

## **Interpreting and Translating for Filipino Suspects/ Defendants in Japan: Selected Cases and Reflections of a Participant Observer**

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The objectives of this paper are to recall personal experiences of this author in relation to deviant behavior or crime in the Philippines and outside over the past three decades, and to illustrate that there is an imminent need and significance in looking more closely into the new world of "alien populations" in the justice system. Selected cases are presented.

The transnational mobility of peoples as tourists, migrants, and others has become more prominent on a global scale. The inflow of foreigners into Japan has increased dramatically over the last 15 years or so. In 1990, it reached 3,000,000 and is estimated to have risen to 4,000,000 by 1995.<sup>1</sup>

As a natural consequence, visiting as well as resident foreigners, the *Pinoy* in particular, have been more involved in deviant and/or criminal behavior, either as actors themselves, victims, or eyewitness.

In the Philippines, some bad elements of the Japanese, notably *yakuza*, have "imported" and/or "invested" numerous crimes into the country, too. I myself, as I hereby confess, did once commit a "crime" there, as an alien and one who had a linguistic handicap during interrogation on the offense.

I would like to attempt in this paper to share some of my observations and insights, and to

consider sociological implications of the situation.

### ***An Inaugural experience as participant observer***

Professor Ricardo M. Zarco was my professor for the course, Sociology of Deviant Behavior, for the first semester of school year 1971-1972—my first year at the University of the Philippines. Honestly speaking, I had great difficulties in English (and, of course, in Filipino, which then was obviously becoming a common language at least in the corridors on campus) and therefore in catching up with the class requirements. Toward the end of the semester, having studied theories and methodologies, students were assigned to “experience” the fascinating world of deviant behavior.

It is already hard to recollect the details of the circumstances, but I somehow decided to join the experiment. Professor Zarco was responsible for prearranging a confidential agreement with the owner or general manager of Arcega's Department Store along Aurora Blvd., Quezon City. Under the kind and thoughtful instructions of the professor, this poor foreign student, one weekday morning, walked into the ground floor of the store. In the eyes of the

Arcega personnel, this is what happened.

One young-looking customer, probably a student and Chinese-Filipino or what not, came into the store. It was soon after the opening and there were not many other customers yet. He soon went up to the second and third floors but came down without having purchased any commodity. On the ground floor, where the household items were displayed, the customer spent nearly 30 minutes slowly roaming in between the shelves. He occasionally picked up a commodity to take a closer look, but then placed it back on the shelf. He did this several times. He finally seemed to have chosen something and picked it up, but he just slipped it into his pocket. Looking around, he thought he had not been noticed by anybody. After a few steps forward, he stopped for more than two minutes. Three small items were also placed in his other pocket.

The customer, now a shoplifter, started walking quickly to the exit of the store. He was not exactly running. But at the moment he went out of the building, a saleslady quickly took over and faced him, asking what he had in his pockets. The suspected shoplifter did not say a word. After repeated questions which drew no response, the lady

grew determined and shouted at somebody. The uniformed security guards immediately surrounded them and held the young guy's arms from both sides.

No questions were asked any more; the shoplifter-suspect was brought to the fourth floor office. His pockets were then emptied in the presence of several people. Four unpaid items were discovered. With the student surrounded by security guards, the interrogation commenced. What is your name? Where do you live? Why did you do this? Etcetera, etcetera.

He had shoplifted but had taken amazingly small and inexpensive items only. The suspect was not quite exercising the right to remain silent. He was indeed trying to answer, in an honest-looking way meant to inspire trust, saying something in such-poor English that it often did not make sense to the interrogators. He did not appear to understand Filipino (Tagalog) at all. He must have been a foreign student from Thailand, Vietnam, or Japan.<sup>2</sup> The interrogators were debating whether or not they should call police headquarters. (Camp Crame happened to be nearby).

After 45 minutes or so, one gentleman wearing a barong

Tagalog entered the room. He watched the interrogation for awhile, and then told the guards to simply release the suspect. The big boss was actually smiling in his eyes and the suspect recognized this. But the others did not notice it.

The two tall well-built security guards escorted the suspect, whose real identity was fortunately or unfortunately never revealed, to the exit-entrance of the department store and then even up to the jeepney stop some 100 meters away from there. The freed suspect finally thanked them, just before boarding the Quiapo-bound jeepney (though he had to go back to Teacher's Village, Quezon City) by saying, "Salamat po."

This "criminal offender" caught shoplifting and arrested on the spot was actually a diligent student, successfully performing as someone who did not speak well enough or fully understand the language/s of the criminal investigation. The longest morning was over. I do not recall the final grade I earned at the end of the semester from the *napakamabait na prof na iyon* (very kind and stimulating professor). And yet the valuable incident has served me to nurture serious academic interest and a sense of social commitment as a

participant observer in the world of deviance and crime.

### ***Increased criminal cases involving foreigners in Japan***

Japan's National Police Agency (NPA) has officially expressed concern that the influx of foreigners into the country poses a threat to public order, supporting this assertion with statistics it released for 1993 (Ministry of Justice:1994) which showed that investigations conducted on foreigners have expanded substantially, figuring in 2.4 percent of Penal Code offenses (mostly felonies) and 4.2 percent drug-related (cannabis and heroin) offenses. While these figures are still comparatively small in proportion to the total criminal offenses committed nationwide, they definitely point to the growing involvement of foreigners.

It should quickly be noted, however, that the presence of foreigners in the country does not, in my opinion, pose a serious danger. Instead, there appears to be a great challenge to the entire justice system of Japan. The need to protect the human rights of foreigners, especially the rights of linguistic minorities, has become more pressing. (For more discussion, see Tsuda 1997b).

The General Secretariat of the Supreme Court of Japan reported that in 1994, the number of convicted foreigners whose criminal proceedings in district courts, equivalent to the Court of First Instance in the Philippines, required as many as 5,270 interpreters. This was a big increase, from 321 in 1985. And while the former represented 10.7 percent of the total number of cases, the latter was just 0.5 percent of the total in the respective years.

However, not all those criminally charged were involved in serious crimes. A large number of cases involved so-called "victimless" crimes, as illustrated by the fact that some 52 percent of the 1994 cases were violations of the Immigration Control and Recognition of Refugee Status Law or Alien Registration Law. Most of these suspects were caught for the reason that they had been TNT (*tago ng tago*). The immigration officials estimate that there are still around 300,000 "overstayers" in the country today, all of whom are potential candidates for criminal procedure.

Filipinos were ranked fourth when classified according to the country of origin of convicted foreigners in 1994 (Table 1). Nearly 500 Filipino criminal defendants, male and female, went through

criminal court hearings and were convicted in that year alone. Diagram 1 shows the flow of criminal proceedings in Japan.

Some 50 "listed court interpreters" nationwide were, in turn, called upon to act as interpreters-translators in Filipino (Tagalog), Ilocano, and/or Visayan-Cebuano (for the cases of 500 Filipino defendants). Many of the interpreters were Filipinos themselves, former and current *ryugakusei* (students or research scholars) or spouses of the Japanese. A smaller number of them were Japanese who understood the Philippine language. I am supposed to belong to the latter category.<sup>3</sup>

Table 1. Country of origin of foreigners convicted criminally in Japan

Country	No. of Cases
China (including Mainland and Taiwan)	1,451
Iran	935
Thailand	623
Philippines	479
Malaysia	420
Korea	321
Pakistan	222
Peru	196
Others:	409
United States	(87)
Bangladesh	(83)
Sri Lanka	(63)
Nigeria	(63)
Columbia	(57)
Vietnam	(53)
<b>Total</b>	<b>5,270</b>

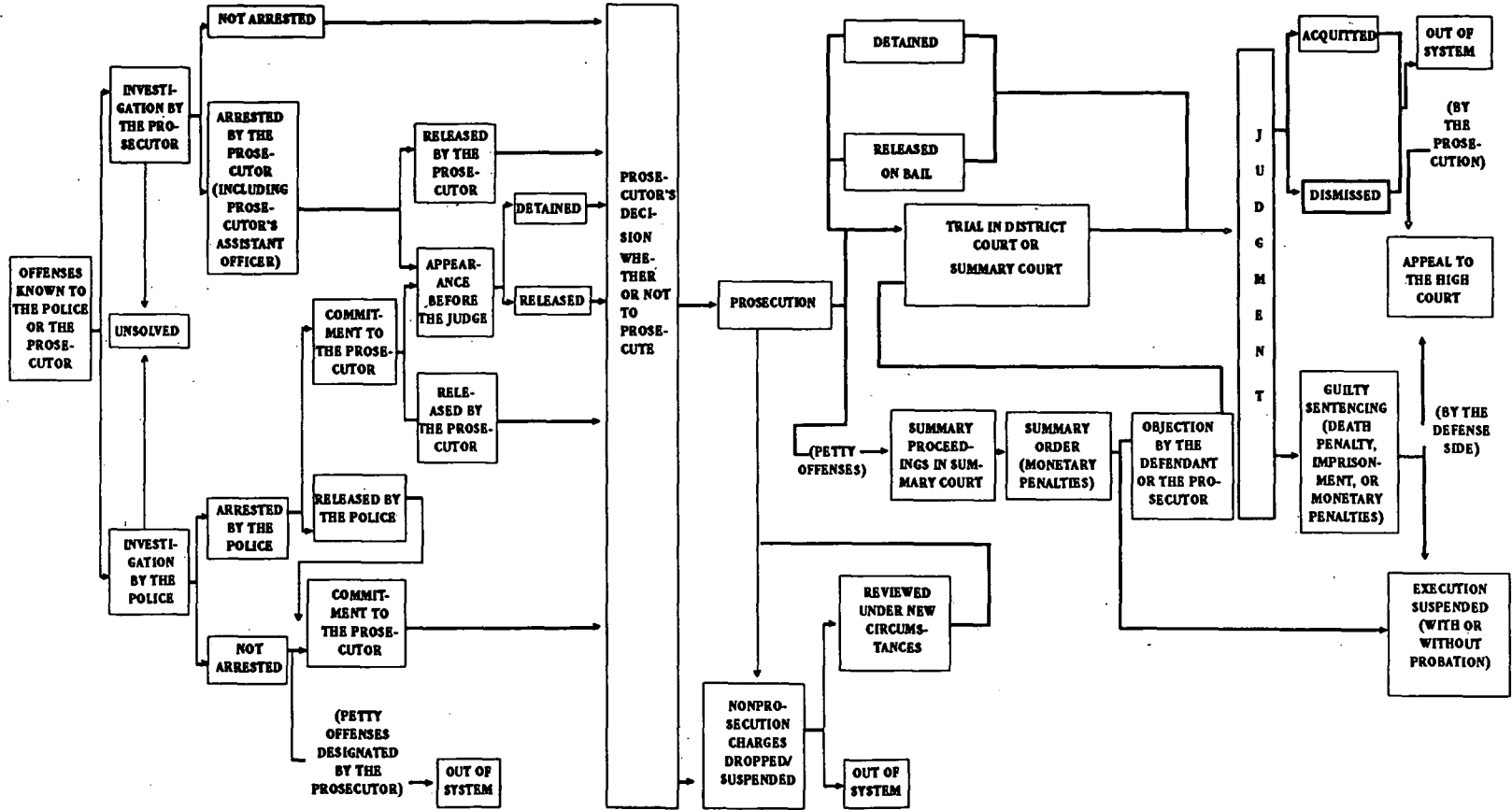
Source: General Secretariat of the Supreme Court of Japan

### *Interpreting in the courtroom for the first time*

In one of the postclimatic days after the "February Revolution of 1986," the Osaka High Court, the equivalent of the Court of Appeals in the Philippines, made a telephone enquiry to Osaka University of Foreign Studies (hereby abbreviated as Osaka Gaidai) asking if there was anybody who could speak the language of the Philippines. The university office of general affairs switched the line to my office, because I was then the sole Japanese faculty member handling the only Philippine Studies Program in Japan, supposing that I must be that somebody asked for by the court.

This was totally unexpected, and I felt that I would be very unprepared to act as an interpreter in the courtroom, such a "sacred (and scary) place." I had never gone inside a courtroom in my life. Before I had graduated from a university in Tokyo in 1970, I did take and pass a required subject on the Constitution, but that was about all I had as a background in law. How dare I? But because I was a former student of Deviant Behavior with Professor Zarco and because I had enough sociological curiosity to become a participant observer for a good cause, I accepted the appointment by the court. In less than three weeks, I found myself

Diagram 1. Flow of criminal proceedings in Japan



standing, and sometimes sitting, in the courtroom.

Juanito (not his real name) entered, with a group of three other Filipinos, into Japan in illegal possession of several handguns and bullets, allegedly trying to import them into Japan and sell them without official permission. The men were arrested in a hotel in Naha City, Okinawa Prefecture just after checking in and before they were able to hand the guns over to the Japanese buyer. They were indicted and finally convicted in the Kyoto District Court after several months of detention. (The prospective Japanese buyers, also arrested, seemed to have been from a criminal syndicate in Kyoto City.)

On the day of the sentencing, Juanito discovered that he had become, or at least had been identified by the judges, as the principal offender of the case. He had been slow to realize this because his command of English was that of a below-average high school graduate from a southern Tagalog province. From the police and prosecutors' investigation to the defense lawyer's counseling and through the court hearings, English (most likely a heavily Japanese-accented English, which was certainly quite an alien language to the newly arrived Juanito) was the only language used.

The fact, as he understood and claimed it, was that he had simply joined a sightseeing group which was "invited *lang* [only]" by a girlfriend *na kababayan* (from the same town). While it might be true that, at the time of arrest, he was in actual possession of more illegal items than the others, by no means had he masterminded the whole crime. He had earlier admitted to the interrogating officers that, upon entry into the Naha International Airport, he was aware of his act of personally carrying and illegally smuggling such items to the country. "*Pero, bakit pinakamabigat pa ang parusa sa akin* [But why do I get the most severe punishment]?"

Other co-offenders decided to abandon the right to appeal and went to prison in order to serve time with forced labor. Juanito, within 14 days from the day the first sentence was declared, was determined to appeal to a higher court. He literally had no money of his own, but despite that, he sought justice for his, not their, case. He was not sure at all that the necessary expenses for the defense counsel and the interpreting-translation services would, in effect, be charged to the National Treasury, too.

It was soon after his appeal that the Osaka High Court made a

telephone call to me, as earlier mentioned. Atty. Kazuhiro Yoshimura, member of the Osaka Bar Association, the court-appointed defense counsel for the appeal case, had been a high school English teacher before he passed the bar examination. He did speak fairly good English and he accompanied this court-appointed interpreter in frequently visiting the defendant in the house of detention. He worked hard to bring the "girlfriend," who was already serving time at the Wakayama Women's Prison, to the Osaka High Court in order for her to testify as a witness on the circumstances of the case and her personal relationship with Juanito.

After a series of hearings, Chief Justice Takashige Yamanaka granted Juanito a reduced sentence as he was reasonably identified and placed among the co-offenders of the case. The defendant side, to a substantial degree, "won" the case. And it also was a fulfilling job for me as a beginner in court interpreting and translation.

***Working along a three-week police interrogation, plus a public prosecutor's interrogation***

One early afternoon in May 1993, under a sunny blue sky, the Osaka Police Headquarters

suddenly called up my office, which was not a law office. According to a police inspector, a special task force was going to raid an apartment later in the afternoon—an astonishing piece of information. They expected to hold or arrest *firipin-jin*. (Nihongo, incidentally, does not differentiate whether a noun is singular or plural.)

In Japan's criminal procedural system, when the police arrest a suspect, it has to be decided within 48 hours if the case will be brought to the public prosecutor's office. The public prosecutor, in turn, must decide within the next 24 hours if the case has to be brought to the court in order to let the suspect receive a *koryu shitsumon* (preindictment detention hearing) from a judge (Diagram 1). The Osaka Police Headquarters, therefore, wanted to make sure that sufficient interpreters would be ready for those limited hours.

At any rate, I could not decline the request from the police headquarters when they called up again later in the afternoon and reported to me that the raid had been successful. But I had to tell them that in the afternoon of the next day I had a regular class to teach. I was going to act as interpreter first thing the next morning and then go back to the university. But I would ask two graduate students of mine to



accompany me from the morning and to continue interpreting alternately in the afternoon.

And so in the early morning of the next day, we went to a police station, which was located some 110 minutes away, south of Osaka Gaidai but within the City of Osaka. Fully utilizing my professor's prerogative, I "invited" the two students for whom it would be literally the first time to do practical work in investigative interpreting and translation. I expected that they could complement each other in the afternoon and continue on in my absence.

The well-prepared raid seemed to have been extremely successful, I found upon arrival at the police station. We had never imagined nor anticipated that instead of one, four *firipin-jin* had been arrested, and still another Filipina under strong suspicion was pardoned from arrest for the simple reason that she was pregnant (in the sixth or seventh month). One last suspect, married to a Japanese man, was generously asked to come back to the police station whenever called for interrogation.

Yes, there were *five* suspects, not just one. All of them had to be interrogated at once on one case of illegal possession, buy and sell, and/or use of *shabu* (a slang for

amphetamine), all of which were violations against the Stimulant Drug Control Law. Upon learning this, I realized that I had completely misinterpreted the police information. Fortunately, I happened to bring two of my students.

The raid had been conducted during the birthday party of Aida (not her real name), who was married to a Japanese who was, for some reason, away from home then. Four other Filipinos were "*kaibigan lang* [just friends]," together suspected to have been inhaling the powder rolled sticks in turns. Several other visitors, including a few Japanese who had left the apartment earlier, to the same party simply "missed" the raid and were not arrested. The arrested were Aida, Beth, Cathy, Diana (the pregnant woman), and Edgar (not real names). Edgar was the only male Filipino at the time of the raid and was insistently suspected to have been a "pusher" of *shabu*.

So, at 9:15 a.m. on the first morning for three of us from Osaka Gaidai, the initial interrogation for four of the accused began. The two graduate students, who were to be the "apprentices," immediately rendered full services, and they were occupied the whole day in interpreting between the suspects and a group of five seasoned

interrogators especially dispatched from the drugs control section of the headquarters. I alone left the police station in the early afternoon, with a police escort in an unmarked vehicle, for a subway station.

On the second day of our interpreting for the interrogation of these Filipino suspects, we accompanied them to the Public Prosecutor's Office and later, to the Osaka District Court for the necessary proceedings. The judge granted a 10-day detention period to the investigating agencies, after which 10 days were again authorized to reach the maximum allowable.

What does such prolonged detention mean, in this case at the substitution prison which is located within the same police station building? For a maximum of 23 days per case, a suspect can be, and in most cases is, held under police custody, with or without a defense counsel to support the suspect, for the continued interrogation. In this particular case of these five Filipinos, none of them personally knew a Japanese lawyer nor did they have knowledge about the system of *pro bono* duty lawyers to be dispatched from the Osaka Bar Association. They, therefore, had to "defend" themselves without legal advice at all.

During such a period of over three weeks, the interrogating officers may or may not take a weekend break or a recess in their mission. And, if deemed necessary by the interrogators, questioning would last until late at night. In this case, too, the standard line of topics were covered, not only the detailed circumstances of the crime, especially the concrete actions of preparations and of inhaling the marijuana step by step, but also the personal backgrounds (it was almost like a life history) of each suspect, such as the birth date and place, family, education, work experience, manner of securing the "fake" passport, reasons and motivations for coming to Japan and particularly Osaka, whereabouts and lifestyles within Japan, knowledge about the co-suspects and other possibly related persons, and so forth.

All the above narrated stories and confessions are to be repeated for confirmation, and for each individual, an *innmen chosho* (written statement made in front of the judicial police officer) is drafted and written, of course in handwritten Japanese, and then translated literally line by line into the language(s) the suspects understand. The latter is considered a necessary step for an appropriate judicial procedure. And only after the suspect has fully agreed with

the content is he/she asked to place his/her signature and a fingerprint. The officer and the interpreter-translator also place their signatures. Such statements can be used in court as important evidence.

For the interpreters, this means that they are expected to be present at the interrogation all throughout, too, but in reality, only whenever possible. In that Osaka downtown police station, the original three of us, the interpreters, tried to help the interrogation of the five suspects at the same time, in between classes, seminars, and meetings we had to attend at Osaka Gaidai.<sup>4</sup> At a later stage during the second week, we had to invite still another interpreter, who was a Filipina lecturer in the same university and a Japanese-English-Filipino (Tagalog)-Visayan (Cebuano) speaking person, to join in the interrogation-interpreting. Two among the suspects revealed themselves as Visayan (Cebuano) native speakers.

Beth, Cathy, and Edgar were actually in violation of the Immigration Law, too. They had been overstaying for three to six years without proper visas or status. But since they had entered into Japan with fake passports and fictitious names and insisted that they had lost their passports anyway, the police officers were made to believe the stories they

narrated. The police had a difficult time in gathering the documentary records and evidences with regard to the identity of the suspects. Some of the interpreters, in fact, sensed the unrealistic or inconsistent stories, especially about their narrated family backgrounds in the Philippines and the circumstances of "illegally" entering or extending their stay in Japan. And yet for some reasons we did not know, neither the police nor the prosecutor's office formally charged them on the grounds of Immigration Law.

#### *And after*

All the suspects were eventually indicted by the Osaka Prosecutor's Office to the Osaka District Court, but just on violation of the Stimulant Drug Control Law. They were then and only then provided the services of government-paid court-appointed defense counsels recruited from among the members of the Osaka Bar Association, who, in turn, offered them some legal assistance. The court also appointed an interpreter for each case. The Japanese court was always full of ongoing and depending cases. And so their hearings were eventually scheduled one by one some two or three months after the indictment, during which period they simply waited inside the Osaka *kochisho* (house of detention).<sup>5</sup>

When the actual hearing for Cathy was held in a courtroom, I entered and sat to observe the proceeding. It was, in a way, a concern and curiosity on my part, who had served as interrogating interpreter for the defendant, to see what would happen to her in the final stage of the criminal procedure.

I was a bit surprised. Cathy, the defendant, looked slightly different from her appearance earlier in the police station; she was standing in front of the judge with great composure. Immediately after the trial judge convened the court, a court-appointed interpreter, a Filipina, was called and asked to make an oath which was read in Japanese as follows: *Watakushi wa ryoshin ni shitagai seijitsuni tsunyaku-suru-koto wo chikaimasu* (I swear, according to my conscience, to interpret sincerely). While the interpreter was reading the piece of paper out loud, Cathy was listening behind her. Incidentally, the Filipina interpreter did not translate the oath she read into Filipino.

Next, the defendant herself was called and asked by the judge to answer questions for identification. What is your name? Your birth date? Your nationality? Your residential address in Japan? And your occupation? Unexpectedly, at least

on my part, she confidently responded to all these in articulate and understandable Japanese. (Yes, this long-overstaying Filipina actually had a very good command of the language, which had been presumably concealed from the police officers and to the group of interpreters. Throughout the police interrogation, she probably did not need an interpreter.) I was stunned to hear the instruction of the presiding judge telling such a defendant that she should not use Japanese in the court because there was a court-appointed interpreter. The hearing then went on.

Cathy was found guilty, with a sentence of one year and six months imprisonment with forced labor, to be suspended for three years. Together with Beth and Edgar, she was later deported back to the Philippines. Nearly two years later, I accidentally heard from within a Filipino community in Osaka that that woman, Cathy, had been living quietly in a province which was not at all the province stated in her "story" in front of interrogating officers. Her "real name" was probably not real either.

Aida, since she was married to a Japanese national, was not deported while serving the suspended sentence and stayed on in Japan. Diana was, for reasons unknown to us, not indicted and the case against her was dismissed.

By the way, when Aida was supposed to receive her sentence at the Osaka District Court in late 1993, Ms. Sachi Takahata, out of her curiosity and concern, sat among a few observers within the courtroom. Ten minutes passed since the scheduled time. The judge, the public prosecutor, the defense counsel, the court clerks, and, of course, the defendant herself were present. The appointed court interpreter was not.

The day was the fourth day of a month. The interpreter simply misheard or misunderstood that the sentence was going to be given on the eighth day of the same month. Why this "mistake" occurred, we do not know. What is clear is that in Japanese, the fourth day is pronounced *yokka*, while the eighth day is pronounced almost identically, as *yooka*.

In order to cope with such an unprecedented situation, the court decided after a five-minute recess to appoint Ms. Takahata to be the court interpreter on the spot. This was possible because the court-appointed defense counsel from the Osaka Bar Association, Atty. Shigeki Totani, happened to know and recognized her and recommended her to the judge. Thus, the sentencing was a little late but duly meted on that day. For the record, it was the first time in Ms. Takahata's life to be appointed and to act as a court interpreter.

The story did not end here. Some three years later in 1996, when the term of suspension for Aida was about to end, it was learned that she had been arrested again on the suspicion that she had again violated the Stimulant Drug Control Law. She seemed to have engaged in wishful thinking that she would not be sent to prison because she was pregnant. But she received a sentence of 1 year and 10 months penal servitude without suspension in January 1997. She immediately appealed to the Osaka High Court, and thus was transferred to the detention house again, not the prison yet since her appeal case is still in progress. According to some report, she recently gave birth inside. One of the students who interpreted together with me in the police station was, this time, appointed by the Osaka District Court and the High Court to act as a court interpreter.

### *Many other interesting and challenging cases I handled*

The stories of many Filipinos in Japan would not end here. As a participant observer in such criminal cases involving Filipinos and other non-Japanese speaking persons, I have witnessed several other cases.<sup>6</sup>

For a murder case of a Filipino, the defense counselors requested me to monitor the court hearing. I

sat at every hearing right behind the lawyers, with the permission of the presiding judges and an understanding with the prosecutors, and "checked and supported" the court-appointed interpreter, who was a Japanese-speaking and experienced Filipina. The issues were quite complicated and my presence, I trust, was effective not only for the defense but also for the sake of smooth and assuredly appropriate proceedings during the case itself.

There was another case of a Filipino defendant who killed his Japanese employer in Hyogo Prefecture. On his first day in the Kobe District Court, he told the judges that he understood "80 percent *lang* [only]" of the Tagalog interpreter offered to him (he originally came from the southeastern part of Mindanao and was a native speaker of Visayan). The judges suspended the hearing and requested the official from the Philippine Consulate who happened to be among the observers to look for somebody else to interpret.

Within a week or so, we decided to accept the "job" but on condition that I would work jointly with another Filipina who was Japanese-English-Filipino (Tagalog)-Visayan (Cebuano)-speaking, that was, Yolanda (her real name). This was then a rare opportunity wherein two multi-

lingual interpreters were simultaneously appointed for one defendant, and the hearings of the murder case resumed. Or, to be exact, the court proceedings commenced once again from the beginning.<sup>7</sup> This particular team-up of two interpreter-translators, which was smoothly and confidently done, was concluded but only after the defendant appealed to the Osaka High Court, which then turned down the appeal.

In Tsuyama City, Okayama Prefecture, four male Filipinos were indicted on "illegal stay" during the summer of 1996. When the provincial subbranch of the Okayama District Court contacted me in Osaka. I was soon going to the United States for a one-month research. I initially declined, but since they could hardly find an interpreter, even from Hiroshima, I hesitantly suggested if the scheduled date for the hearing could be moved forward so that I could possibly go to the city before my departure. Because this was well-considered for the good interest of the defendants, the court agreed.

The court rearranged the advancement of the hearing with all the officials and people concerned. And on that day, the court met four defendants consecutively from 10:00 a.m., 11:00 a.m., 1:30 p.m., and 2:30 p.m. The sentences, given to each of

them at 3:30 p.m., were all suspended. As a result, the immigration officials especially dispatched from Hiroshima City, who were waiting for the sentence, received the four Filipinos and brought them to Hiroshima for an early deportation procedure. At any rate, I was the lone interpreter throughout. The experience was a summer gift to me and it was one of the longest days in my "career."

### Some concluding imaginations

It is clear that the Japanese justice system and related institutions as well as the Japanese society have been quite perplexed and have been trying hard to cope with the emerging realities they have faced in the past decades or so. The increase in the number of cases involving non-Japanese speaking people, migrants as most of them may be, is remarkable. There is no established mechanism for coping with this new situation, but the investigation, defense, and hearing just have to go on whether people are prepared or not.

The same is true with the aspects of judicial interpreting and translation. There are many cases which require such services for all the stages of criminal as well as civil proceedings. And there is a wide variety of foreign languages needed. For the Iranians, one has to be competent in Japanese and Persian; for Thais, in Japanese and

Thai; for the Bangladesh, in Japanese and Bengali; for the Chinese, depends on where he may be from, in Japanese and Chinese (Mandarin), Taiwanese, Kantonese, Fookien or what not, and so on.

The interpreter-translator, whether a Japanese national, like me, or a foreigner, is expected to understand the written as well as the spoken languages (they are strikingly different in Japanese language) so jargonized and used among the elite professionals like the judicial police officers, lawyers, and judges, including their legalistic terminologies and concepts. And since the interpreters' communicative ability cannot be easily "examined" by the court clerks nor by the judges themselves, the real and often mistaken and/or omitted and/or arbitrarily summarized interpreting and translation between the Japanese and the target language(s) of the foreign defendants are not at all monitored. There is no system of screening and accrediting the interpreter-translator in the investigation and judiciary.

Of course, it is a difficult task to secure an effective and ethically proven group of competent people. But the justice system, particularly with reference to internationally recognized norms and standards, let us say on the matter of the right to have an interpreter (i.e., the right to understand and to be understood) as a basic form of

human right and due process, needs to function for the sake of justice. Judicial interpreting and translation are not yet professions in Japan. I hope this article shows how the interpreters-translators are striving under difficult circumstances. I also hope that it serves to give concrete illustrations of some pertinent aspects of Japanese society today, challenged by a new situation, to readers who may not have been familiar with Japan. Further readings included in the references would help the readers appreciate the realities of Japan better. The fact remains, though, that it is and will be the Filipinos and other non-Japanese speaking foreigners who find themselves in Japan's justice system who will need such international and cross-cultural knowledge.

What is seen here is also the universal nature of many problems raised. In today's and tomorrow's world, the continuous active

mobility of transnational people is expected. There is a need to look more seriously into the world of justice on a global perspective and from the interdisciplinary positions as well, in particular, into the questions of judicial interpreting and translation.

*Acknowledgments.* I would like to express my deep gratitude to Yolanda Alfaro-Tsuda. She is my *okusama*, an honorific term in Nihongo for *misis* which literally means a wife who stays deep inside the household. She hates this feudalistic labeling, while it indeed is true that without her understanding and support at home and occasionally in the courtroom itself, I could not have done much of this judicial interpreting and translation over the last 11 years.

I also wish to thank Ms. Liu Hsinhsin, Ms. Bituin Pablo-Shimada, Ms. Naoko Sugimoto-Dingle, Ms. Sachi Takahata, and particularly Dr. Susan P. Evangelista for valuable comments and suggestions on this paper. I am grateful to Dr. Virginia A. Miralao who nicely encouraged me to contribute to this special issue of the PSR.

### Endnotes

<sup>1</sup>As a result of such migration, statistics from Japan's Management and Coordination Agency shows that the total number of foreign residents, defined here as those who have gone through "alien registration" because their immigration status allows them

to stay in Japan for more than six months, has grown to approximately 1,360,000 by the end of 1995 from some 783,000 in 1990. Of the former figure, exactly 50 percent are Koreans, the bulk of whom are actually old timers brought forcibly to Japan



before or during World War II or those who were born and grew up in Japan since then.

Filipinos are the fourth biggest alien population, following Chinese and Brazilians. They represent exactly 6.3 percent of the total foreign population in 1995. These Filipino residents of Japan, most of whom are the spouses of Japanese nationals, significantly increased from 5,547 in 1980 to 49,092 in 1990. There are also undetermined numbers of undocumented "illegal" Filipino residents.

<sup>2</sup>Remember that in the early 1970s, there were many Thai and Vietnamese students in the Philippines. And, in fact, there were then just a handful of Japanese students. This author was one of the only two or three Japanese on the UP Diliman campus in 1971.

<sup>3</sup>The 50 interpreters in any one or more Philippine language(s) were among 1,150 interpreters covering a total of 25 languages of the world in 1994. According to the Supreme Court of Japan Secretariat, such listed number of court interpreters went beyond 1,500, covering a total of 35 languages, by 1996.

<sup>4</sup>One student-interpreter, Ms. Sachi Takahata, later decided to work on the subject of overstaying Filipinos in Japan for her M.A. thesis in Osaka Gaidai. She successfully defended it in February 1994. She is currently teaching Sociology of Migrant Filipinos in Japan at the same university, while being at the same time an active court interpreter in Osaka courts. Another student-interpreter, Ms. Naoko Sugimoto, majoring in Philippine Linguistics also in our graduate school, became determined to apply her interpreting experiences and joined Saitama Prefectural Police Headquarters in April 1995.

<sup>5</sup>To the rest of this author's knowledge, from the raid-arrest to the sentencing for these Filipinos, no officer from the Philippine Consulate in Kobe-Osaka made representation to those criminal procedural institutions nor visited the suspects/defendants in custody/detention.

When asked by the police officers whether or not the Filipino suspects themselves would wish the Consulate to be informed about their case in accordance with the Vienna Agreement, during the first or the

second day of the interrogation, all of them, in this particular case, declined and abandoned such right to have visitations by the *kababayan* (country mate) Filipino diplomats. One suspect quietly whispered to the interpreter, "*Nakakahiya na nga, eh* [I am ashamed indeed]."

It has to be quickly added, nevertheless, that the Consulate Office of the Republic of the Philippines in Osaka has an active policy in assisting nationals in court. According to Consul Dery, who cover the western half of Japan,

If you, a family member or friends are arrested or involved in an accident, do not hesitate to report to the Consulate General. If you need any advice, just call (06-910-7881). If you are reporting an arrest, please send by fax the name of the person arrested/injured/runaway, etc., where, when, and the phone number of the contact person. Just address to the Consul Julio Dery at FAX 06-910-8734. For accurate advice and information, seek for assistance from the Consulate General (Takahata: 1997).

While in this paper I reported on criminal cases only, I have at the same time acted as judicial interpreter-translator for the civil cases where Filipinos were involved.

One such case was that filed before the Osaka Family Court for a mediation by a Filipina. Monica (not her real name) wanted to divorce her Japanese husband who, according to her, repeatedly beat her day and night, but he refused to place his signature and a stamp on the divorce paper.

In the Civil Division of the Osaka District Court, Natalia (not her real name), as a plaintiff, told the justice that her "former" husband falsely put her signature on the divorce documents while she was back in the Philippines as a *balikbayan* (returnee) just for a vacation. She managed to come back to Japan, "confirmed" the divorce, and learned the fact that the man "successfully" remarried a non-Filipina Southeast Asian woman, this time.

Orlando (not his real name), who had worked three full years in a design company, had to leave Japan without receiving his wages for the third year of work. With the assistance of a support group of Japanese friends and resident Filipinos, he filed a case through a lawyer and demanded the company pay his wages. On the day of the actual hearing, he came back to the country and stood as a witness at the Civil Division of the Kyoto District Court.

Another paper is necessary to further elaborate on and analyze these and other court cases in which Filipinos (and other foreigners) are plaintiffs, victims, or defendants in the Japan's justice system.

I have also incidentally acted as interpreter-translator in English for criminal cases, for instance, of a Tamil-Sri Lankan-Malaysian

husband of a Japanese who killed his own baby boy, and of a New Zealander who flew in from Bangkok and entered Japan with a stomach full of wrapped cannabis. The discussion concerning these cases has been omitted here but deserves further attention.

<sup>7</sup>See some of the reported news items included in the reference.

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