

INTERNATIONAL ASSOCIATION OF JUDGES  
STUDY COMMISSION (CRIMINAL LAW) QUESTIONNAIRE  
THIRD STUDY COMMISSION QUESTIONNAIRE

**A. Interpretation in criminal courts**

1. What criteria must be met for an interpreter to be appointed? Does this differ if it is for a party to the case, or a witness?

Criminal proceedings shall be carried out in the Georgian language, and in the Autonomous Republic of Abkhazia, also in the Abkhazian language. A participant in proceedings who does not have relevant knowledge of the language of the criminal proceedings shall be assigned an interpreter in the manner provided for by this Code.

According to the law there are no special requirements to the interpreter other than professional knowledge and ethical conduct for the translator. The translator has the obligation of integral and sufficient translation. For example, one an important procedural standard on immigration and refugee cases is to provide a competent and impartial translator.

2. Is the interpretation limited to certain languages?

No, criminal offender, who does not know the official language of Georgia, is allowed to ask for the interpretation.

3. Who appointed the interpreter.

Judge appoints the interpreter, when:

- a) a trial participant has no or insufficient command of the language of the criminal procedure;
- b) it is necessary to translate a text in the language of the criminal procedure.

A note regarding the summoning of an interpreter shall be made to the relevant record.

The rules applying to an interpreter shall also apply to the person who has a command of hand language.

4. Are there standard requirements for the quality of the interpretation or qualifications of the Interpreter?

According to the organizational structure of the judiciary the Common Courts department is responsible to provide interpreters. The contract between the translation company and the judiciary define rules on the relevant interpretation and the department has the possibility to monitor the quality of the service.

**B. The importance of good interpretation and good communication for the verdict?**

7. Assuming that the quality of interpretation could affect the outcome of a case:

7.1 Do you consider this applies more in certain types of cases than others and, if so, what types of cases?

The interpreter under the oath confirms that will not handle false interpretation and incorrect translation in the criminal offence. However, in case of refugees and immigration there might be problems at the translation. For example, according to the decision of the Tbilisi City Court asylum seeker was refused to receive status by the state agency. After the several hearings at court, judge considered that by the time of procedures at the agency the quality of the translation was inaccurate. Judge considered that during the interview translation was inconsistent to the information applicant provided to the agency. Judge requested to the agency to start procedures again and correct the translation errors in case of procedures occurred at the agency for receiving refugee status.<sup>1</sup>

7.2 Is it a problem that can be remedied, or a problem that the judiciary must live with?

Access to Judiciary can be a problematic issue for ethnical minorities. The state provides study programs for the ethnical minorities to learn the official state language. Although, there exist the problem, when the old generation does not know the criminal proceeding language properly and requires the translator. The judge appoints the translator.

8. Is there a risk that people who have difficulty explaining themselves, possibly due to low intelligence or poor education, suffer disadvantages at the court? If yes, what remedies exist?

No, they have legal representative or guardians.

9. Is intercultural communication a subject of training for judges or part of the instruction of juries?

At the judiciary, with the support of the State Department resident state advisor program was developed instructions for the jury in order to understand clearly criminal proceedings and the rules. Jury trial instructions define the rules to explain criminal procedural rules to the representative of any nation who participate at the jury trial. However, judges and court personal are trained periodically on the communication rules in order to handle efficient communication standards with the citizens.

### **C. Nonverbal communication in the courtroom**

10. Can the body language of accused persons, victims or witnesses influence the outcome of a case?

No. Only the verbal intervention can be accepted at the criminal proceedings.

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<sup>1</sup> Analysis on Asylum-related Cases in Georgian National Judicial Practice (Application of International standards at the national level) , page 31, THE SUPREME COURT OF GEORGIA THE RESEARCH AND ANALYSIS CENTRE, TBILISI 2020

<http://www.supremecourt.ge/files/upload-file/pdf/tavshesafri-maziebelta-shesaxe-saqmeebis-analizi.pdf>

11. Is nonverbal communication a subject of training for judges or part of the instruction of juries?

Yes, High School of Justice provides training courses on Communication Standards at the Court Room to the judges. The course contains modules on both, verbal and nonverbal, communication.