

## Webinar 3

### Communication Access to Legal and Justice Services in Canada

#### Communication Intermediary Oath/Affirmation

Taking the oath or making an affirmation is an assurance to the court that you will perform to the best of your skill and ability and that you will be honest in your dealings with the court.

Before you begin supporting someone to communicate in court, you may be asked to swear an oath or give an affirmation stating that you will provide communication support to the best of your ability. If you are not asked to take the oath or affirmation, you should volunteer to take it before proceeding to the stand to assist the witness in communicating. The court may insist on this to satisfy itself that the translated testimony that you provide is truthful and honest, in the same way witnesses have to take an oath/affirmation that their testimony will be truthful and honest. Failure to take the intermediary oath or affirmation before testimony has led to the declaration of a mistrial in cases of language interpreting services. It is therefore essential to draw attention to the fact that you wish to be sworn in or affirmed.

As there is no oath for communication intermediaries at this time, the following proposed oath could be negotiated with the end-user prior to the proceeding.

The oath may be sworn on the Bible, the Quran, or another holy book, or a solemn affirmation may be made without using any holy book. You will be asked to proceed to the witness box and state and spell your full name for the record. Be sure to speak loudly and clearly.

For the oath, you will be told to take the holy book in your right hand or to hold up your right hand if you are affirming.

The clerk will then read the oath or affirmation to you, as follows:

Do you swear/affirm that you will accurately convey all questions put to the witness (es) and his/her/their answers thereto, and all such matters and things as shall be required of you, to the best of your skill and understanding, (so help you God)?

(If you are affirming, the clerk will not say “so help you God.”)

The wording of the oath or affirmation may vary slightly, depending on the court. The communication intermediary replies, “I do so swear/affirm.”

In some cases, however, the presiding judicial official (PJO) may ask you to swear yourself in or make an affirmation. If so, you could state the following:

I swear/affirm that I will accurately convey all questions put to the witness (es) and his/her/their answers thereto, and all such matters and things as shall be required of you, to the best of my skill and understanding, (so help me God).