

# **AVIDICUS 3 PROJECT**

**Assessment of Video-Mediated Interpreting in the  
Criminal Justice System – Assessing the Implementation**

## **HANDBOOK OF BILINGUAL VIDEOCONFERENCING**

**The use of Videoconferencing in Proceedings  
Conducted with the Assistance of an Interpreter**

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# 1 Introduction

This handbook is designed to be a comprehensive guide to the use of **videoconference (VC)** in legal proceedings where such proceedings are conducted with the assistance of an **interpreter**, leading to situations of **bilingual (or multilingual) videoconferencing**. The handbook applies to the use of VC in judicial and law enforcement proceedings at **national** level and to cases of mutual legal assistance, which entail **cross-border** videoconferencing.

The use of a VC creates a specific type of communication. It comes with its own challenges and opportunities, which need to be thoroughly understood to guarantee its efficient use. Despite their many technical, logistical, organisational and communicative complexities, video links are often seen as an ‘on-demand’ service that can be used without prior induction and training. However, the research into bilingual videoconferencing in legal proceedings conducted in the European AVIDICUS projects (2008-16) has shown that VC communication can be challenging, especially when it is combined with interpreting services. This handbook offers guidance for the effective and efficient use of VCs in bilingual legal proceedings. It promotes awareness of the basic training requirements for all parties involved and provides indications on how this training should be organised and delivered.

This guide is designed for the following user groups:

- **Policy makers** interested in learning more about good practices in order to develop or improve the procedures of procuring and implementing VC at institutional level;
- **Legal professionals** (e.g. judges, lawyers, prosecutors, court clerks, police officers) using VC in their everyday work at different levels, from organising VCs to handling or chairing them, or even ‘just’ VC participation;
- **Legal interpreters** wishing to expand their knowledge about VC communication for their continuous professional development;
- **Technicians** tasked with installing, maintaining and managing VC equipment, setting up and operating VC sessions.

The handbook may also serve as a resource for eliciting guidance for speakers of another language who take part in video links as litigants, witnesses, victims, accused persons, suspects or defendants and require the assistance of an interpreter.

This introduction will outline the structure of the handbook, explain how to consult this resource, and present an overview of the potential settings and configurations of bilingual legal VCs, and cover the main concepts and relevant terminology linked to this practice.

## 1.1 Structure of the handbook

The handbook is organised around themes. Each theme is covered in a different section. Users can choose to consult one, more or all the sections depending on their level of involvement with VC, their (potential) role in video links, their previous knowledge of the subject and individual interests. The following themes are covered:

- **Uses of Bilingual Videoconferencing** (legal settings in which VCs are used)
- **Procurement and Implementation** (choice of equipment appropriate for bilingual VCs)
- **VC Connection and Equipment** (technical requirements and support for bilingual VCs)
- **Participant Distribution** (location of the parties and the interpreter during bilingual VCs)
- **Pre-VC/Post-VC** (preparation of VCs and debriefing of participants after conclusion of the VC)
- **Mode of Interpreting** (method used by interpreters to relay questions and answers)
- **VC Management** (effective management of bilingual VCs)
- **Communication Management** (maintaining communication flow and interaction)
- **Further Support and Training** (features and organisation of training for all VC participants)

Each theme-related section includes

- A **highlight** box at the beginning, presenting the most important points to consider for VC practice;
- The main body of the text, which moves from a general overview relevant to all stakeholders to specific VC issues and opportunities;
- A **summary** box at the end, containing the main relevant points for each user group.

The final section of this handbook provides suggestions on how to organise and deliver training in VC for bilingual legal proceedings.

## 1.2 Using this resource

As outlined above, the sections of this handbook can be consulted individually as stand-alone units. However, users are strongly advised to read the entire handbook, as the themes covered in the individual sections are often intertwined. Users who access this resource because they are tasked with designing/updating a VC system may find a thorough reading of all sections particularly helpful in order to gain extensive knowledge of VC issues. A VC solution that is well designed not only from the point of view of technical equipment, but also from the point of view of the organisation of human resources is an important step towards offering a VC service that meets the needs of all participants. This is all the more important as judicial and law enforcement authorities are increasingly turning towards videoconferencing an alternative solution for logistically complex proceedings involving courts, prisons and police stations. VC solutions must therefore take account of the needs of all participants.

As the factors influencing the decisions about VC solutions at national level will be different for individual countries and institutions, different VC solutions may be more or less appropriate for responding to local needs. Therefore, **this handbook** does not advocate the use of specific systems, setups or solutions. Rather, it **proposes guidelines** that should be considered along with knowledge of local procedures, needs and states of affairs for the creation of tailored solutions. Where good practices regarding the use of VC have been identified (irrespective of a country's individual circumstances), these are included in this handbook and supported by examples.

Links between sections have been made explicit in this handbook by means of cross-references to other sections placed next to the relevant paragraph.

## 1.3 Bilingual VC in legal proceedings: Key concepts, definitions, configurations

This section outlines key concepts and definitions that will be used throughout the document. This handbook refers to proceedings that include ***bilingual videoconferencing***, i.e. proceedings involving all of the following:

- a. at least one party or witness who is not (sufficiently) proficient in the official language
- b. an interpreter
- c. a video link

and where the video link is used in one or more of the following ways:

- To connect the party or witness who requires an interpreter to the proceedings;
- To connect a legal professional or expert from their location (e.g. office) to the proceedings;
- To connect a lawyer with a client who requires an interpreter to communicate with the lawyer;
- To connect the interpreter to the proceedings (including investigative interviews) or to the lawyer-client communication ('remote interpreting').

These **settings** are not interchangeable, as they respond to different communication needs. Settings i to iii refer to settings in which those who need to communicate with each other, e.g. a court and a witness or a lawyer and a client, are in different locations. By contrast, setting iv refers to a setting in which the interpreter is separated from the other participants. Some of the settings can be combined, leading to videoconferences with more than two sites.

The common denominator of these settings is that they involve a combination of videoconferencing with bilingual, interpreter-mediated communication. From an interpreter's perspective, the settings require different methods of **video-mediated interpreting (VMI)**.

Each setting can have different **configurations** regarding the geographical/physical distribution of the participants, including the location of the interpreter. In the remainder of this section, each setting and its configurations will be briefly explained. Sections 2 and 5 of this handbook (Uses of bilingual videoconferencing; Participant distribution) will distinguish the different settings and configurations in more detail.

#### i. The VC is used to connect a party or witness who requires an interpreter to the proceedings

This setting refers to the use of a video link between the site of a judicial or law enforcement authority (the 'main site'), e.g. a court or police station, and a person at a different site (the 'remote site') who requires the services of an interpreter. Although legislation about who can participate in legal proceedings via video link differs between countries, the person at the remote site can, in principle, be a person accused or suspected of a crime, a defendant, witness or victim in criminal proceedings; an asylum seeker in asylum/immigration proceedings; or a litigant or witness in civil proceedings. Typical examples of this setting are video links between a court and a defendant in prison for different types of pre-trial hearings or links between a court and a witness who testifies from a separate room (e.g. a vulnerable witness) or another court house (e.g. a witness in another country).

In cross-border proceedings, where video links are most commonly used for witness testimony, the court or authority who needs to hear the witness is the 'requesting court' or 'requesting authority', and the witness is located at the 'requested court' or with the 'requested authority'.

Different configurations are possible with regard to the interpreter's location. S/he can be co-located with those speaking the official language of the proceedings or with the party who does not speak the official language. These configurations are illustrated in Figures 1 and 2 below respectively. Each figure shows an investigative interview, i.e. a small-group setting, and a court hearing. A third option is for the interpreter to be located at a third site, leading to a three-way video link.

**Figure 1 Interpreter co-located with those speaking the official language**

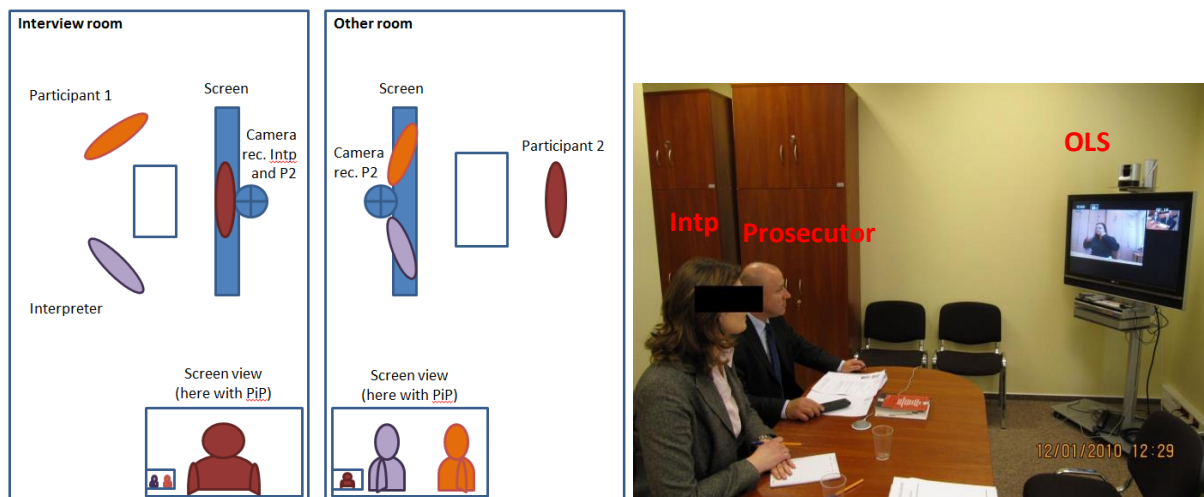


Figure 1a: Investigative interview; interpreter co-located with authority (e.g. prosecutor); other-language speaker (OLS) in remote location

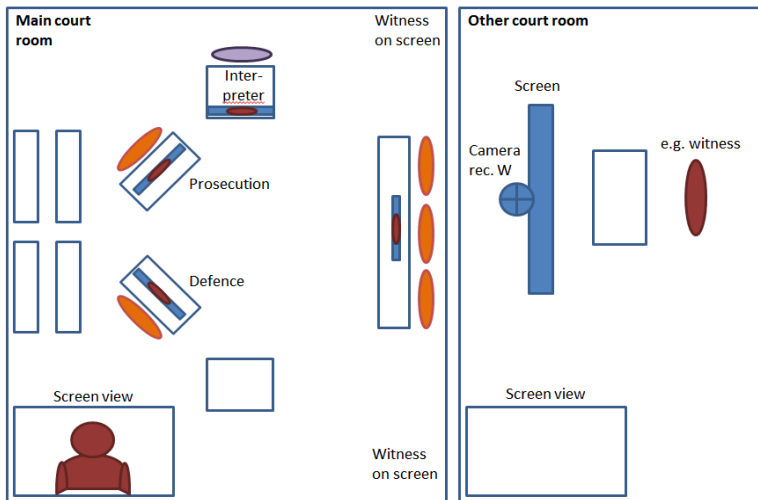


Figure 1b: Court hearing; interpreter co-located with the main court (requesting court); other-language speaker (OLS) in remote location

Figure 2 Interpreter co-located with the other-language speaker (OLS)

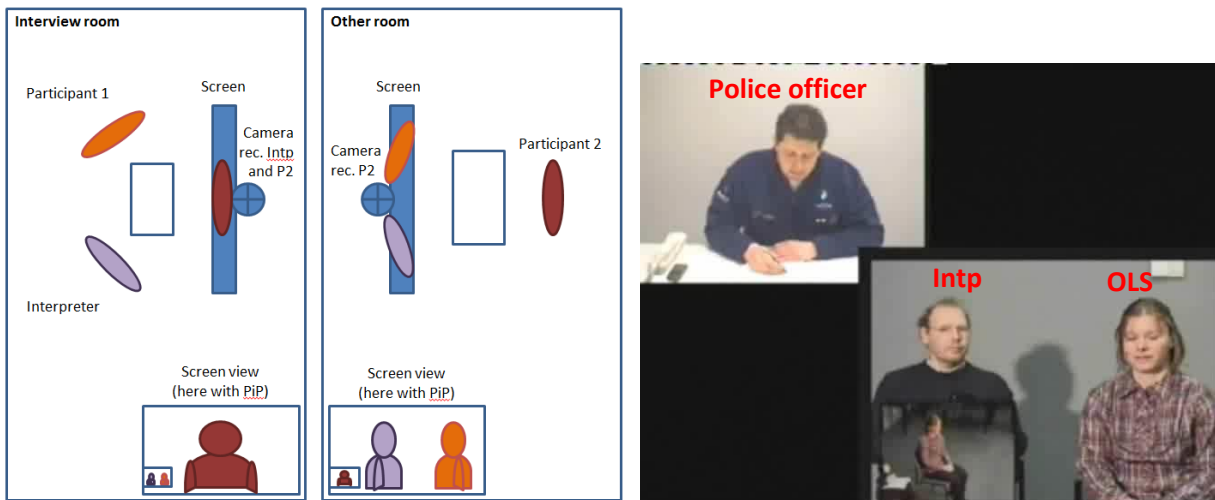


Figure 2a: Investigative interview; interpreter co-located with the other-language speaker (OLS)

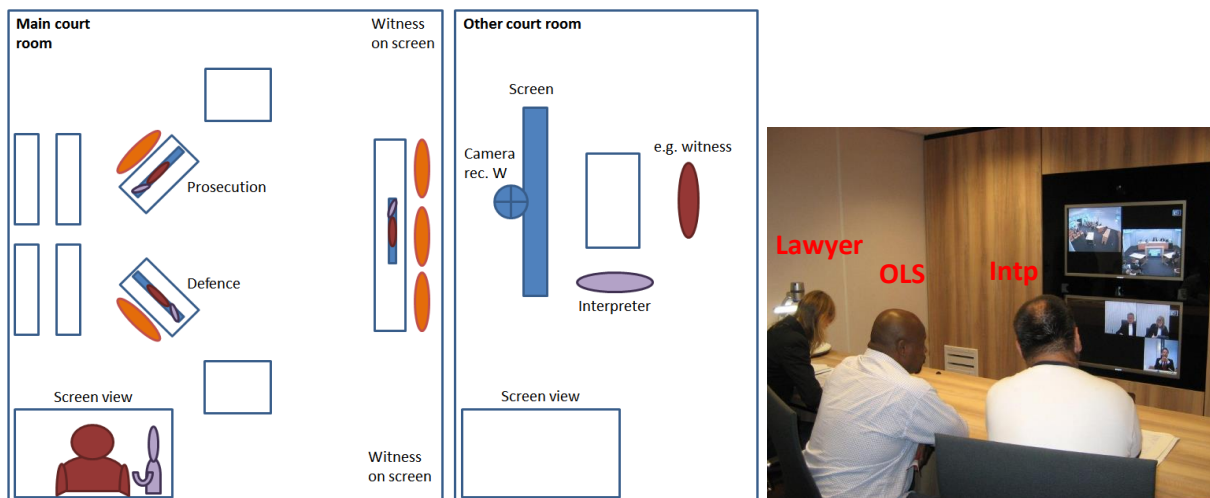


Figure 2b: Court hearing; interpreter co-located with the other-language speaker (OLS)



**ii. The VC is used to connect a legal professional or expert from their location (e.g. office) to the proceedings**

This refers to a range of settings that are still infrequent, but that may play a more important role in the near future. For example, it is possible that a defence lawyer, prosecutor, investigating judge or other legal professional participates in a court hearing by video link from his or her own office. Similarly, an expert witness can attend court by video link.

All of these settings have a bilingual element if they involve a party or witness who requires interpretation. For example, when the defendant is physically present in the courtroom but the prosecutor attends by video link, the interpreter will relay to the defendant not only what those present in the courtroom say but also what the remote prosecutor says; the defendant's utterances will have to be relayed to those present in court and to the remote prosecutor. The interpreter would typically be in court in this setting, but it is also possible that s/he works from another location. The latter would be a combination of settings i and iv.

Furthermore, a combination of settings i and ii is possible. A court may connect to a remote defendant in prison and a remote prosecutor in his/her own office. Such settings are largely unexplored with regard to the most appropriate location for the interpreter.

**iii. The VC is used to connect a lawyer with a client who requires an interpreter to communicate with the lawyer**

This setting involves the private communication between lawyers and their clients before, during or after law enforcement or judicial proceedings. Possible configurations are for the lawyer to be in his/her firm or office, and the client to be in a police station or prison (in criminal proceedings), a detention centre (asylum/immigration proceedings) or in a place of his/her choice (in civil proceedings).

Another possible configuration in criminal proceedings is for the lawyer to be in a special room in court and to be linked to a client in prison, e.g. to prepare a pre-trial hearing, in which the client then appears by video link from prison while the lawyer attends in the courtroom.

Given the many variations of this setting, it is difficult to make generalisations about the location of the interpreter. It will often be determined by practical circumstances, but in principle the interpreter can be either co-located with the lawyer or with the client, or be in a third location.

**iv. The VC is used to connect an interpreter to the proceedings (including investigative interviews) or to the lawyer-client communication**

This setting is known as 'remote interpreting'. The interpreter works from a remote site (e.g. an interpreting hub), whilst all other participants are together in the location where the proceedings would traditionally take place, e.g. a courtroom or police custody suite. This is illustrated in Figure 3 below, first for an investigative interview and then for a court hearing.

Figure 3: Remote interpreting; the interpreter is separated from the other participants.

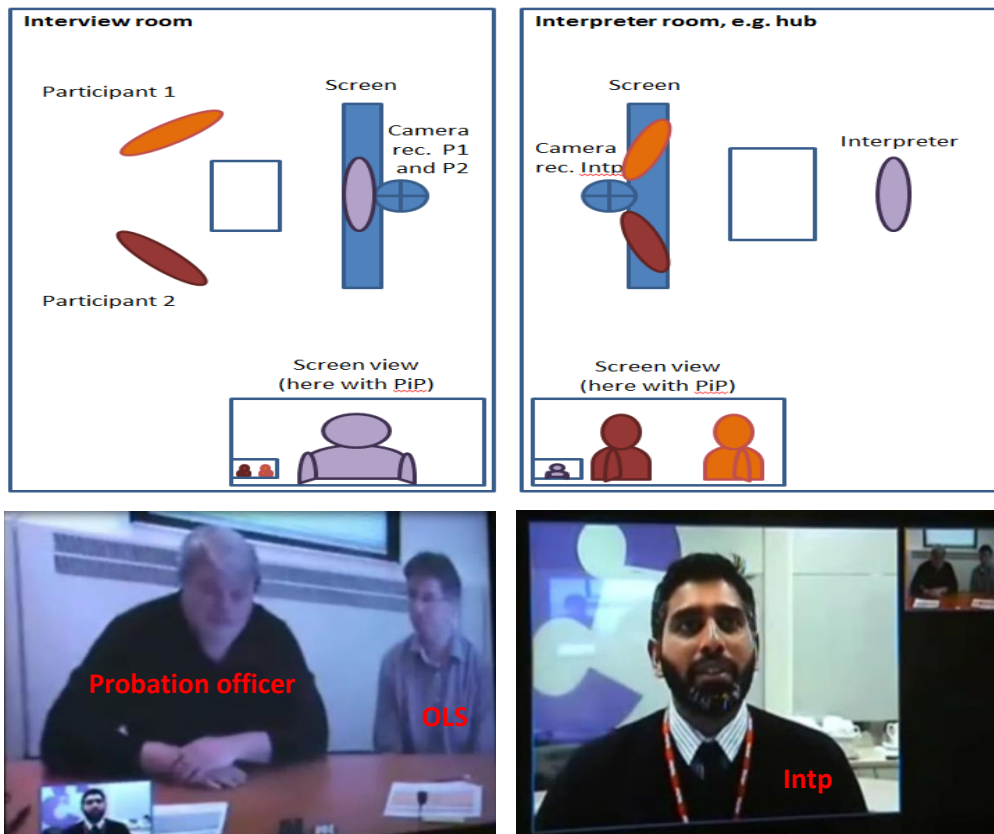


Figure 3a: interview with remote interpreter

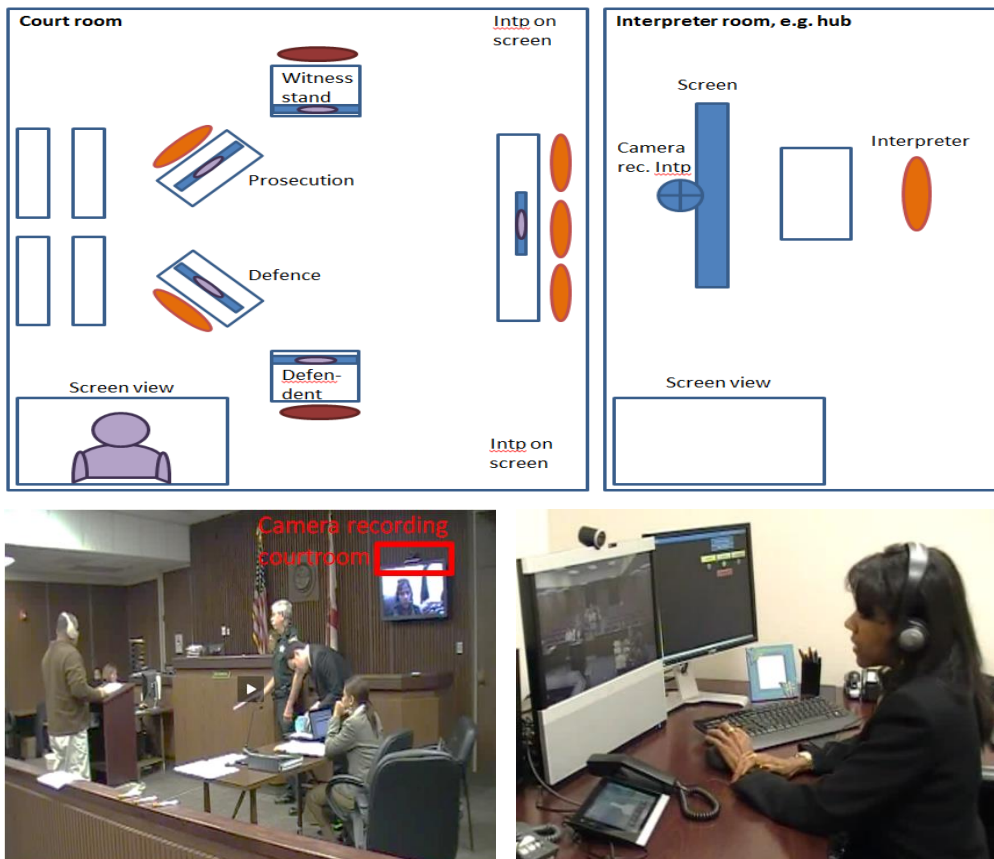


Figure 3b: court hearing with remote interpreter

The use of VC in legal proceedings is increasing and has many benefits, such as speeding up the proceedings, reducing travel costs and improving public security by avoiding prisoner transport to courts. However, the potential challenges of combining the technological mediation through VC and the lingua-cultural mediation through an interpreter are widely underestimated. The key questions revolve around the impact of combining VC and interpreting on the quality, fairness and efficiency of justice. In more detail, this concerns the effects of VC and interpreting on the quality of the interpretation and the communicative dynamics of the proceedings, how these are affected by the distribution of participants and the mode of interpreting, and whether video-mediated interpreting is sufficiently reliable for legal communication (for purposes such as evidence taking, information gathering, decision-making and delivering justice).

Potential concerns regarding the combination of VC and interpreting come from different sources. Previous studies have highlighted that video-mediated interpreting often magnifies known communication and interpreting problems. Remote participants, and in particular defendants, have reported difficulties in making themselves 'heard' by the court and in understanding the content of their own trials. While such concerns do not mean that VC technology is unsuitable for legal proceedings, they point to the need for a greater understanding of the issues at stake from multiple points of view. This handbook is designed to address this need.

## 2 Uses of Bilingual Videoconferencing

### Highlights

- The main motivations for the **use of VC at national level** are logistical difficulties, time efficiency, cost reduction, enhancement of public security and access to qualified interpreters.
- The same motivations may also play a role in the **use of VC for cross-border hearings**, along with the need to provide mutual legal assistance.
- Witnesses may appear remotely due to factors such as vulnerability and distance. The decision to have a person appear by VC should not undermine the fairness of the proceedings.
- VC is useful for brief events, especially with a small number of participants. Its use for long or complex proceedings with a larger number of participants is not advisable.
- The potential impact of VC technology on an interpreter's performance has to be taken into account to ensure that the VC does not jeopardise the quality of the communication and interpretation.

Bilingual VCs are currently used for both national and cross-border proceedings. The main motivations for the use of VC at national level include logistical difficulties, time efficiency, reduction of cost, and enhancement of public security. The need to access qualified legal interpreters and the potential to reduce travel costs associated with interpreting are further reasons for VC. Similar motivations also play a role in the use of VC for cross-border hearings. However, in this case an added rationale is the provision of mutual legal assistance and international cooperation with other countries.

See Ch. 3  
Procurement &  
Implementation

Judicial and law enforcement institutions using VCs should **agree procedures for deciding whether or not a video link is suitable for a particular situation**. The use of video links in legal proceedings is increasingly becoming a default position in relevant legislation, although normally with some exceptions. Alternatively, the decision whether or not to use VC is at the discretion of a judge or other person responsible for the proceedings (e.g. a prosecutor). Where there is discretion, those in charge normally consider factors such as travel costs, seriousness of the crime and the general behaviour of a defendant. Regarding witnesses, issues of vulnerability and distance from the court play an important role. With regard to bilingual proceedings, judges and others making such decisions are advised to exercise caution. The additional layer of complexity that is introduced by linguistic and cultural barriers and by communicating through an interpreter needs to become a further factor in the decision-making process. It is imperative for judges and others to assure themselves that the combination of videoconferencing and interpreting does not undermine the fairness of the proceedings.

See Ch. 10  
Training

One of the factors to take into account is that the attendance of proceedings by video link can influence the participants' communicative behaviour and the participants' mutual perceptions of each other. This can skew the legal practitioner's assessment of a participant's credibility and engagement with the proceedings. For example, a remote participants' poor engagement with the authorities during a VC can normally be attributed to the 'distance' created by the technology, which may give a remote participant the feeling of 'not really' being before an authority. The video link can thus create a false impression of the remote participant. Linguistic and cultural barriers can magnify these problems.

There is also a risk that remote participants who require the services of an interpreter have difficulty following VC-based proceedings. This should be taken into account in the decision-making process, but it should also be monitored during the VC.

See Ch. 8  
VC Management

A further factor is the duration of the VC. Interpreters generally feel that interpreting in a VC is more stressful and tiring than working in the traditional settings. As a general principle, the use of VC involving an interpreter should therefore be reserved for brief hearings. If a planned VC is likely to last long (e.g. 2 hours or more), the interpreter should be consulted at the time of booking to find out whether this is manageable or whether two interpreters should be booked to work in a pair. For all VCs, it will be useful to discuss the interpreter's needs, e.g. for a break, before the VC begins.

Sections 2.1 and 2.2 provide further insights about the main current uses of VCs in legal settings, divided into national and cross-border proceedings.

## 2.1 National proceedings

In national proceedings, there is **currently** a wide range of VC uses in the justice systems that potentially require the integration of an interpreter. Table 1 below gives an overview of the uses encountered in different countries.

Criminal Justice
<ul style="list-style-type: none"> <li>• Links between courts and remote parties, i.e.:             <ul style="list-style-type: none"> <li>○ Court/Prosecutor – accused at police station for first hearings</li> <li>○ Court – defendant in prison for pre-trial hearings and remote sentencing</li> </ul> </li> <li>• Links between courts and witnesses, i.e.:             <ul style="list-style-type: none"> <li>○ Court – geographically remote witnesses</li> <li>○ Court – vulnerable witnesses</li> </ul> </li> <li>• Lawyer-client communication             <ul style="list-style-type: none"> <li>○ Lawyer from own office or from court – defendant in prison</li> </ul> </li> <li>• Court reports by probation             <ul style="list-style-type: none"> <li>○ Probation officer from own office – defendant in prison</li> </ul> </li> <li>• Police detention reviews             <ul style="list-style-type: none"> <li>○ Reviewing officer – detainee in custody</li> </ul> </li> </ul>
Civil Justice
<ul style="list-style-type: none"> <li>• Links between courts and witnesses at home and overseas</li> <li>• Lawyer-client communication</li> <li>• Case management conferences</li> <li>• Other uses by consent of the parties (e.g. remote lawyers)</li> </ul>
Immigration and Asylum
<ul style="list-style-type: none"> <li>• Links between immigration courts and immigration applicants in detention</li> <li>• Lawyer-client communication</li> </ul>

Table 1: Main current uses of videoconferencing in different parts of the justice sector that potentially require interpreting

In addition, VC is used to **gain access to a remotely located interpreter**, as outlined in Section 1.3. This is often referred to as **remote interpreting**, whereby the interpreter is physically separated from the main participants, while these are gathered in the place where the proceedings would traditionally take place.

Furthermore, section 1.3 has presented settings that are still infrequent but may play a more important role in the **future**, especially the remote participation of legal professionals such as lawyers and prosecutors.

See Ch. 1  
Introduction

## 2.2 Cross-border proceedings

In cross-border proceedings, the application of video links is more restricted. Although they are used in criminal and civil proceedings, they are primarily employed for witness testimony.

In Europe, cross-border videoconferencing in criminal proceedings has a legislative basis in the 2001 Second Additional Protocol of the 1959 European Convention on Mutual Assistance in Criminal Matters (Council of Europe)<sup>1</sup> and the 2000 European Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (European Council).<sup>2</sup> The legislation distinguishes between interpreting support for the judicial authority of the requested Member State, who is normally present during the proceedings (at least in criminal cases), and interpreting support for the person to be heard. A distinction therefore needs to be made between the following situations:

- A. **The person to be heard speaks the language of the *requesting authority*, but resides permanently or temporarily in a different country.** For example, a Dutch court requests to hear a Dutch citizen who lives in Germany. In relation to this situation, the Conventions state that the judicial authority of the requested court (here: in Germany) shall *where necessary be assisted by an interpreter*. As the Dutch court would communicate with the Dutch witness in Dutch, an interpreter would be required to interpret from Dutch into German for the benefit of the German judge.
- B. **The person to be heard speaks the language of the *requested authority* and resides permanently or temporarily in its territory.** For example, a Dutch court requests to hear a German citizen who lives in Germany. In relation to this, the Conventions state that *at the request of the requesting authority or the person to be heard the requested authority shall ensure that the person to be heard is assisted by an interpreter, if necessary*. An interpreter would be required to interpret between Dutch and German for the benefit of all parties involved.

Due to the presence of two judicial authorities in different jurisdictions, cross-border proceedings generally lead to greater complexity in terms of participant distribution than national proceedings. Given that cross-border hearings via VC often require a rather large amount of preparation, the best solution for handling the linguistic side may be to recruit two interpreters, i.e. one at each side. As an important point in this case, the interpreters should have an opportunity to communicate with each other in advance of the VC in order to agree on how they share the task and how they work together effectively. If only one interpreter is available, it is important to take into account whether the parties speaking the same language are all in one location (as in case B) or not (as in case A).

Other, more complex situations arise when **the person to be heard speaks a third language** (e.g. if a Dutch court hears a person who resides in Germany but does not speak sufficient German nor Dutch). Such situations may currently be rare, but they require well thought-through solutions designed for the specific circumstances. Two interpreters will normally be required here, i.e. one interpreter in the requesting Dutch court to translate between the third language and Dutch, and another interpreter in Germany to translate from the third language into German for the benefit of the requested German authority.

<sup>1</sup> Art. 10, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008155e>

<sup>2</sup> Art. 9, [http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32000F0712\(02\)](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32000F0712(02))

## Summary

- **Policy makers:** While the main motivations for using VCs are multiple (logistics, economy, time-efficiency, public security and access to qualified legal interpreters), the Fair Trial principle should always be considered first. The legislation concerning VC should include recommendations on the typical features which make a proceeding suitable or unsuitable for VC. The need for interpreting services should be an important criterion. Appropriate training of legal professionals in the implementation of the decision for/against the use of VC needs to be developed. For cross-border proceedings, consider the use of two interpreters, one at each side.
- **Legal professionals:** When deciding whether to hold a hearing via VC, consult available guidelines, either through training or documentation. These should be able to guide you through the factors you need to consider to make sure that the proceeding you are about to hold is fair to all participants. Remind yourself that VC is particularly useful for brief events, especially with a contained number of participants. Its use for long or complex proceedings with a large number of participants is not advisable. If you will be using interpreting services, consider the potential impact of VC technology on an interpreter's performance. An interpreter is more likely to experience fatigue in a VC, so you will need to take measures to ensure an appropriate quality of the interpretation. For cross-border proceedings, it is advisable to work with two interpreters, one at each site, and to give the interpreters an opportunity to liaise with each other in advance in order to coordinate the interpreting task. This will provide enhanced interpretation quality, as the interpreters will be able to support each other in their work.
- **Interpreters:** Before attending a proceeding involving a VC, ask your client about the nature of the event if possible. Determine whether this is a national or a cross-border proceeding, and—especially in the latter case—whether there will be an interpreter at the other site. If this is the case, request to be able to contact, and coordinate the task with, the other interpreter in advance, and propose arrangements which you believe are suitable for the communicative situation. Remember that you are more likely to experience fatigue when interpreting in VC. Find out the expected duration of the hearing. If you believe this may be too long for you, notify the authority that you will need a break and discuss when this is to take place. If a hearing is likely to be particularly long, discuss with the authority the possibility of pairing you up with a colleague.
- **Technicians:** Cross-border proceedings are often held with VC sites which may have equipment that is different from yours. Check their technical requirements, and test the connection beforehand to make sure there are no audio/video issues. In the case of hearings involving interpreters, check where they will be located, and verify that your network, along with the one at the other site, has the technical ability to deliver sustained high audio quality.

### 3 Procurement and Implementation

#### Highlights

- A VC system used in legal proceedings needs to be designed or adjusted to **accommodate video-mediated interpreting (VMI)**.
- The design and implementation or upgrade of the VC system should be overseen by an **institutional task force** including, and/or consulting with, legal, technological and linguistic experts, and representatives of all relevant stakeholder groups.
- Administrators looking to implement or upgrade VC systems should cooperate with other justice sector organisations which have already implemented VC equipment; they should also identify, and interact with, their counterparts in other countries to source relevant knowledge on the design of VC systems.
- It is strongly advisable to run suitable pilot projects as part of the first experimentation with VC. These should include instances of VMI.
- As part of the pilot project, protocols describing the procedure before, during and after a VC session including a VC session with an interpreter should be developed. Clear risk assessment procedures should also be agreed upon.

One very important point to consider in the process of implementing or upgrading a VC system are **minimum standards**. At present, there are recommendations for minimum standards for VC in cross-border legal proceedings, which were developed by the Informal Working Group (IWG) on Cross-border Videoconferencing in its 2015 report.<sup>3</sup> Whilst these recommendations also provide a useful starting point for the implementation and upgrade of VC facilities used for national proceedings, there are no specific standards for bilingual videoconferences with interpreters yet. However, given current and expected future levels of multilingualism and migration in Europe, the demand for interpreting in VCs will increase. In the mid-term, the IWG recommendations should therefore be developed further at European level to cover the specifics of bilingual videoconferencing. In the absence of standards for bilingual videoconferencing, the **specific requirements for bilingual videoconferencing**, which have emerged from our research,<sup>4</sup> should be given special consideration when VC facilities are implemented or updated in a justice sector institution.

Interpreting is much more than ‘replacing’ words. Interpreters need to process what is said very thoroughly in order to identify the communicative message accurately and completely, and relay it in another language. This requires more concentration and cognitive effort than normal listening, and any disturbance such as muffled or tinny sound, breaking up of the sound or lack of lip and sound synchronisation will affect an interpreters’ ability to concentrate and listen. Non-verbal clues also need to be readily available to facilitate comprehension. In light of this, the specific requirements for bilingual videoconferencing with an interpreter extend in the first place to the following aspects:

- The sound and image quality: Interpreters generally feel that their specific requirements for sound and image quality in VCs need to be taken into account better than is currently the case.
- The stability of the VC connection: Interpreters have drawn attention to the problems created by micro-breaks in the sound transmission, which can lead to part of a word being lost;
- Lip synchronisation: A lack of lip synchronisation is very distracting for interpreters trying to concentrate on identifying the communicative message from what is being said;
- The use of peripheral equipment: For example, the use of omni-directional microphones can create sound reverberation and lead to insufficient sound quality and comprehension problems on the part of interpreters.

<sup>3</sup> Available at [https://e-justice.europa.eu/content\\_videoconferencing-69-en.do](https://e-justice.europa.eu/content_videoconferencing-69-en.do)

<sup>4</sup> For further information, see the AVIDICUS research reports available at <http://www.videoconference-interpreting.net>



These requirements apply to all VCs involving interpreters. A further set of requirements is influenced by the type of proceedings, the local situation and other variables, making it difficult to provide general guidelines. This set includes:

- The interpreter's geographical location in relation to the other participants;
- The interpreter's position in relation to the technical equipment;
- The visibility of the interpreter on screen;
- The mode of interpreting.

The remaining sections of this Handbook will discuss these requirements in more detail.

To ensure that a VC system is designed for, or adjusted to, the specific requirements of bilingual communication through an interpreter in the local context of the institution, the design of new VC systems and upgrade of existing systems should be carried out by an **institutional task force** that includes, and/or consults with, legal, technological and linguistic experts, and representatives of all relevant stakeholders.

The implementation should happen in stages, starting with a series of **pilots** in a small number of locations. The presence of cases requiring interpretation in the initial pilot should be carefully considered. A common pattern among institutions that have implemented VC facilities is to limit the number of variables in early pilot stages and to exclude cases requiring an interpreter. However, given the growing number of bilingual proceedings, it is important to design VC systems from the outset in such a way that they can accommodate VMI.

Furthermore, even if the use of VC for cases with interpreting is not planned at national level, a demand for interpreting is likely to arise in cross-border cases (both as requesting and requested authority). Therefore, provisions for VMI should always be made. A useful starting point for this can be the overview of main uses of VC shown in Table 1 (Section 2). An institution wishing to implement or upgrade their VC facilities can use this table to identify relevant uses and then explore which of them may require interpreters.

At its conclusion, the pilot should be evaluated against criteria established at its outset. A **rigorous evaluation** is crucial, including an open debate with all experts about the suitability of the solutions adopted. It is good practice to encourage consultation. In addition to economic and technical factors, the evaluation should embrace communicative factors including interpreting. The Fair Trial principle should be the overarching guideline. The remaining sections in this Handbook will highlight different aspects of bilingual videoconferencing which have been shown in our research to have an impact on the fairness of justice and should therefore be taken into account in the design of a VC system.

Professionals who have agreed to take part in the pilot should receive **training** through an early-stage induction on how to use the equipment and how to communicate in a VC. It is important to emphasise that, if the pilot includes provisions for the use of interpreting services, interpreters and legal staff should both be trained, if possible in joint training sessions.

See Ch. 10  
Training

If the implementation of VC facilities on a larger scale is decided, a **consistent approach** should be adopted across the estates of an institution. Technical and legal informants in our studies have pointed out that a consistent approach facilitates the use of the equipment and removes uncertainty about the technical specifications of remote VC sites. This will also be helpful for interpreters as they will know what to expect. More broadly, our research suggests that levels of satisfaction among users of VC systems are generally higher in countries which have piloted their equipment and taken care in ensuring consistency of the VC facilities and standards across their internal network.

Another important aspect in connection with implementing VC facilities is the development of **local protocols and guidelines**. The institutional task force should oversee this. Protocols need to specify who is responsible for the various tasks arising in connection with the use of VC, i.e.

- Decision on whether to use a VC when an interpreter is required in the proceedings (e.g. type of proceeding, risk assessment procedures);
- Preparation of the VC (e.g. booking, participant selection including interpreter, equipment testing);
- Management of the VC (starting and managing the connection, managing interaction);
- Management of technical problems or breakdowns;
- Closure of the VC (closing procedure, debriefing with participants for assessment).

### Summary

- **Policy makers:** In the process of procuring and implementing VC equipment, it is important to take into account not only the standards and requirements for monolingual communication, but also the requirements for bilingual videoconferences involving interpreters. Running a pilot to test the VC facilities and their suitability for the purposes of interpreting is strongly advisable. It will be useful to form a task force that includes representatives from all categories and can act in an advisory capacity. It is pivotal that you include linguistic expertise in this task force. Participants in the pilot should receive basic training. A rigorous evaluation of the pilot is essential. Once the final setup has been agreed, a consistent approach across the estates of your institution is crucial to facilitate the use of the system. Local guidelines and protocol for the various aspects of VC should be developed, e.g. by the task force.
- **Legal professionals:** If you are asked to participate in discussions about the implementation of VC facilities, do not underestimate your role in shaping VC practice in your country. Your feedback will contribute to improving national and international practices. It will be useful to coordinate within your professional association, source feedback from your colleagues on what they believe is important in VCs, including colleagues who have experience in working with interpreters. Also, consult the relevant legislation and think of its possible interpretations.
- **Interpreters:** If you are a member of an interpreters' association and you know that the justice system in your country is looking to implement/upgrade a VC system, inquire with your association about whether your representatives are involved in the procurement/implementation. If this is not the case, encourage your association to start a dialogue on VMI requirements with the relevant authorities. If you are an expert legal interpreter, consider offering your personal expertise. Your presence at the discussion table is important – if no language professional points out the needs of interpreters, it is possible that this may be overlooked. This is likely to result in VC setups which are not suitable for interpreting, and which will make your work in legal settings more difficult.
- **Technicians:** If you are asked to contribute your point of view on VC procurement/implementation, make sure you are well informed not only on the technological state of the art but also on basic requirements for VC communication and interpreting, and that you have a basic understanding of the reasons for these requirements.

## 4 VC Connection and Equipment

### Highlights

- The VC connection and equipment must provide high sound and video quality, particularly when VC is used in conjunction with interpreting services.
- The sound transmission must support two-way communication, i.e. turn-taking and overlapping speech.
- Connection stability is fundamental, i.e. the system needs to deliver high sound and video quality continuously. Technical disruptions are likely to have a negative impact on the interpreter's rendition.
- The number and position of VC equipment items such as screens and cameras is crucial for effective VC communication and needs to be adjusted to the number and location of participants.
- Rooms designed for small groups may require only one VC screen, so long as this screen is clearly visible to all participants including the interpreter. Larger rooms will require multiple screens for good visibility.
- All participants who are expected to speak should be provided with individual microphones. Interpreters in particular should have a dedicated microphone. Headphones should be provided where applicable.
- All VC sessions should be set up and tested by a technician beforehand.
- Technical assistance should be generally available during a VC in case of a breakdown. Procedures for dealing with technological failure should be set up by the managing authorities.

The VC connection, and the choice, arrangement and use of VC equipment are crucial for a good VC quality. While this handbook does not advocate the use of specific equipment or setups, this chapter outlines the factors that should inform the choice of connection and equipment in the context of bilingual videoconferencing.

In line with the requirements for interpreting set out in Section 3 above, VC connection and equipment used in bilingual settings must provide **the highest possible sound and video quality**. Interpreters need to pay attention not only to what is said but also to intonation, pauses in speech and the speaker's non-verbal clues in order to grasp the complete communicative message and provide a high-quality rendition. Audio and video signal need to deliver high quality both separately and together. It is also essential for audio and video to be **synchronised** to avoid distraction.

A case in point is **sound transmission**. As legal communication is often two-way communication (and, when interpreting is involved, three-way communication), the system needs to be designed with **dialogue**, i.e. **turn-taking** between speakers, and the possibility of **overlapping speech** in mind. Sound transmission should be full-duplex, with audio from both (or all) locations being transmitted at the same time without loss of information. Echo cancellation should also be used to minimise noise.

**Connction stability** is another essential factor, both for VCs in general and in particular for the use of VMI. While good equipment is crucial, it is also of the utmost importance that the equipment is connected to broadband networks that are capable of supporting high-quality streams of audio and video data without disruption. Legal informants as well as interpreters have reported a general 'technological anxiety' when using systems that are not reliable, e.g. when the sound suddenly cuts out or the image quality drops, and that this impacts negatively on their inclination to use VC. Among interpreters, technical issues generate concerns about not being able to hear or be heard.

See Ch. 3  
Procurement &  
Implementation

System quality and stability may be affected when a court connects to remote sites external to its network. This is typical of cross-border hearings, but in some countries VC is used at national level to connect to private network and devices, e.g. for the hearing of witnesses. While courts can determine their own technical standards and security requirements, external actors may use different standards. This may generate quality problems in the connection. The appropriateness of such links should be considered carefully, especially if an interpreter is involved in the proceeding.

Furthermore, the **number and position of equipment items** is key for effective VC communication. The number of VC participants in different settings can vary considerably, from one-to-one sessions,

such as lawyer-client consultations, to much larger proceedings. The distribution of participants is also highly variable. Generalisations are therefore difficult but the following points should be considered.

First, several points arise with regard to the **cameras**. The general purpose of VC cameras is to offer a view of all speakers to the participants in the proceedings. The number and position of the cameras therefore needs to be determined in relation to the number and location of the expected participants. Rotating cameras present a more flexible resource than fixed cameras but they require operation during a VC session. In either case, different camera positions can normally be saved as pre-sets in the VC system and quickly retrieved. This is particularly useful in court proceedings, where different participants speak in turn. One important point for bilingual VCs is that a pre-set position should be created for the place the interpreter occupies. This will ensure that the interpreter can be made visible to the remote side promptly as soon as s/he takes the floor. This handbook strongly advises that interpreters should be visible on screen. Seeing the interpreter is crucial for accessing his/her non-verbal communication (which may indicate uncertainty, doubt etc). It also helps understand more quickly when their delivery is completed and someone else may take the floor again.

A separate document camera should be used to show documents, images and other material relevant to the proceedings. Given that it may be used to show minute details, this camera should have a particularly high resolution. Importantly, the interpreter needs to have access to images from the document camera.

VC rooms designed for remote participants (e.g. prison VC rooms or witness VC rooms) are normally much smaller than a court, and normally require only one camera. However, it is important to select a camera with a wide angle to facilitate showing more than one person simultaneously, i.e. a remote party or witness together with the interpreter and possibly a lawyer. Furthermore, a zoom function at the remote side is important to enable a witness or defendant to demonstrate physical actions to a court (e.g. to indicate how they were hit during an aggression). Similar points about camera choice also apply to other small rooms used for VC in legal settings, e.g. police interview rooms and VC rooms in court that are used by lawyers to communicate with clients in prison before or after a hearing.

Second, the **number of screens required** also depends on the number of participants. Rooms designed for small groups may be equipped with one VC screen, so long as this is clearly visible to all participants. As mentioned above, the interpreter in particular requires a very good view of all speakers to carry out their task. Therefore, extra care should be taken in positioning the interpreter with respect to the screen. If the number of participants means that it is impossible to share a single screen without compromising good visibility for all parties, multiple screens should be installed. Text, diagrams and images displayed by the document camera should be clearly visible to the interpreter, especially if these need to be orally translated during the proceedings.

Third, it is important that all participants who are expected to speak in the proceedings are provided with individual **microphones** (unidirectional microphones are recommended to limit background noise). This applies especially to interpreters. The task of linguistic mediation requires high levels of focus and attention to communicative details. Sharing a microphone with one or more participants would require interpreters to divert part of their attention to microphone management, reducing their ability to focus on interpreting. Interpreters also need to be able to mute their microphone.

Whenever possible, the interpreter should also be offered the use of **headphones**. Good quality headphones help with background noise cancellation and improve the interpreter's ability to listen carefully to the current speaker. Furthermore, interpreters should be provided with volume control.

When remote interpreting is used, particular attention should be paid to the **preparation of the remote interpreting facilities** (e.g. in an interpreting hub). Especially the acoustics and sound quality in the location of the remote interpreter need to be considered thoroughly (including volume control for the interpreter and headsets where appropriate, as explained above). However, the use of appropriate screens, the interpreter's distance from the screen and other factors such as lighting and

ventilation are important as well. It is crucial to involve interpreters in the planning and set-up of facilities for remote interpreting.

Unless a video link is used frequently and its functioning is monitored on a regular basis, VCs should be **set up and tested by a technician beforehand**. This is especially important for video links with remote sites that are ‘new’ to an institution’s network and/or whose technical specifications are unknown. In such cases, the link should be tested in the **presence of the interpreter** to check that audio and video quality meet the interpreter’s needs. In addition, technical assistance should also be available during a VC. **Procedures for dealing with technological failure** should be set up by the managing authorities.

See Ch. 6  
Pre/Post-VC

After the initial installation, **VC equipment should be kept up to date**. VC administrators should periodically investigate the possibility of upgrading the equipment to maintain the highest standards. Where an **upgrade** to the existing system is considered necessary, this **should be piloted** and then progressively rolled out to the entire network to achieve the highest possible level of consistency.

See Ch. 3  
Procurement &  
Implementation

An audio feature which may require consideration in the mid-term is the inclusion of **multiple, independent sound channels** in the system to support simultaneous interpretation remotely. This can remove the need for the interpreter to be co-located with any of the main participants, leading to a three-point VC. Alternatively it would enable an interpreter who is located in court to deliver a simultaneous rendition to a remote witness or defendant. (At present, this is only possible in the form of whispered interpreting when the interpreter is co-located with the remote witness or defendant.) However, the use of simultaneous interpretation in legal proceedings requires further discussion; many stakeholders feel that it is not suitable for all types of proceedings. For example, highly interactive parts of legal proceedings such as investigative interviews and witness examination are traditionally rendered in consecutive mode. Furthermore, if the law of a country determines that the interpretation needs to be recorded as well as the original speech, a system designed for consecutive interpretation only may be more suitable. However, additional audio channels may be useful for cases that require interpretation into/out of multiple languages.<sup>5</sup>

See Ch. 7  
Mode of  
Interpreting

## Summary

- **Policy makers:** VC equipment that is used in conjunction with interpreters must provide high sound and video quality and connection stability at all times. As your system is likely to be used with VMI, make sure that you take into account the presence of an interpreter in the technical specifications. The use of interpreting services requires adjustments to a monolingual set-up and additional peripheral equipment to ensure that the interpreter has appropriate access to sound and images, and can be heard and seen by all participants. Consult with technicians to make sure the technical specifications are adequate to your needs. The appropriate level of technical assistance will need to be considered as well.
- **Technicians:** You may be asked to help draft VC requirements for procurement, or help with the installation of equipment. In either case, you should ensure that interpreter-specific technical requirements are covered. Equipment should be state-of-the-art and installed on a network that supports synchronised audio and video transmission without loss of information. Peripherals are also important: In the process of room design, consider how many VC screens and cameras you will need and where to position them – all participants including the interpreter should be able to see and hear clearly (see also Ch. 8 VC Management). Participants who are expected to speak should have individual microphones. The interpreter’s place requires special attention. It should have its own microphone and a very good view of the VC screen. In some settings, headphones will be useful.

<sup>5</sup> The AVIDICUS team can advise on the development/implementation of facilities for remote simultaneous interpreting.

## 5 Participant Distribution

### Highlights

- The physical location of some of the participants in VC-based proceedings is normally pre-determined (e.g. in court – in prison). However, there are often options for the location of other participants and that of the interpreter.
- There are advantages and drawbacks to all possible interpreter locations. The options should be carefully considered in the context of the situation.
- Strong asymmetries in the participants' distribution should be avoided, where possible. Where applicable, the other-language speaker should be co-located with at least one other participant, e.g. a representative of the authority or a lawyer, and the interpreter.
- When a defendant and his/her lawyer are in different locations, a video link should be made available for a lawyer-client consultation before and after the proceeding. If an interpreter is required for this, s/he must be part of the video link.
- A three-way video link should be considered as a way of integrating the interpreter into VC-based proceedings in which the main participants themselves are distributed.
- When the interpreter is separated from all of the main participants ('remote interpreting'), due attention needs to be paid to ensuring that the interpreter can carry out his/her task satisfactorily.

In the various VC settings in which the main participants themselves are distributed (see section 1.3), the location of the main participants is normally pre-determined. In court proceedings, for example, the judge and the legal representatives will normally be in court, while one of the parties or a witness will appear by video link to the court. The interpreter may attend from either location, or from a third site. Each of these configurations has advantages and drawbacks, which are outlined below. Similarly, in investigative interviews with remote witnesses or suspects and in probation or custody reviews with remote suspects, the legal authority (e.g. a police officer or prosecutor) will be linked to the remote other-language speaker from his/her office. Again, the interpreter can be co-located with either side or work from a third location. Only the setting of 'remote interpreting' is different in that in it the main participants are together on site, whilst the interpreter works from a remote location.

**Interpreter co-located with the other-language speaker:** Among the advantages is the opportunity to talk to the client prior to the video link, e.g. to carry out a language check without taking up time allocated to the hearing. Furthermore, this configuration gives the interpreter direct access to the other-language speaker's facial expressions and other non-verbal behaviour, which is crucial for the comprehension and contextualisation of their utterances. The physical closeness makes it easier to build a relationship with the other-language speaker, clarify potential misunderstandings and also to provide some emotional support (often merely by the presence of a person understanding and speaking the minority speaker's language). This is especially important if the other-language speaker is a particularly vulnerable person. Furthermore, the interpreter can use whispered simultaneous interpreting in this configuration to deliver the interpretation to the other-language speaker, which helps to speed up the proceedings.

Drawbacks of this configuration mainly relate to settings in which the other-language speaker is a defendant in prison. First, the interpreter needs to travel to the prison and submit themselves to security checks, increasing the time they spend on the interpreting assignment. Also, rooms in prison are perceived as undesirable working environments by interpreters. The physical closeness to an inmate may be intimidating for an interpreter, even if a prison guard is present, and may undermine the legal professional's perception of the interpreter's impartiality. There is furthermore a possibility that the interpreter takes on other roles such as explaining legal concepts to an inmate. The latter happens especially when the defence lawyer attends from court rather than from prison. This points

See Ch. 1  
Introduction  
(section 1.3  
configurations)

See Ch. 7  
Mode of  
Interpreting

to the fact that the location of the interpreter in this setting is closely linked to the location of the defence lawyer.

If the defence lawyer attends in court, another problem can arise from the nature of hearings with remote defendants. Given that the defence lawyer tends to talk on the defendant's behalf, while the defendant often says little, the interpreter needs to make sure that everything that is said in court (by the defence lawyer and the others) is interpreted. It will be important to give the interpreter enough time to do so. By contrast, if the defence lawyer attends the hearing from prison, it is more practicable for the interpreter to attend from prison as well. Otherwise, it will be difficult to interpret any confidential communication between the lawyer and the client during the hearing.

**The interpreter is co-located with the authorities speaking the official language:** In this configuration legal professionals can control the amount of interaction between the interpreter and the witness/defendant. However, the distance from the remote participant reduces the interpreter's relationship with the other-language speaker and removes the possibility for an introduction and language check prior to the VC session. The interpreter cannot use whispered simultaneous interpreting to deliver the rendition of utterances in court to the remote participant. The use of consecutive interpreting throughout a long hearing is time-consuming. In asylum hearings it has also been pointed out that a remote asylum applicant may perceive an interpreter who is in court as a 'collaborator' of the authorities.

See Ch. 6  
Pre/Post-VC

In small-group settings such as investigate interviews, probation and custody reviews, and lawyer-client consultations conducted via video link it will often be more practicable for the interpreter to be co-located with the person speaking the official language (e.g. in the prosecutor's, police officer's or defence lawyer's office). Given the small size of the group, any drawbacks arising from this can be compensated more easily.

The multi-faceted nature of each configuration makes it difficult to provide general guidance on the 'best' place for the interpreter. One possible solution to mitigate the problems and disadvantages of each setting are to **integrate the interpreter from a separate third location**, which requires a three-way video link. At first sight, a three-way video link may lead to a more equal distribution of opportunities to contribute to the communication for all participants including the interpreter. However, research shows that this setting comes with its own challenges. Removing the interpreter from all main participants makes this configuration more similar to 'remote interpreting', which is generally considered to be more difficult than interpreting while being co-located with one or some of the participants. It increases the interpreter's distance to the participants and the co-ordination effort required on the part of the interpreter. It may push the interpreter into a moderator role. Furthermore, a three-way video link is likely to work more smoothly when additional sound channels are available to enable simultaneous interpretation, which presents other practical problems in legal settings (see Chapter 7 Mode of Interpreting). Given the potential benefits of three-way video links, however, their use should be explored further from the point of view of technological implementation and communicative dynamics. In any case, it is important to include the interpreter in the decision of whether to use a three-way video link in a specific situation.

See Ch. 8  
VC Management

Another solution to resolve problems with configurations in which the interpreter is co-located with one of two sites is to appoint **two interpreters**, one on each site, which is advisable for longer proceedings, especially witness examinations. When two interpreters are appointed, it is important that they can liaise with each other prior to the video link to coordinate their co-operation.

## Summary

- **Policy makers:** In order to enable maximum flexibility in the organisation of video links, the provisions you prepare need to make it explicit that the location of some participants is not pre-determined, and should be discussed on a case-by-case basis to achieve the optimal participant distribution. In your provisions, encourage legal professionals to consider that strongly imbalanced configurations can create a feeling of isolation in the other-language speaker. When you prepare local guidelines for the use of your VC system, you may wish to mention explicitly all the available options regarding the location of the interpreter. The Introduction to this handbook can be helpful in drafting this part of your guidelines. With regard to court-prison video links, encourage legal professionals to think about where the defence lawyer and the interpreter will be located. Point out possible options – but make sure that you include provisions for separate lawyer-client consultation links for cases in which the lawyer attends the hearing from the main site. Consider the use of three-way video links to integrate an interpreter into the proceedings.
- **Legal professionals:** You will need to think about where the participants in the VC proceeding are located. Some of them may have to attend the hearing from a specific site (the judge, the prosecutor), while the position of others can be negotiated (the lawyer, the interpreter). In organising your proceeding, make sure that you avoid strongly unbalanced situations. The other-language speaker should always be co-located with someone else. Consult with interpreters to determine their optimal location. If it is not highly impractical, encourage lawyers to attend the hearing from the remote site. That way, their client may be able to ask them questions about the proceedings. If the lawyer is attending the proceeding from the main site, make sure that you can set up a separate video link for a lawyer-client consultation before and after the proceeding.
- **Interpreters:** Consider carefully your location during a VC, as each configuration will come with advantages and challenges. Depending on the circumstances of a proceeding, it may be more appropriate for you to attend from the main or the remote site, and there is often no configuration that is objectively ‘better’ than others. If you are asked where you would like to attend the hearing from, do not dismiss the importance of the question. Ask about details regarding the VC. Is there any particular reason why the legal professional thinks you should attend from one or the other side? Is it a witness or a defendant requiring your services? If you are asked to go to a prison, who else will be there? If you have any concerns about the location you have been assigned, warn the authority as soon as possible and explain why you think the chosen configuration is not adequate.



## 6 Pre-VC/Post-VC

### Highlights

- Thorough preparation of all VCs is essential, both from a technical and a communicative point of view.
- Each institution should clarify the procedure for setting up and booking a VC, both in general and with additional provisions for the presence of an interpreter. All participants should know in advance that a video link will be used.
- Interpreters working in legal VC settings should be provided with documents outlining at least the basic elements of the communicative situation – briefing an interpreter does not reduce their ability to be impartial.
- Allowing the interpreter some contact with the other-language speaker prior to the hearing, e.g. to perform a language check, is important, regardless of whether the two are co-located or not.
- If possible and appropriate, it would be beneficial to have a short de-briefing with the interpreter after the VC session to obtain their feedback.
- Any reported problems should be dealt with as soon as possible, and discussed with legal professionals, interpreters and technology providers as appropriate.

Thorough **preparation** of all VCs is essential, both from the technical and the communicative point of view. VC equipment should be tested regularly to check that the system and all its peripherals are operating correctly and that nothing needs to be replaced. Other than the general equipment check-ups, it is also important to test the VC connection with the remote site. While most sites in a judicial network have remote sites they often connect to (e.g. vulnerable witness rooms in the same building or local police stations/prisons), VC systems are also used connect to a variety of remote sites, with different levels of VC technology and broadband capacity. Therefore, in particular for remote sites that are ‘new’, tests should take place in advance of the main VC. This is even more important if the technological setup of the remote site is not fully known. If an interpreter is brought in from a third site using a three-way connection, this should also be tested thoroughly ahead of the proceeding.

See Ch. 4  
VC Connection  
& Equipment

Each institution should clarify the **procedure for setting up and booking a VC**, both in general and with additional provisions for the presence of an interpreter. All participants should know in advance that a video link will be used. The organisers should make sure that participants have received appropriate VC training before the proceeding takes place. It is particularly important for interpreters to know whether a video link will be used, as this can influence their location. Interpreters should be given the opportunity to liaise with the legal professional organising the VC to discuss their potential location and agree on the configuration to be used in the proceeding. Interpreters should also discuss formal procedures for the hearing with the legal professional conducting the session. These should include introductions, communication procedures, management of turn taking (e.g. length of speech turns, signals to request clarifications or pauses) and other topics which are mutually agreed to be relevant for the communicative management of the VC event.

See Ch. 10  
Training

See Ch. 5  
Participant  
Distribution

See Ch. 9  
Communication  
Management

**Interpreters need to be fully briefed.** This applies both at a general level (i.e. they should be informed that they will be interpreting via video link and they should have received VC training) and specifically as regards the proceeding during which they will be interpreting. At present there is still little consensus over whether interpreters should be briefed and what this briefing should include. Briefing interpreters is seen by many legal professionals as an unnecessary process which may jeopardise confidentiality and the interpreters’ impartiality. However, interpreters should receive at least a minimal briefing on the purpose and content of the communicative situation, in order for them to prepare effectively for the topic to be discussed. This process of interpreter preparation is all the more important for interpreters working in legal settings, where mistakes can have a negative impact on the outcome of the proceedings. For this reason, interpreters working in legal VC settings should be provided with all relevant information covering at least the basic elements of the case and the

See Ch. 10  
Training

communicative situation (i.e. number and location of participants, regional variety for the speaker for whom they will be interpreting, their age range and gender, any issues regarding speaker vulnerability, basic facts of the case, including the legal charge). In court proceedings, the type and number of documents and the nature of the information to be provided to interpreters is in principle a matter to be resolved between interpreter associations and the legal system. While the agreed quantity and nature of information may vary in different countries, it is important to come to an agreement outlining minimum standards of information interpreters can rely on for their work.

When there is no opportunity to brief the interpreter in advance or when additional information needs to be given to the interpreter prior to the start of the VC, this needs to be arranged regardless of whether the legal professional responsible for the briefing is co-located with the interpreter or not. In settings of remote interpreting, it is advisable for the legal professional to interact briefly with the interpreter before the proceedings start.

Professional interpreters are aware of **confidentiality** requirements, and it is part of their professionalism to maintain secrecy on the content of documentation and information which is entrusted to them for the purpose of their work. Therefore, if courts work with professional interpreters, issues of confidentiality should not arise. Language professionals (or the contracted company providing interpreting services) may enter in an agreement with the court that legally binds them to maintaining confidentiality regarding the documents received.

It is also important to emphasise that **impartiality** is not at risk when briefing an interpreter. Interpreters do not need to be given a full picture of the details of a proceeding, and need only factual information for their preparation outlining the basic elements of a proceeding.

For the same reason, interpreters should be given the opportunity of a brief **interaction with the other-language speaker** before the beginning of a VC to perform a language check. This needs to be arranged regardless of whether the interpreter is co-located with the other-language speaker or not. This enables the interpreter to ascertain the level of linguistic proficiency of the witness/defendant and get used to their accent/variety/tone of voice. Allowing the interpreter some contact with the other-language speaker also means that the interpreter can be used by the authority to deliver a brief VC induction to the witness/defendant. This enables the other-language speaker to understand how to communicate through the video link and get basic information on the organisation of the proceedings. It is the responsibility of the authority in charge of the proceedings to provide this induction, whose importance should not be overlooked.

If possible and appropriate, it would be beneficial to have a short **de-briefing** with the interpreter after the VC session to discuss any technological, organisational or interactional issues arising from the hearing. Other forms of feedback, which are potentially less time-consuming, are evaluation questionnaires open not only to interpreters, but to all participants. These can be completed in order to offer comments on the quality of the service and make suggestions for its improvement. This is particularly important during the first pilot project and/or the first phase of the full project. Any reported problems should be dealt with as soon as possible, and discussed with legal professionals, interpreters and technology providers as appropriate.

## Summary

- **Policy makers:** An important part of a VC policy is the establishment of clear procedures for setting up and booking a VC. These should cover who is responsible for what actions, from the decision to use a VC to the booking of the required facilities/services, their delivery and management. It is fundamental to identify participants with the required knowledge and abilities, and make sure they are aware of their responsibilities. Additional provisions need to be outlined for VMI. Who will book the interpreter? What kind of briefing will the interpreter receive? What documents are they entitled to consult beforehand, and how are they going to be delivered? It is important to not underestimate the need to brief the interpreter, and to outline clear guidelines for legal professionals in this respect. Indeed, legal professionals often view briefing an interpreter as unnecessary and potentially harmful for their objectivity. However, interpreters need to be provided with basic information on the proceeding in order to prepare efficiently. A lack of preparation may lead to mistakes which can have serious consequences on the proceeding. Therefore, the interpreter's right to be briefed should be stated clearly in the procedural documents provided to judicial authorities, along with the documents that interpreters have a right to consult. In order to negotiate a list of such documents, you should consult both judicial authorities and interpreters' professional associations.
- **Legal professionals:** If your institution has produced procedural guidelines for VC, you should consult them to help you understand your duties and responsibilities in a VC. If you are organising the link, you may have to book facilities and services. Among them, you may have to request an interpreter. If you do, make sure the interpreter is fully briefed before attending the proceeding. It will be very helpful for the interpreter to receive basic information on the proceeding (e.g. the charge and other factual information) some days before the event or as much in advance as possible. The interpreter may also ask to see relevant documents, which should be provided. Professional interpreters are trained to maintain confidentiality. When the interpreter arrives on the day, make sure they get a few minutes for a language check. This is to ensure that the interpreter and the witness/defendant can understand each other. If you want to make sure that the interpreter and the other-language speaker do not get into personal topics during the language check, direct their conversation. You can use this stage of the proceedings to brief the other-language speaker through the interpreter. During the briefing the interpreter will be able to notice any potential problems, and both the interpreter and the other-language speaker will get used to each other's accent, linguistic variety and tone of voice. If any problems arise at this stage, make sure they are resolved before the proceedings start. After the VC, ask the interpreter for feedback on the VC communication. If necessary, feed back any problems to those responsible for the VC system.
- **Interpreters:** As with any interpreting task, you will need to prepare for a VC. Make sure you know at least the basic subject of the hearing and some factual information. Ask for relevant documentation. If you find it is problematic to access the required information, make sure you bring this to the attention of the professional association you are part of. It is important to reach an agreement between interpreters and justice sector authorities on the minimum information you are entitled to. On the day, make sure you perform a language check with the other-language speaker regardless of whether you are co-located with him/her or not. If the authorities do not wish you to have any form of contact with the other-language speaker prior to the VC, explain to them why this is necessary. If they are concerned that this may skew your impartiality, propose that they direct the conversation. Encourage the authority to offer some basic information about the video link to the other-language speaker. If there are any problems at this stage, ask for these to be resolved before the proceeding starts. After a VC, mention to the legal professional in charge of the VC any issues you may have experienced. Your feedback is important to improve the way video links are carried out.

## 7 Mode of Interpreting

### Highlights

- The decision on which mode of interpreting to use is related to (a) the equipment available, (b) the location of the interpreter, (c) legal provisions for recording legal proceeding and (d) the authority's own preferences.
- In most jurisdictions, proceedings that involve an interpreter use consecutive interpreting.
- The consecutive mode is advisable when the interpreter is located with the authority.
- When the interpreter is located with the other-language speaker, whispered simultaneous interpreting can be used to render the utterances from the official language of the proceedings into the other-language speaker's language.
- If the interpreter work from a third location, the choice between modes is mostly dependent on whether the VC system enables simultaneous delivery.
- If the local legislation requires proceedings to be recorded, consecutive interpreting is a more appropriate choice to suit the legal requirements.

The **decision on which mode** of interpreting to use is closely related to the **equipment available** (specifically, to the presence of separate audio channels) and the **location of the interpreter**, as well as legal provisions on the recording of legal proceeding and the authority's own preferences.

In most jurisdictions, legal proceedings that involve an interpreter traditionally use consecutive interpreting (in which the interpreter's rendition follows the end of the speaker's turn). Simultaneous interpreting (in which the interpreter delivers their rendition at the same time as the speaker using special equipment such as a soundproof booth or a tour guide system) is a less frequent solution, mostly because the technical equipment is not available in courts and other justice sector institutions. However, whispered simultaneous interpreting is used in many countries to render the utterances of those speaking the official language into the language of the litigant, suspect, defendant or witness. At present, VC systems do not normally offer additional sound channels to enable remote simultaneous interpretation. However, this may be an option for the future (see also Ch. 4 VC Connection & Equipment).

See Ch. 4  
VC Connection  
& Equipment

At present, the location of the interpreter is an important factor in the choice of the interpreting mode in VCs. When the interpreter is co-located with the authority, normally their interpretation is delivered consecutively for both sites. A (whispered) simultaneous interpretation for the remotely located other-language speaker would create an undesirable overlap between the officials' speech delivery and the interpreter's rendition. In turn, this would result in unclear communication and the impossibility to hear/record the words of participants independent of the interpreter's voice. Therefore, the consecutive mode is the advisable standard in a setting where the interpreter is located with the authority.

See Ch. 5  
Participant  
Distribution

By contrast, when located with the other-language speaker, it is possible for the interpreter to deliver the interpretation into that speaker's language using whispered simultaneous interpreting. However, the sound of whispering or speaking with a low voice is amplified when it is fed back through the microphone to the other site and can be disruptive. It is therefore advisable for the interpreter to mute his/her microphone while s/he is interpreting in order to prevent sound overlap at the main site. Using whispered simultaneous interpreting in this setting is advisable, as it speeds up the proceedings. However, the interpreter needs to have control over the muting function of their microphone. The other-language speaker's delivery is interpreted consecutively into the official language in this setting.

When the interpreter works from a separate location, the use of the simultaneous mode would require the addition of sound channels to the VC system. As pointed out in Ch. 4 VC Connection & Equipment, this is an option for the future, although it will require further testing and evaluation.

In all settings, **legal provisions regarding the recording of the proceedings should be borne in mind.** If the local legislation requires proceedings to be recorded, it is important that the recorded audio does not present significant overlaps. Consecutive interpreting is a more appropriate choice to suit the legal requirements.

Finally, individual justice sector institutions have different preferences on the mode of interpreting. Some prioritise the speed of proceedings, and therefore try to enable the interpreter to deliver simultaneously whenever possible. Others prefer to use the consecutive mode to allow their speakers to deliver without background noise and to maintain closer control over the communication. Ultimately, the most appropriate solution for a particular setting or case should be discussed and agreed with the interpreter prior to the VC session.

### Summary

- **Policy makers:** In making arrangements for procurement and implementation, you should find out which interpreting mode is more suitable for the requirements of your institution. You may find that legal professionals and interpreters prefer the flexibility of a VC system which enables both solutions, but you need to be aware that simultaneous interpreting is not possible in all configurations. Building a flexible system will require specialised equipment, such as additional audio channels. Also, bear in mind any legislative limitations to the use of the simultaneous mode – if your system requires hearings to be recorded, simultaneous interpreting may not be the solution for you.
- **Legal professionals:** The choice of interpreting mode is related to the available equipment and the distribution of the VC participants. Refer to this section for details on which configuration enables the consecutive and/or simultaneous modes. Involve the interpreter in the decision – it is possible that they may advise you to use a combination of interpreting modes, interpreting simultaneously in one direction and consecutively in the other. Each mode has advantages and drawbacks, so the choice will also depend on the factors you wish to prioritise. Whatever mode you settle on, make sure this is technically feasible and does not disturb communication among participants.
- **Interpreters:** Agree the interpreting mode with the legal professional in charge of the VC before the beginning of the hearing. The minimum agreed standard is usually the consecutive mode, but you may be required to deliver simultaneously as well. Offer your expertise as appropriate, taking into account your location during the hearing. You may wish to liaise with technicians to understand how the VC system can support you in your delivery.
- **Technicians:** Before the start of a VC-based proceeding, make sure you know how the interpreter intends to deliver his/her rendition. This will influence the equipment you need to make available, and you need to have this ready for a prompt start. If you think the intended interpreting solution cannot be adequately supported by the system, offer your expert opinion on this matter. It is better to have a clear approach from the start than having to rearrange equipment and settings during a proceeding.

## 8 VC Management

### Highlights

- VCs generally do not support the same level of contact and interaction between the participants as face-to-face communication, especially when the communication is mediated by an interpreter.
- Care should be taken to ensure that those involved in a VC as a party or witness feel that they are part of the proceedings and are able to clearly identify speakers and their roles.
- VCs should be set up so as to allow mutual visibility of all participants.
- The interpreter's location and visibility should be carefully considered. The interpreter should be visible regardless of the setting, unless this presents a risk for his/her security or that of the other-language speaker.
- VC cameras should be set up so as to capture the communicative dynamics of the proceedings and show at least the current speaker.
- Justice section institutions should assign a member of staff to the management of the VC equipment and instruct them to ensure the visibility of participants.

The management of a VC has several dimensions, i.e. **spatial, technical and organisational**, but it mainly refers to the layout of the rooms in which VC equipment is implemented and the participants' seating arrangements, which should both be carefully considered. The position of the screens and cameras, and the participants' positioning in relation to the equipment, will strongly influence the view of participants and the perception of the space. The pivotal criterion for implementing VC facilities should be mutual visibility of participant including the interpreter. In practice, this means that, when considering the design of a VC room, it is necessary to bear in mind three key points.

(1) As a general principle, **all speakers including the interpreter should be made visible** in turn, with the current speaker always being on camera. As the seating positions of the main participants are normally fixed (e.g. criminal courts have allocated spaces for judges, lawyers, prosecutors, defendants and witnesses), it is advisable to use pre-set camera positions in order to focus clearly on the different speakers as soon as they start talking. A pre-set should also be defined for the interpreter to ensure s/he can be made visible as soon as s/he takes the floor. Rotating cameras with a zoom function can be particularly helpful as they reduce the number of peripherals needed while still maintaining the ability to show different speakers. In addition to the various camera positions for individual speakers, a pre-set view should also show an overall picture of each VC site to give participants a general understanding of the environment.

**Exceptions** to the principle of being visible are cases where showing a participant or the interpreter would constitute a threat to their safety and security (e.g. where a witness's identity needs to be protected or where an interpreter belonging to a small minority-language community would potentially be recognisable by other members of the same community).

(2) As a complementary principle, **participants at all sites should see the current speaker**, with the exception of cases where being visible would pose a safety or security risk.

(3) **All participants need to know what the participants at the other VC site(s) see.** Therefore, it will be useful for the VC participants to have a self-view image (normally provided as a so-called picture-in-picture) during the VC to monitor how their own position with respect to the camera.

One particular aspect to consider in the spatial arrangements in bilingual VCs is that the position of the interpreter is not necessarily fixed. The following should be borne in mind for each configuration.

**The interpreter is located at the main site:** In this configuration, problems are likely to arise when there is no pre-defined location for the interpreter who, using the example of a court setting, may stand next to the judge, or share space with the lawyer/prosecutor in an *ad hoc* approach. This is likely

See Ch. 4  
VC Connection  
& Equipment

See Ch. 1  
Introduction

to distort the perceptions of the interpreter's role and neutrality, and can therefore not be considered appropriate VC practice. It will be useful for the interpreter to occupy the place which would otherwise be assigned to the other-language speaker. This place should be equipped with all necessary VC peripherals. As pointed out above, the interpreter's place should also be included in the pre-set camera positions so that the interpreter can be shown to the remote participants when s/he is interpreting (consecutively). The interpreter's visibility for the remote participants is important as it is likely to improve the understanding of the interpreted content.

See Ch. 5  
Participant  
Distribution

**The interpreter is co-located with the other-language speaker:** The seating arrangement at the remote site is often governed by what seems practicable. Especially when the remote site is a prison or police station, where the VC room is normally fairly small, the interpreter sits very close to the defendant, and all participants gathered at that site sit in a row facing the camera and the VC screen. However, this arrangement is unsuitable as it results in defendants being more inclined to turn their head towards the interpreter during the delivery of the interpreted turn, while authorities at the main site will normally want to have a clear view of the defendant's face at all times. Moreover, the seating arrangement in a row may give the impression that those present speak 'with one voice'. Therefore, it is more advisable to position the chairs for participants to sit at an angle. In rooms where the seating arrangement is pre-determined by the presence of chairs bolted to the floor, the angled position should be considered at the stage of implementation.

Although a court may require a close-up of the other-language speaker in order to see the detail of their facial expressions (e.g. when they are being asked questions or they are providing answers), this guide recommends that both the other-language speaker and the interpreter should be shown in the same shot. As was pointed out in Ch. 4 VC Connection and Equipment, the camera in such small rooms should therefore be a wide-angle camera and should be equipped with a zoom function. In addition, the ability to rotate and show other parts of the room would also be useful to show further participants who are also present at the remote site (e.g. the defendant's lawyer).

See Ch. 4  
VC Connection  
& Equipment

**The interpreter works from a third location and the main parties are also in separate locations (three-way video link):** In this setting it is important for the interpreter to get a clear view of the two other sites in order to grasp quickly who is talking, observe possible reactions from the recipient(s) and maintain a rapport with all participants. For the reasons highlighted in Ch. 4 VC Connection & Equipment, all participants should be able to see the interpreter, who can be displayed as a picture-in-picture within the image of the other VC site.

See Ch. 4  
VC Connection  
& Equipment

**The interpreter is the only participant working from a remote site ('remote interpreting'):** In this setting the interpreter can be displayed on the screen and receive either a general view of all participants or an individual view of each speaker at the other site. In this configuration, it is advisable that the speakers at the main site sit at an angle, in order for the interpreter to be able to see their faces (at least partly) while they interact with each other.

In all VMI settings the image displayed on the screen needs to focus on the current speaker and on following the evolution of the proceeding. Changing the camera view through the camera pre-sets for different speakers can be a complex task for proceedings with many participants, and it may not be undertaken effectively by participants tasked with other duties (e.g. the presiding judge or the interpreter). Courts should assign a member of staff to the management of the camera work. This staff member should be thoroughly briefed about the implications of camera choices on the communicative dynamics before undertaking this task. It is important to point out, however, that despite efforts to move cameras and select 'optimal' images, VCs are still not normally perceived by participants to enable the same level of contact between the participants as traditional proceedings, especially when an interpreter is involved. Therefore, decisions should be made on a case-by-case basis to ensure that those participating in the proceedings as a remote party or witness feel that they are part of the proceedings as much as possible, and that they can clearly identify speakers and their roles.



For this purpose, the **impression of eye contact** should be created as far as possible with camera work. Apart from seeing the remote site, participants should also have access to a self-view image (also known as “picture-in-picture”), which can help them monitor their own position (especially at the beginning of the proceeding) and use the VC effectively. The self-view image is particularly important for the interpreter, who needs to be certain that their visual signals can be seen by those at the other VC site(s).

### Summary

- **Policy makers:** It is important to consider that VCs do not currently support the same level of contact between the participants as face-to-face communication. This is particularly true in bilingual proceedings involving an interpreter. In light of this, it is important to consider what uses will be made of VC in your legal system, and carefully prepare appropriate legislation and guidelines which regulate the applicability of video links to different cases. These should outline minimum standards and specific criteria that need to be met if a proceeding is to take place via VC, and include specific provisions for the exclusion of proceedings or cases for which VC is considered inadequate.
- **Legal professionals:** If you consider using a video link, you should assure yourself that the type of communication your case entails. Consider the number of active participants, the appropriateness of the VC spaces and the available technology, the expected duration of the VC, the need for interpreting and any concerns that may make VC inappropriate. If the use of VC is appropriate for your case, make sure that the proceeding can support a good level of interaction between participants. Consider the interpreter’s presence and liaise with them to make decisions on their location. From where will they attend the hearing? Is there any reason why it may be more appropriate for them to be with the remote participant(s)? Where will they be sitting? If you are chairing the hearing (but also if you are a lawyer/prosecutor), consider carefully the possible repercussions of the use of a VC on the quality of the evidence you will receive. You will not be able to interact with the person being heard as you would normally. The drawbacks of this may be magnified in interpreter-mediated proceedings, as the technological dimension adds distance to the linguistic barrier. In all VCs, make sure that the remote participant(s) can clearly identify speakers, and get a view of the current speaker at all times. Also, make sure that other-language speaker(s) get a view of the interpreter if they are not co-located. If needed, the interpreter can be shown in a picture-in-picture. You will need to assign a staff member to the management of cameras and to monitor the picture-in-picture. This person may be a court clerk or a technician. In either case, it is important for them to be trained in the use of VC equipment.
- **Interpreters:** If you are invited to interpret in a VC, make sure you know from which side you will attend, as this will impact on your ability to interact with other participants. If you believe that the arrangements that have been made for your attendance are not suitable for the case you have been asked to interpret for, notify the legal professional chairing the proceeding of your concerns as soon as possible, if you can. It is unprofessional to provide an interpreting service if you are not confident that the level of interaction you will get from the VC is sufficient for you to carry out your task to a high standard. When you are interpreting, make sure you maintain contact with the other-language speaker if you are not located with them. This helps build a better rapport, and it is very important as you are the only person the other-language speaker can directly relate to.
- **Technicians:** If you are tasked with setting up a room for VC purposes, take visibility as your main criterion for placing the equipment. The cameras you install need to show all potential speakers, and the screens need to be visible by all participants. If you have rotating cameras, ensure that the system is equipped with pre-sets covering the position of all potential speakers. Check with legal professionals where the interpreter usually sits, so you can store their location in the pre-sets, too.



## 9 Communication Management

### Highlights

- VC is useful for short proceedings involving a small number of participants.
- The responsibility for managing the flow of communication and interaction between participants in VC-based proceedings lies with the legal professional who is responsible for the proceedings.
- The interpreter is responsible for coordinating the communication and interaction only to the extent that this is necessary to ensure there is no loss of information.
- The legal professional in charge should agree communication procedures with the interpreter before the VC session starts.
- At the beginning of the VC the legal professional responsible for the proceedings should check that all participants can see/be seen and hear/be heard clearly, and should introduce all participants.
- All participants should be instructed to speak clearly, using clear and unambiguous language as far as possible.
- During the VC the legal professional in charge should take due care that all participants can contribute appropriately, irrespective of their location.
- Particular attention should be paid to the remote participant(s), who may also need guidance in the use of the video link.
- The interpreter should be given space and time to interpret and to carry out his/her task effectively.

The present chapter focuses on the management of the flow of communication and interaction between the participants in a VC. This includes actions to coordinate the turn-taking between the different speakers, to resolve overlapping speech and to mitigate the feeling of distance between the participants in different locations. Effective communication management is important in bilingual VCs to ensure that all participants, and especially the remote participants, have the opportunity to contribute appropriately to the proceedings and that the interpreter is given adequate time and space to perform his/her role effectively.

See Ch. 2  
Uses of VC

As a general point it should be noted that VC is useful for communication of a **short duration** and involving a **small group of participants**. In the case of longer proceedings (e.g. a witness hearing that is expected to last for several hours), it will normally more effective to gather all participants in the same place, as long VCs can be tiring. Moreover, VCs involving larger groups of participants (e.g. several defendants) are more complex in terms of communication management, and this may result in communication difficulties. This applies especially to bilingual VCs, where the linguistic mediation through an interpreter adds a further layer of complexity.

Given the communicative challenges inherent in VCs in bilingual legal proceedings, it is crucial that a **legal professional is in charge** of managing the communicative flow and the interaction between the participants in the VC session at all times. This should normally be the legal professional who is in charge of the proceedings, i.e. in court the presiding judge, and at the police the officer in charge of an interview or a custody review. The different aspects of VC communication management are outlined below.

At the beginning of the VC, the legal professional in charge should **check that all participants can see/be seen and hear/be heard clearly**. This can be done through a microphone test or by carrying out preliminary introductions. The legal professional in charge of the communication is also responsible for **introducing the participants** at the different sites, making sure that the identity of those attending is clear to all people involved in the VC. In court hearings involving a remote participant, for example, it is important that the remote participant understands who is present in court and in what capacity. Participants may be introduced directly by the judge or officer in charge or may be invited to identify themselves. The camera management should match the introduction, so that the people who are being introduced can be clearly seen at the other site(s).

See Ch. 8  
VC Management

Another important aspect to check at the beginning of the VC and to monitor continuously is that **all participants can contribute appropriately, irrespective of their location**. Particular attention should be paid to the remote participant and to the interpreter. The physical separation of the participants in a VC can make it difficult to assess a remote participant's behaviour. For example, a remote participant's signal indicating that s/he wishes to ask a question or further elaborate on his/her answer may not be picked up easily at the main site. Similarly, a remote interpreter's request to intervene, e.g. to ask for clarification, may not be obvious. Remote participants and interpreters therefore need to be monitored closely. For example, it is important to monitor the other VC site(s) visually and to ensure that the sound from the remote site(s) is loud enough to pick up all the details even in a situation of background noise.

See Ch. 8  
VC Management

**Participants may require guidance in the use of the video link:** Legal professionals and legal interpreters working in VCs should receive systematic training in bilingual VC communication. Individuals who participate in legal proceedings as litigant, accused, suspect, defendant or witness and who are not used to communicating via video link require careful management and help during the VC to mitigate a potentially stressful situation. If the proceedings involve VMI, this is likely to present an additional source of stress and vulnerability, especially for participants who are not used to communicating through an interpreter. They may find it difficult to be coherent in their speech, to adapt to speaking in short 'chunks' and to pause for the interpreter as appropriate. It is therefore recommended that other-language speakers are carefully briefed on the use of a video link involving an interpreter. The person in charge of the communication should agree with them appropriate signals (e.g. start, stop, required intervention) and monitor their behaviour closely. If necessary, other-language speakers should be explicitly allocated the floor to make sure they can contribute or directed to pause to make sure their utterances can be rendered by the interpreter.

See Ch. 10  
Training

See Ch. 6  
Pre/Post-VC

**Communication procedures should be agreed with the interpreter before the VC session starts:** These procedures should clarify, for example, how long speech turns should normally be, how the interpreter will intervene for clarification, how they will ask speakers to pause and if/when there will be breaks for the interpreter. The level of involvement of the interpreter in the management of communication should also be discussed. The interpreter should be responsible for coordinating the communicative flow only to the extent that this is necessary to ensure that there is no loss of information or distortion. The interpreter may therefore need to ask for repetition or clarification. However, the interpreter should not be in charge of the overall communication flow, as this task is not compatible with their role of linguistic mediation. It is the legal professional in charge of the VC who should try to prevent or quickly resolve overlapping speech, and who should remember to pause—and encourage others to pause—regularly for the interpreter. Furthermore, the interpreter may need to have breaks during long proceedings (i.e. over 2 hours). The interpreter's request for a break should be respected to ensure that the quality of the interpretation is maintained to a high standard and does not suffer from the interpreter's fatigue.

**All participants should be instructed to speak clearly**, but without raising their voice unduly, using unambiguous language as far as possible. Disturbing noises, such as tapping the desk near a microphone, should also be avoided, and any such disturbances should be brought to the attention of the person in charge at the earliest opportunity. The legal professional presiding over the proceedings should take charge of explaining any problem arising to the participants.

## Summary

- **Legal professionals:** In any proceeding in which you use a VC, make sure that it is clear to all who is in charge of managing the communicative flow. Ideally, this should be the person of highest authority in the room. Managing the communicative flow means making sure that all participants can hear/be heard and see/be seen, and that they have adequate space to intervene in the proceeding as appropriate to their role. Therefore, if you are in charge of the proceedings and hence the communication flow, you should check that the audio and video quality is appropriate for the event, and you should make sure that participants are aware of each other's position and role in the proceeding. Carry out introductions as appropriate – this will help you perform the audio/video check and provide participants with important information at the same time. Brief the remote participant(s) on how the VC session will proceed including how the floor will be allocated to the participants. Individuals involved in legal proceedings are unlikely to be expert users of VC technology, and any information you can give them on how to use the equipment and what they can expect of a VC will be useful to them. Remember that you will need to impose a certain communicative order on the event, so that overlapping speech is avoided and everyone at both sites has a clear understanding of what is being said. While this also applies to a traditional proceeding, the importance of clear speech with no overlaps is increased by the physical separation involved in a VC. Also, make sure the interpreter gets adequate space for intervention, and that the turns they need to render into the other language are not too long. You should coordinate with the interpreter for this purpose, and agree signals you can use to interact with each other prior to the beginning of the VC. If you expect the proceeding to be longer than two hours, discuss with the interpreter the possibility of a break, and remember to provide it at the right time.
- **Interpreters:** Before the beginning of a VC, discuss with the person in charge of the proceeding how you will interact with them and the other participants during the proceeding. You should agree signals to indicate that a speaker should pause or repeat their utterance, or that you need to clarify parts of the message. Based on the expected length of the proceeding, discuss whether you think you will need a break and how you will request it. Remember that you are not in charge of the overall communication flow, and that your interventions should be limited to those required to perform your task in the VC situation.

## 10 Further Support and Training

All professionals taking part in VCs should receive an induction to VC. Given the increase in legal proceedings requiring the services of an interpreter, such training should also cover bilingual videoconferencing. The training will increase their understanding of VC as a tool for communication and will help them to evaluate the appropriateness (or otherwise) of using VC in a particular proceeding. Professionals should be trained to develop an understanding of:

- the key concepts relating to VC as a tool for distance communication;
- the different configurations of participant distribution;
- the rationale for using VC (in different configurations) in legal proceedings;
- the scope of application of VC in their legal system;
- the legal provisions that apply to the use of video links;
- the (current) differences between the uses of VC at national and cross-border level;
- the affordances and limitations of (bilingual) VC communication;
- the basic principles of (bilingual) communication in a VC.

This training can be conducted face-to-face, or—as we have shown in several training pilots in AVIDICUS3—**the medium of VC itself can be used for delivery**.

Regardless of how the training is delivered, training sessions should encourage the active participation of those attending through hands-on tasks. Participants should be made to interact with others through the VC equipment in **simulations**, i.e. with practical activities such as role plays. In order to organise realistic role plays, **different groups of stakeholders should be trained together in their respective roles**. If possible, technical staff should also attend joint training sessions in order to familiarise themselves with the legal professionals' and interpreters' needs while developing confidence in the use of the equipment. Joint training allows potential VC participants to increase awareness of their respective professional needs and will enable them to develop common approaches to the resolution of difficulties and conflicting needs.

Apart from covering the different configurations of VC outlined in this handbook, the training should also include different modes of interpreting to enable the participants, for example, to compare the affordances and limitations of consecutive and simultaneous delivery, and to learn how to pace their speech to cooperate efficiently with the interpreter. At the end of a training session, actual performance should be discussed against expected standards, thus encouraging discussion of the difficulties encountered, the techniques that can be used to overcome them and opportunities for further improvement. Participants should be encouraged to reflect upon their performance in the simulation, seek feedback from others and discuss the strengths and weaknesses of different configurations. The discussion should be based on observations from the role-plays, but moderators/trainers should also encourage participants to discuss other aspects that may arise.

A summary of the group discussion, along with general guidelines for the use of VC, should be circulated to all participants after each session as material for their own personal reflection. The guidance provided in this Handbook is intended to be both a starting point for training and material for further self-study.

Customised support for the planning, design and implementation of solutions for bilingual videoconferencing and practical training for legal professionals and legal interpreters are available through the coordinator of the AVIDICUS projects (Professor Sabine Braun). If you are interested in this, please contact us at [training@videoconference-interpreting.net](mailto:training@videoconference-interpreting.net).