that must be made when accepting a case in practice

In terms of practical applications, two points must be noted. First of all, we must adhere to the ethical rules of judicial interpreters. The basic ethics of judicial interpreters include: the principle of recusal, the principle of confidentiality, the principle of not taking the initiative to accept a case, maintaining neutrality, not doing anything other than the role of the interpreter, and refrain from accepting a case that is likely to exceed interpreters' capacities. Furthermore, we must adhere to the practical operation regulations, which can be divided into the following stages:

1. 接案前：務必確認清楚案件類型、翻譯的對象是否認識（人身安全問題）、翻譯的語言是否為自己熟悉（同一國人可能使用不同方言造成語言不完全相通。例如：印尼語和爪哇語之差異）。

1. Before accepting the case: Make sure to confirm the type of the case, whether you know the persons using the interpreting services (personal safety issues), and whether the language of the interpretation is familiar to you (even people from the same country may use different dialects, **which may cause the language to be incompletely interpretable**). For example: the difference between Indonesian and Javanese).

2. 報到：開庭前一個月～兩週前會收到傳票，可聯絡負責案件之書記官，事先了解案情內容。準備身分證、傳票、派遣單位的制服（建議開庭前再穿上），準時出現在開庭處（法庭或偵查庭）。進入法院要通過金屬探測器等安全檢查。記得繳交年籍資料表，以免個資外洩。

2. **Registration:** You will receive a summon one month or two weeks before the **hearing**. You can contact the clerk in charge of the case to know the details of the case in advance. Prepare identity cards, summon, and uniforms of the dispatching agency (it is recommended to wear them **only** before the **court session**), and appear at the court session (court or investigation room) on time. To enter the court, you need to go through security checks such as metal detectors. Remember to submit the personal information sheet to avoid leakage of personal information at the court session.

3. 開始服務時：進行口譯前需要宣誓，開庭時手機關機。司法通譯基本上以逐步口譯的方式進行。如果因為個人習慣等，需要做筆記的話，必須徵得法官 / 檢察官同意，才會得到書寫工具。使用過的紙筆事後會被收回，不得攜出法庭。需注意與翻譯對象保持適當距離，以保護自身安全。如果是做筆錄，必須確認內容正確後簽名。

3. **At the beginning of the service:** you need to take an oath before interpreting, and your mobile phone need to be turned off when the court session began. Judicial interpretation basically adopts consecutive interpreting. If you need to take notes due to personal habits, you must obtain the consent of the judge/prosecutor before you can get a writing tool. The used paper and pen will be taken back afterwards and must not be take them out of the courtroom. It is necessary to keep a proper distance from the persons using the interpreting services to protect your own safety. If it is an interrogation reports, it must be signed after confirming that the content is correct.

4. 結束後：請法官 / 檢察官簽發領據，向出納櫃檯領取翻譯費用。費用採以案

件非以時數件計。由於費用大約一千～三千元不等，很難只以此維生。

4. After ending the service: ask the judge/prosecutor to issue a receipt and receive the interpretation fee from the cashier's counter. The pay is based on the case, not the number of hours. Since the pay is about 1,000 to 3,000 NT\$, it is difficult to make a living only by judicial interpretation.

蔡教授利用坊間的法律書籍介紹的模擬法庭部分，說明開庭時可能會遇到的狀況。同時也播放了介紹檢察官工作的影片，像是開庭時的狀況、如何向被害人問案情等，了解案件的進行過程。讓與會師生模擬想像，若變成司法通譯時可能會遇到的問題點。課程最後蔡教授強調，口譯人員可讓詢問過程變得更順利，是開庭時相當重要的角色。台灣的司法通譯需要更多人的投入，希望藉由這次的演講，讓大家了解司法通譯的工作，推薦適當人選參加徵選或培訓，加入司法通譯的行列。

Professor Tsai used "moot court," introduced in the law books, to explain the situations that may be encountered during the court session. She also played a video clip introducing the work of the prosecutor, such as the situation during the court session, how to ask the victim about the case, to understand the process of the court session. She led the teachers and students to simulate the situation, if they become judicial interpreters, what problems they may encounter. Finally, Professor Tsai emphasized that interpreters can make the questioning process smoother and play a very important role in the court session. We need more people to engage in Judicial interpretation in Taiwan. She hoped that through this speech, everyone can understand the work of judicial interpreters and recommend suitable candidates to participate in the recruitment or training to become judicial interpreters.

(網頁連結 : <https://eurasia.pccu.edu.tw/index.php>)

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