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**Language Register and Intention (Re) Expression in Court Interpreting
An Investigative Study Among Court Interpreters**

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Dedication

To the source of my joy and happiness

Darine, Lojain, Jori, Jwad, Taj, Massa, Kosai

To my sweet friends Khadija Khelif, Reguia

Ayache,

Zahra Naa, Azzeddine abidi saad

I dedicate this to you <:

Yamina Chebboub

Dedication

I dedicate this work to:

My beloved parents Mr. Lassaad, Mrs. Leila

My sisters Rouida and Afnan

Thank you for your support on this journey.

I am so grateful to you.

All my hopes are to see you healthy and peaceful.

May Allah bless this work.

Ameen

Anouar Aridj

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List of abbreviations

SL: Source Language.

TL: Target Language.

ST: Source Text.

TT: Target Text.

CI: Court Interpreter

LLP: Limited Language Profession

List of Figures

Figure 01: Responses becoming an interpreter in the court.....	54
Figure 02: Responses years of experience in court interpreting.....	55
Figure 03: Responses time spend in interpreting in court.....	55
Figure 04: Responses court interpreters' credibility.....	58
Figure 05: Responses accuracy is affected by language variation.....	59
Figure 06: Responses impartiality of court interpreters.....	60
Figure 07: Responses the affection of the accuracy by language register.....	60
Figure 08: Responses misinterpretation by court interpreter.....	61
Figure 09: Responses the ambiguous meaning of the speaker.....	62
Figure 10: Responses to importance specialized training for court interpreter.....	64
Figure 11: Responses to challenges dealing with technical or legal terminology.....	66
Figure 12: Response to methods used when confronted with legal jargon.....	67
Figure 13: Responses to court interpreters adapt their interpretation style.....	69
Figure 14: Response to speaker's accent/dialect ambiguous.....	70

List of Tables

Table 01: Sufficient time to comprehend the case.....	56
Table 02: Understanding of the legal language.....	57
Table 03: Accuracy of court interpreting.....	57
Table 04: The role of court interpreters.....	63
Table 05: The interpreters understanding of legal system.....	63
Table 06: Significance of court interpreters in ensuring fair trials.....	68

Table of contents

Dedications	II
Acknowledgements	IV
List of abbreviations	V
List of figures	VI
List of tables	VII
Table of contents	VII
Introduction	
Introduction.....	1
Statement of the problem.....	1
Purpose of the study.....	1
The rationale.....	1
Research questions.....	2
Hypotheses.....	2
Methodology.....	2
Research structure.....	2
Literature review.....	3

Chapter One: Overview of interpreting

Introduction	5
1. Overview of the court interpreting	5
1.1 History	5
1.2 Elements	6

2. The importance of court interpreting	6
2.1. The contribution of court interpreting to the rule of law.....	7
2.2. Court interpreting as a means to preserve the parties' rights.....	7
3. Challenges and constraints in court interpreting	8
3.1 Personal challenges	8
3.2 Contextual challenges	8
4. Modes of court interpreting	9
4.1. Simultaneous interpreting	9
4.2. Consecutive interpreting.....	10
4.3. Whispered interpreting.....	11
4.4. Sight translation.....	12
5. Court interpreting and legal translation	13
6. The importance of legal translation.....	13
7 Characteristics of Legal translation.....	14
7.1 The nature of legal discourse	14
7.2 A system-bound discipline	14
7.3 Fidelity.....	14
7.4 Ambiguity and interpretation.....	14

Chapter Two: Court agents

Introduction

1. The Court of justice.....	16
1.1 The history of court.....	16
1.2 The role of the court	17
2 The definition of law.....	18
3 Interpreter.....	18
3.1 The court interpreter' role.....	19
3.2 The court interpreter requirements.....	21
3.3 Challenges faced by court interpreters	23
3.3.1 Language challenges	23
3.3.1.1 Keeping the level of language register	23
3.3.1.2 Challenges in interpreting legal terminology	24
3.3.1.3 The challenge of choosing words	24

3.3.1.4 Lexical gaps challenges	24
3.3.1.5 Challenges in interpreting terminology in other domains	25
3.3.2 Challenges in interpreting in cultural differences	25
3.3.2.1 Challenges in interpreting idioms and proverbs	25
3.3.2.2 Obscenities in court interpreting	25
3.3.2.3 Challenges in interpreting dialects	26
3.3.3 Challenge of interpreting fragmentary statements	26
3.3.4 Lack of preparation materials	26
3.3.5 Dealing with ethical dilemma	27
3.3.5.1 Gratuities	27
3.3.5.2 Conflicts of interest challenge	27
3.3.5.3 Clarifications, editing and omit	27
3.4 Ethics of the court interpreter.....	28
3.4.1 Confidentiality.....	28
3.4.2 Accuracy and competence.....	28
3.4.3 Impartiality	29
3.4.4 Professionalism	29
3.4.5 Representation of qualifications.....	29
3.4.6 Restriction of public comment.....	29
3.4.7 Scope of practice.....	30
3.4.8 Assessing and reporting inabilities to perform	30
3.4.9 Duty to report ethical violations	30
3.4.10 Professional development	30
3.5 Court interpreters' skills.....	30
4 The judge	31
5 The lawyer	31
6 The Witness	32
7 The suspect.....	32

Chapter Three: Legal language and language register

Introduction

1. The definition of legal jargon	34
2. The main characteristics of legal language	35

2.1 Use of foreign words/maxims	35
2.2 Synonymy.....	35
2.3 Use of archaic words	35
2.4 Circumlocution.....	36
2.5 Punctuation.....	36
2.6 Use of modifiers	37
2.7 Reciprocal words	37
2.8 Phrasal verbs.....	37
2.9 Ordinary words with special meaning	37
2.10 Sentence length.....	37
2.11 Nominalization	38
2.12 Impersonal style	38
2.13 Capitalization	38
2.14 Doublets and triples.....	38
3. Arabic legal jargon	38
4. Features of Arabic legal language.....	39
4.1 Lexical features	39
4.1.1 Formality	39
4.1.2 Gender-biased terms.....	40
4.1.3 Archaic terms	41
4.2 Syntactic features	41
4.2.1 Nominalization	41
4.2.2 Passivation.....	41
4.2.3 Model.....	42
4.2.4 Complex sentence structure	42
4.2.5 Doublets	43
5. English legal jargon	43
6. Features of English legal language	43
6.1 Lexical features	43
1. Technical terms	44
2. Semi-technical	44
3. Everyday vocabulary	44
6.1.1 Archaic terms	44
6.1.2 Latin terms.....	45

6.1.3	Formal terms.....	45
6.1.4	Religious lexis.....	45
6.2	Syntactic features	46
6.2.1	Wh-deletion	46
6.2.2	Conditionals	46
6.2.3	Nominalization	46
6.2.4	Negation	47
6.2.5	Doublets and triplets.....	47
7.	Legal text.....	47
7.1	Definition of legal text.....	47
7.2	The creation of legal texts	49
7.3	Types of legal text.....	49
7.3.1	Instrument.....	49
7.3.2	Pleading.....	49
7.3.3	Document.....	49
7.4	Types of legal instruments.....	49
7.4.1	Contract.....	49
7.4.2	Deed.....	49
7.4.3	Business documents.....	50
7.4.4	Will/Codicil.....	50
7.4.5	Trust.....	50
7.5	Characteristic of legal text	50

Chapter Four: Data analysis

Introduction	52
1. Research methods and data analysis.....	52
2. Data collection.....	52
3. Interpreters' profile.....	53
4. Analysis of the questionnaire	53
5. Conclusion.....	72
6. Recommendations.....	73
7. List of references	74
8. Abstract	87

Introduction

Court interpreting demands excellent linguistic skill as well as an extensive knowledge of linguistic register and the re-expression of intention. Interpreters serve a pivotal role in assisting efficient interpretation across individuals from non-language speakers and from a different cultural background in a legal setting. The appropriate use of language in a certain situation, taking into consideration elements such as register, tone of voice, and jargon, is referred to as language register. Moreover, court interpreters are required to possess a highly level of proficiency to be able to overcome difficult challenges and interpret intentions, emotion nuances, slang, idioms, dialects, and more details of the speakers while remaining faithful.

This dissertation investigates the complexity of language register and the barriers that court interpreters encounter in precisely rendering the meaning and re-expressing the intentions of the speakers from the source language into the target language, emotions nuances, and cultural differences in the courts, emphasizing the importance of this excellent skill set for guaranteeing justice and precision in legal settings.

Statement of the problem

This is not the first research that tackles the aim of language and the effected of the language register by the context, and the intention to accurately interpret the intention of the speaker to the listener language. As well as the influence of the adopted language register on the speaker's intention.

Purpose of the study

We aim to deep our understanding of the role and the effect of the language register in court interpreting on the intention. Moreover, the challenges that encounter interpreters which impact on the selected register.

The rationale

The main cause for selecting this subject is the dealing with the style in court interpretation, as well the importance of court interpretation in assisting the accomplishment of justice. Furthermore, the shortage of information about court interpreting from the general public.

Research questions

This study is devoted to answer these questions:

1. In which way is register in court interpreting affected by context?
2. In what way the register impact intention in court interpreting?

Hypotheses

It is hypothesized that:

- The selected language register while interpreting in court can affect the accuracy and effectiveness of interpretation.
- Court interpreters face various professional challenges, which restrict the efficiency of their interpretation.

Methodology

This dissertation adopts a descriptive study that uses an online survey questionnaire to collect the required data.

Research structure

The dissertation is divided into four chapters. The first three chapters present the theoretical framework of the study. Chapter one comprises an overview of court interpreting. We also discussed its importance, the challenges and constraints, as well as modes of court interpreting. While the second chapter is about the history and the elements of the court. The role, requirements, ethics, as well as challenges court interpreters can face in court interpreting. We delve into chapter three with what is related to the legal language and language register. The chapter highlights the law and legal language, alongside legal Arabic, English and their features. In the fourth chapter, we tackled the methods used and gave an explanation for the approach to data analysis, and data collection. On top of that, we listed the conclusion that may help to improve the wheel of progress in court interpreting.

Literature review

In conducting this research, we faced a few obstacles concerning the lack of references that discussed the role and effect of language register, as well as the challenges faced by court interpreters in the courtroom. This is the first study regarding language register and intention (re)expression in court interpreting in both Algeria and outside of it. It is worth mentioning that other studies have been conducted in Algeria (Ouargla) in the field of court interpreting to fulfil the master's degree. The first one, done by Ammari Hadjer and Ammari Nadjoua, deals with the difficulties and challenges of court interpreting in Algeria. The second one, done by Messaouda Belhachani and Roumaissa Barka, is entitled 'Court Interpreting in Algeria: Reality and Perspectives,' and it focuses on immigrants in the Ouargla region and the difficulties court interpreters face when working with them. The third one, by Chahinez Hambli and Lyna Abir Benamara, examines the challenges of legal court interpreters working with immigrants in Algeria, specifically in the Ouargla Jurisdictions.



Chapter One:
Origins of Court Interpreting

Introduction

The theoretical setting for the current work is presented in this chapter. It begins with an overview to identify the history of court interpreting. Furthermore, it determines the role and highlights the importance of court interpreting in the world. This chapter comprises the modes of court interpreting with full explanation to each mode and its role in the court interpreting and to understand in this study which mode is more extend. Moreover, it discusses the standards and ethics and court interpreting in different legal settings. It also addresses the challenges and constraints in court interpreting.

1. Overview about court interpreting

1.1. History

The word "court interpreting" is used to describe any type of legal interpreting, although there are really several other settings where legal interpreting may occur. In the words of Harris (1997), interpretation has been "documented in stone since the time of the Pharaohs". Since then, interpreting in general and legal interpreting in particular have evolved into increasingly professionalized professions. Also, Court interpreting is an important service that facilitates communication between limited English proficient (LEP) individuals and the legal system.

The start of court interpreting dates back to ancient times. One of the earliest recorded instances of court interpreting comes from ancient Egypt, where officials would use interpreters to communicate with foreign dignitaries. Similarly, in ancient Greece, interpreters were used in court to communicate with individuals who spoke different dialects or languages. In Rome, interpreters were also used in court to translate for individuals who spoke Latin poorly or not at all. Greeks and high-ranking Roman Senate officials or non-classical peoples like the Egyptians and Celts were able to communicate more easily because to interpreting. The frequent need for interpreters in Ancient Greece elevated the value accorded to interpreting. Latin and Greek both had equal prominence in schools during the time of the Greek empire, which was bilingual. Interpreters held important jobs inside the multilingual ancient Greek empire. Court interpreting takes place in courtrooms and pertains to a variety of legal actions. According to Colin and Morris (1996), interpreted trials that took place in 1682 and 1820 that had significant legal precedents with regard to judicial interpreting.

In the 19th century, with the rise of the modern legal system, court interpreting became more formalized. In the United States, for example, the Judiciary Act of 1790 required

interpreters to be present in federal courts to interpret for non-English-speaking defendants, the first individuals were brought to court to face charges in a language which they did not speak or understand properly. Today, court interpreting is an essential practice in many countries where it is provided by trained professionals who are often certified or licensed by their respective governments. Court interpreters play a critical role in ensuring that defendants and other participants in legal proceedings have access to justice, regardless of their language abilities.

1.2. Elements

Court interpretation is a service provided by a court-certified interpreter trained to interpret between English and one or more foreign languages. In the court system, interpreters interact with a variety of people, speaking directly with each one and acting as a vital conduit of communication between them and other court officials.

A certified court interpreter has a lot of duties. An interpreter must give the court the proper context, tone, and meaning in addition to the words they are translating. This puts pressure on the interpreter to make sure these interactions are as accurate as possible because anything they interpret from a particular person is considered as true.

2. The importance of court interpreting

Interpreting in the court system is of the utmost importance for ensuring justice. It is essential for providing equal access to the justice system for people with limited language proficiency, so that they can understand their legal rights and responsibilities. Court interpreting also ensures that the court's proceedings are conducted fairly and accurately, as the interpreter is responsible for conveying the exact words of the parties involved. In addition to providing equal access to the justice system, court interpreting can also help to speed up the legal process. When all parties involved in the court proceedings can understand each other, the court can move forward more quickly, as there is no need to wait for an interpreter to arrive or to explain the proceedings in a different language. This can help to reduce the backlog of court cases, as well as improve the overall efficiency of the court system.

Court interpretation assists in lowering the possibility of incorrect convictions. Inaccuracies in communication that could result in false confessions, incorrect convictions, or other injustices can be avoided with the use of accurate interpretation. When court interpreting is

done incorrectly or inaccurately, this can have serious consequences. If a court interpreter is not properly trained, they will make mistakes and may result in an incorrect interpretation of the proceedings. This can lead to delays in the court proceedings, or it can even lead to an incorrect outcome.

2.1. The contribution of court interpreting to the rule of law

A wide range of judicial actions are covered by court interpretation, which occurs in court contexts. Its main objective is to provide suspects and defendants who are unable to communicate effectively in courtroom language with full and equal access to the legal system, protecting their right to a fair trial. The Nuremberg trials' interpreting (particularly conference interpreting) is regarded as a turning point in the development of interpreting as a profession. However, it could be contested if modern judicial interpreting can be defined and examined using the same criteria that we would apply to examine Nuremberg. Some would even object to the term "court interpreting" being used to describe such a pivotal moment in the profession's history.

2.2. Court interpreting as a means to preserve the parties' rights.

Court interpreters are educated linguists who act as communication intermediaries. Court interpreters render every exchange between all parties completely and accurately. Throughout a court case. When a participant's ability to speak or understand English is so limited that communication is difficult, their services are used. The provision of interpreter services is required to uphold the rights of the parties, aid in the production of records in the English language and promote the fair and effective administration of justice. The just conclusion of a case before a court and the efficient and successful administration of the legal system can both depend on a court participant's ability to communicate in English. Effective communication is crucial for full involvement in all areas of the case, not just when the person is required to address the court or provide a testimony.

A party must be able to comprehend what the judge, the opposing counsel's remarks in court, his or her own statements in court, and the testimony of witnesses are saying in order to participate in the legal process meaningfully. Although many non-native English speakers become fluent enough to communicate at a basic level, such "survival English" may not develop to the level of sophistication needed to participate effectively: they are unable to accurately and completely describe people, places, and events, provide chronological narratives. They fully

comprehend what others are saying and may not be aware of when to ask for clarification of questions that are vague or unclear.

3. Challenges and Constraints in Court Interpreting

3.1. Personal challenges

The act of translating from one language to another while providing interpretation is a very challenging task that is made more challenging by the fact that it must be completed quickly. Such a task is extremely difficult, and a legal equivalent is what judicial interpreting aims to produce. According to Hale (2004), common issues or difficulties that court interpreters encounter include numerous challenges because it is a communicative act that includes emotions and body language.

Another difficulty that court interpreters may have been maintaining their speaking patterns. Generally speaking, the language used in court can range from informal to formal in level of formality (Hale, 2007a, p. 66). The court finds it difficult to bring an interpreter for people who speak dialect only. It is sometimes hard for the judge of the court in the session to communicate and understand the witness because the judge uses formal language where the witness uses an informal style. (González et al., 2012, p. 20) found that “manipulate registers, starting with the most formal and ending with the most informal”. Commenting on one of the big challenges that face court interpreting is the register that can be manipulated in different levels from formal to informal and this costs a lot of issue during the interpretation.

3.2. Contextual challenges

One of the challenges of court interpreting is the complexity of the legal language used in legal proceedings. Legal language is often highly technical and nuanced, and interpreters must remain up to date on the latest terminology used in the legal system. Additionally, court interpreters must be able to accurately interpret a variety of legal documents, including official court documents, witness statements, and legal testimony. This requires a strong knowledge of legal terminology and an understanding of the legal system.

In addition to the complexity of the language used in court proceedings, interpreters must also face several time constraints. Court proceedings tend to move quickly, and interpreters must be able to keep up with the pace of the proceedings. Interpreters must be able to interpret quickly and accurately so that all parties involved in the proceedings can understand the proceedings. Interpreters must be able to interpret for an extended period of time, which can be physically

and mentally exhausting. Court interpreters may also face the challenge of cultural differences. Court proceedings often involve individuals from different cultural backgrounds, and it is the interpreter's job to ensure that all parties involved in the proceedings understand the proceedings. This requires interpreters to be aware of and sensitive to cultural differences. Additionally, interpreters must be able to interpret accurately while still remaining respectful of cultural differences.

Court interpreters may also face the challenge of confidentiality. Interpreters must be able to maintain the confidentiality of all parties involved in the proceedings, as this is essential to the legal system's functioning. Court interpreters must not only be aware of the confidentiality laws in their jurisdiction, but also be able to apply them in the courtroom. "Due to the fact that legal phrases are different from those used in ordinary English, the terminological correctness of legal language can be one of the most frequent obstacles for court interpreters" (Hale, 2007). Court interpreting is a difficult and demanding service that requires interpreters to face a number of challenges and constraints. Interpreters must have a strong knowledge of legal terminology, be able to interpret quickly and accurately, remain mindful of cultural differences, and maintain the confidentiality of all parties involved in the proceedings. Despite these challenges, court interpreters continue to provide a valuable service to the legal system.

4. Modes of interpreting in court

4.1 Simultaneous interpreting

Simultaneous interpreting when an interpreter translates the message from the source language to the target language in real-time. It is a complex task requires a high level of accuracy and precision "after World War II at the Nuremberg trials in Germany. the simultaneous method of interpreting received much attention" (Adams. 1997)

A simultaneous interpreter needs to be able to comprehend the content and context of the source language and render it accurately and quickly in the target language because the interpreter must also be able to manage the pace of the speaker in order to ensure that the interpretation is not rushed or delayed. Simultaneous interpreting is often used in settings such as international conferences, legal proceedings, and diplomatic meetings. It is a time-sensitive and challenging task, as the interpreter must be able to assimilate the source language, analyze and interpret the content, and then convey the meaning in the target language in a timely

manner. As such, interpreters need to have highly developed language skills, a strong knowledge of the subject matter, and excellent listening and concentration abilities.

It requires interpreters to work in teams in order to ensure accuracy and precision. This is because it is a very difficult activity that requires interpreters to be able to concentrate for a long period of time. Working in teams allows interpreters to take breaks and rest in order to ensure that the quality of the interpretation does not suffer. It challenges and rewards a profession that allows interpreters to work in a variety of settings and be exposed to diverse cultures and languages. It is an invaluable tool for bridging cultural divides and facilitating communication across different languages.

In simultaneous interpreter, the interpreter interprets for someone while the speaker speaks without interruption or pose. Barnwell (1989) concurs with this assessment, pointing out that simultaneous interpretation provides very little opportunity to pause and consider the linguistic decisions necessary for an accurate rendering of the material into the target language. The advance of technologies made it possible to use it in these trials. It also a time savings because the interpreters translated the message at the same time as heard the utterance.

4.2 Consecutive interpreting

Consecutive interpreting is done by the interpreter when the speaker finishes his/her speech or sentences. He takes notes of the information that is conveyed to the audience. The interpreter does this by sitting close to the speaker and he has a pen and notebook to jot down the information. The beginnings of consecutive interpreting are associated to the League of Nations conferences, especially between the two World Wars, when meetings were held in French and consecutively interpreted in English (Taylor.B, 2000). It is one of the two modes used often in conference interpreting.

“Consecutive interpretation in which the interpreter waits until a complete thought has been spoken and then begins interpreting is the primary form used in medical situations” (Mikkelson, 1996). This clarifies that it is a type of language interpreting in which the interpreter speaks after the speaker has finished speaking an entire thought or sentence. It is often used in legal, business, and medical settings, where accuracy of the interpretation is essential. Consecutive interpreting requires the interpreter to have a great level of linguistic and cultural knowledge, as well as good memory and note-taking skills in order to accurately interpret the spoken words. The interpreter must also be able to quickly and accurately render the original message in the target language in order to provide a high-quality interpretation. The statements to be

interpreted can be as long as 20 minutes. As the capacity of the human memory is insufficient to provide a consecutive of longer statements, the interpreters make notes to support their memory and thus to facilitate the rendition in the target language (Albl-Mikasa and Kohn, 2002:257) so during consecutive interpreting, the interpreter listens to the speaker, takes notes, and then renders the message in the target language.

To ensure accuracy, the interpreter must be familiar with the cultural nuances and subtleties of the language, as well as the context in which the words are being spoken. Consecutive interpreting is often preferred in formal settings, such as courtrooms, business meetings, and medical appointments, as it allows for the most accurate interpretation of the speaker's words. It also ensures that the two parties involved in the conversation are both able to understand one another clearly. Consistently, interpreting studies have demonstrated that message accuracy is greatly improved by using consecutive interpretation. (Alexieva, 1991: Bruton, 1985: Cokely, 1992; Mikkelson, 1996). Many interpreters regard consecutive as the most difficult mode of interpreting because it is so challenging to retain all of these aspects of the source language message, particularly when a question or answer is very lengthy or is not entirely coherent (Mikkelson 1996). This explains that the most important part of true consecutive interpreting is note-taking. So, the interpreters do not have to rely only on their memory; they have to let their notes help them remember the right message they should deliver to the listener.

4.3 Whispering interpreting

Whispering interpreting is a unique way of interpreting that involves speaking in a soft, almost inaudible voice. It is used in settings where spoken language interpretation is not possible or not practical. For example, whispering interpreting might be used in a classroom setting or in a business meeting where it is important to keep confidential information from being overheard. The interpreter sits next to the listener and whispers in the ears of the person what's being said so no special equipment is required. The objective is to offer individualized support to a person inside a group without affecting the whole group. Whispering interpreters must have excellent listening skills, be able to quickly and accurately interpret complex content, and be able to whisper without disrupting the flow of the meeting or conversation. They must also be able to adjust their voice volume according to the environment, as well as their own comfort level.

However, it is important to remember that it is a highly specialized skill and should only be used when it is necessary and appropriate. It is important for interpreters to practice speaking

in a whisper whenever possible, as this will help them become more comfortable with the technique. In addition, interpreters should be aware of their own body language and the body language of the people they are interpreting for, as this can have an impact on the success of the interpretation.

4.4 Sight translation

“The term sight translation is defined as one of the basic modes of interpreting, more specifically a hybrid form” (Timarová et al. 2014), It is an important skill for any interpreter or translator. It involves taking a written document in one language and reading it aloud in another language. Sight translation requires a strong command of both languages, as well as the ability to quickly process written language and convert it into spoken language. It also requires the translator to understand the meaning of the text and how to convey it in the target language. It can be applied on such occasions when an interpreter each sight translates and listens to the speech. In order to prevent transliteration or literal translation, sight translation requires quick analysis of a text and rapid information exchange between languages, and techniques/approaches of public speaking.

Sight translation is used in courtrooms, medical settings, and other settings where verbal communication is necessary. In addition to being able to read a document aloud, translators must also have the ability to comprehend quickly the meaning and context of the document in order to accurately translate it in doing. Therefore, the interpreter is advised to store some chunks of information in his/her short-term memory. The interpreter needs to process the translation of the source text in his/her mind, while reading the source text this is often a difficult task, as the translator must be able to understand complex concepts and make sure the translation is accurate while at the same time being able to read the document quickly and fluently.

Candidates in this situation have five to ten minutes to translate the written text to a message. Then, while listening to the text through headphones, candidates are requested to present a sight interpretation of it. The speaker may occasionally deviate from the original text; therefore, candidates are asked to pay attention to what they are being said rather than just reading the piece.

Long and complex sentences require the interpreter to put a lot of effort into. The interpreter faces challenges and issues in source language reading and target language production due to the grammatical variations between the source and destination languages. Transliteration and

word for word translation must be avoided by the interpreter as the visual information may reduce the need for hearing and memory during sight translation but may also obtrude into the target language (Martin 1993). As a result, the process of sight translation will impact the flow and pace of reading, just as the speed at which a sight translator reads will affect the final product's correctness and precision.

When interpreters are called to vocally translate a document or written paper, it can happen in a variety of different contexts. For instance, interpreters may be requested to translate a legal document in a courtroom or a business document in a business meeting. When doing this kind of interpreting, the interpreters can request more time to review the document they are translating. Given that it can be done from anywhere, this kind of interpreting is highly helpful.

5 Court interpreting and legal translation

When translating legal texts from one language into another while maintaining the original meaning, this is known as "legal translation." This type of translation involves a process that takes legal context into account. Contracts, court and witness transcripts, depositions, confidentiality agreements, wills and trusts, complaints, policies, legal statements, licenses, litigation documents, arbitration translation, and legal disclaimers are just a few examples of the documentation that may be required.

6 The importance of legal translation

It is crucial to be able to rely on a trustworthy output when someone chooses a translator or translation service for a legal translation procedure. Inaccurate translations may result in legal repercussions. The rights of individuals may be directly impacted by poorly translated documents. It is essential that law firms have confidence that the outcome is correct and authentic to the source material. The translation team needs to be knowledgeable about the nation's economic and legal systems. Otherwise, false information could cause a significant misunderstanding. Working with translators who translate in their mother tongue is therefore always advised. When previously translated information needs to be updated, legal translation is often helpful. Two copies of the document, one with track changes and the other clean, are frequently sent to clients. The clients can then contrast it with the original translation and observe precisely what has change

7 Characteristics of legal translation

7.1 The nature of legal discourse

Prescriptive and descriptive texts, as well as hybrid texts that combine the two purposes, can all be classified as legal papers. The intended text has a bearing on the law. The purpose of a document is determined by the communication context rather than by the substance of the document itself.

7.2 system-bound discipline

The law is a synthesis of various systems that independently developed and were typically limited to national and linguistic borders (Groffier 1990: 314). Legal translators must locate culturally constrained terms' equivalents, especially those that refer to concepts, practices, institutions, and individuals. The growth of European and international law, on the other hand, gives some people the impression that the law will eventually become more standardized.

7.3 Fidelity

Achieving a similar impression on the target reader may warrant significant alterations to the original text in order to meet the aesthetic standards of the target legal culture, according to experts in legal translation. In this approach, the translator is a text producer as well as a multilingual typist. Loyalty must be to the uniform intent of the single instrument rather than to the original text. What the lawmaker or negotiators intended to express, for instance.

7.4 Ambiguity and interpretation

As politics, ethics, and metaphysics exist within the realm of rhetoric, the language of law is based on natural language. This leads to a great deal of ambiguity, which can make it difficult to understand legal content.



Chapter Two: Court Agents

Introduction

1. The court of justice

1.1 The History of Court

Courts have a long history and have contributed significantly to human culture. The courts had the authority to resolve issues, settle disputes, among other things. However, as society's demands changed throughout time, people also evolved and developed, particularly in structure, regulations, and terminology.

Firstly, the earliest court ever established dates back to 3000 B.C. It was a Pharaonic court presided over by Mina, the first ruler. The court was renowned for imposing severe penalties and frequently handled criminal and financial disputes.

Secondly, Hammurabi Code was established, it is a set of laws and regulations made up of 300 acts, is credited to the Babylonian courts in 1760 BC. Additionally, because judges were chosen by the king, they have the freedom to utilize their independence and carry out the law as they see proper. For instance, it is necessary to collect facts and produce proof for the purpose to identify a person innocent of an offence, according to (The Iraq Museum), its legal personnel handled a variety of issues involving criminal, civil, and family issues and made judgments in the Mesopotamian courts. It is important to note that the evolution of the Babylonian judiciary via cultural variety had an impact on how the legal system was expanded.

Thirdly, the Greek courts arose. The Greek courts were separated into sections according to the case, much like it is currently. The courts made up a complicated structure that included the judiciary and was responsible for resolving conflicts, settling disputes, and carrying out the law. But in fact, there were different courts for civil and criminal issues. Nomos, which translates to Law, is a collection of norms (rules), principles, and case law. It served as the basis for the courts. The judgment declared by the judges is final and after a long consideration by the jury, was selected (the jury) at random from a list of competent individuals.

Fourthly, during the fifth and fifteenth centuries, the king or a delegate had the power to rule over the king's court in Europe. These courts possess the jurisdiction to settle disputes and make judgments that would affect the whole nation. During that period, courts were set up in a system based on social position, power, and wealth. When it came to tight administration and excessive use of control, the social and political background was mirrored in the structure of power. The gravity of the penalty differs depending on social status, with the working and noble class

having distinct kinds of courts. Throughout the Renaissance, which lasted from the fourteenth to the seventeenth century, the system saw the development of the contemporary court. Judiciary had the role to establish laws and administer justice, enhancing their impartiality and reducing their partiality.

Fifthly, colonialism court systems were founded by European conquerors in the nineteenth century and remained in place till 1975 to enforce legislation and regulations, suppress indigenous resistance, and limit the freedoms of the colonized. To achieve the conquerors' goals and preserve their dominance over the lands they had seized, these systems were utilized as tools, (According to national geographic).

Lastly, mostly with the aid of experts and science, courts are becoming quite advanced in the middle of the nineteenth century, with many forms to handle diverse situations. For instance, criminal, transportation, and civil cases. International courts are judicial tribunals established to assist with solving conflicts between nations as well as between citizens and their governments. These tribunals are vital in fighting for human rights, justice, and the need for significant international law violators to be held accountable. Two famous instances of international tribunals are the International Criminal Court and the International Court of Justice.

1.2 The role of court

Law cannot function under the rule of biased courts. That refers to courts free from the influence of the dominant political elite. If the judge is impartial, you can be certain that the outcome of the proceeding is going to be determined by the law, the evidence, and the facts, not by the desires of varying ideological currents. When parties disagree, courts are needed to interpret as well as enforce the law. In this manner, courts convert the rules from text into a vital component of our daily lives. The law is put into effect by courts to the particular conflicts that are presented before them. They settle conflicts between people, businesses, and governmental entities. Courts have a tendency to defend governmental constraints. Every aspect of the governmental system is protected against using them illegally. Where the oppressed are safe from the oppressor and defend the rights of those powerless to speak out for themselves. They also represent the ideas of equity and justice. Everyone is welcome to access the courts and benefit from legal rights.

2. The definition of Law

Glanville Williams said, ' The meaning of the word law depends on the context in which that word is used".

According to Abdulfatah J. Bostanji (2010, 28), the term "law" was originally Scandinavian. It was borrowed from prehistoric Old Norse approximately 1000 A.D. and into Old English. This was taken from an old Icelandic term that meant "something laid or fixed."

"Law is a system of rules that are created and enforced through social or governmental institutions to regulate behavior. Law is a system that regulates and ensures that individuals or a community adhere to the will of the state... laws can be made by a collective legislature or by a single legislator." (Scholarly Community Encyclopedia website).

"The principles and regulations established in a community by some authority and applicable to its people, whether in the form of legislation or of custom and policies recognized and enforced by judicial decision." (dictionary.com, a website).

3. The interpreter

According to Hale, S. (2004, p2), To perform their duties effectively, professional interpreters must possess the necessary qualifications. Interpreters must first understand their duties as experts. They also include being to blame for the way they perform by being prepared to make well-informed decisions, that can be supported if necessary. As well as fully knowing that the selection of words, and tone of voice will always affect the interaction's course moving forward. Additionally, they need to learn about the legal setting in which they perform, including the significance of language in the court, its strategic use, the rules of evidence, which hinder certain actions, and other legal practices that are essential to the successful demonstration of a court case.

An interpreting expert, known as an interpreter, interprets oral communications from the source language into the target language in both directions. So, that a variety of individuals are able to comprehend the meaning and relate to it. Typically, interpreters are expert speakers of

the languages they interpret. Communicating with customers back and forth. Interpreters are capable of conveying feelings, objectives, and tone as they emerge during casual conversations. (indeed.com: website). The interpreter's duty is to use the language and cultural devices that enable each side to receive and comprehend the intended meaning. Whereas, a court interpreter, according to (H. Mikkelson), is an interpreter with an expertise who renders parties taking a part in court settings, with a precise and reliable interpretation of legal and other specialized terms from one language into another. She emphasizes the importance of having both language proficiency and specialized knowledge of legal terms (well-trained interpreters) as well as taking into consideration the cultural and contextual factors that may impact the intended meaning or the communication itself.

3.1 The court interpreter' role

As Mikkelson (2016, p2) stated, it is commonly recognized that the duty of the interpreters in a courtroom is to help facilitate communication between litigants and court parties aside from language barriers, from source language (the language of the original message) to target language (the language into which the message is interpreted). Interpreters work as languages ambassadors by connecting individuals together, who do not share the same language and culture, and are involved in legal proceedings. Their main role is accomplished by removing obstacles for effective communication and making sure that the client or potential client can do so and convey the message accurately. The interpreter is also viewed as an equalizer, putting litigants who do not speak the courtroom's legal language on an equal footing with those who do. (Administrative Office of the Courts, 2008).

As cited by (K. Nartowska, p10, p11) an argument was rises about the actual role of interpreters The duty of interpreters is to represent the speaker and set it accurately at the same position as someone understand and follow the proceeding in target language. Interpreters are “a linguistic conduit”, therefore, while interpreting, they should not add, delete, or clarify variations in cultures. On the other hand, interpreters should work as facilitators of communication who are able to convey the content and also the speaker's intent; however, in their view, interpreters in courts are not considered as "cultural experts." Because interpreting words to understand content is not enough.

Also, Horváth (2012, p 38, p 39) considers interpreters as mediators whose role is to ease communication between people from different linguistic and cultural backgrounds. This means they are neither the original sender nor the final recipient of the message. They are only

accountable for interpreting whatever was said from the source language (SL) into the target language (TL), which requires them to act as a channel by first receiving the message from the sender, then perceiving, comprehending, decoding, and encoding it before sending it to the recipient. They must always remember the fact that they do not participate in taking decisions because they lack the necessary requirement to do so. "They need to be aware that their role is to pass on the message smoothly which means facilitating communication." After all, the role of court interpreters is to make it possible for the judge and jury to respond to a foreign witness or the defendant by giving the opportunity to receive all that in the exact same way that a native witness or a defendant entitled to hear.

Interpreters are required to be ready to interpret precisely while correctly capturing the subtleties and formalities of a speech. The interpreter has to preserve the language register, style, tone, and intention of the speaker while faithfully interpreting the source language instead of modifying. The interpreter has to provide what may be considered the source message's "legal equivalent" (William E. Hewitt, 1995). To do so, court interpreters must possess a deeper understanding of both languages (SL and TL), legal terminology and procedures and excellent communication skills. Moreover, the awareness of the target culture the ability to transfer the emotions, register and the tone of the message to other individuals, good listening ability as well as, the skill to comprehend the message from the words, the capacity to store as many ideas as possible, the ability to think fast for the better equivalent in the other language and the ability to always maintain impartiality and confidentiality.

Interpreting is a complex process that requires a wide range of competencies and a rich vocabulary in all fields. The interpreter's duty is to deconstruct (decode) the received message to understand its intent, meaning and context, then reformulate it in a way that makes it suitable semantically and syntactically and gives an identical impact in the target language. By the end of the process, the interpreter delivers it to TL. At the same time, it is worth mentioning that interpreters do not find a direct equivalent most of the time in TL due to the variation of the languages, so the interpreters have to adapt to the situation.

As a conclusion to what was said earlier, interpreters must enable the accused party to be linguistically represented throughout all phases of the case, because the language of the courts is essentially unfamiliar to anybody who do not have a legal background. The interpreters should not omit unpleasant things, foul language, add or explain, (H. Mikkelson). Interpreters must act as a neutral intermediary who assists the listener in comprehending the message conveyed in an unfamiliar language. In doing so, the interpreter should aim to be transparent

and facilitate a complete understanding of the message for the listener, (Dr. Mohamed Koudded, 2016, p03).

3.2 The court interpreter requirements

In order to be a qualified interpreter, you are required as reported by **Nour El Houda ben chick (2016)**:

- a. To hold their rights and has never been convicted under ancient provision for a felony from any judicial court or a disciplinary decision against them because of disrespect to any party.
- b. To hold PhD of the required profession. It is rarely possible to accept who has not to do so in the case of proving their professional competency and their capacity of training to carry out translation work in the required profession.
- c. To have experience of the required profession with demarcation in a period not less than five years for a PhD holder as well as 10 years' experience for those who do not.
- d. Do not engage in any activity that is contrary to necessary independence to take on translation tasks.
- e. To not be less than 30 years old at the date of submission of demarcation demanded for the first time.
- f. Physically and mentally able to perform the tasks assigned to them.

(Cited from: Court Interpreting in Algeria: Reality and Perspectives Case Study: Ouargla Court of Appeal dissertation by Messaouda Belhachani, Roumaissa Barka, 2019, p26).

➤ While in **Algeria**, these are the requirements of court interpreters according to “The Ministry of Justice.”

3.1.1 النصوص القانونية المنظمة للمهنة:

المرسوم التنفيذي رقم 95-436 المؤرخ في 18 ديسمبر سنة 1995 المحدد لشروط الالتحاق بمهنة المترجم – الترجمان الرسمي، وممارستها، ونظامها الانضباطي، وقواعد تنظيم المهنة وسير أجهزتها.

3.1.2 شروط الالتحاق بمهنة المترجم – الترجمان الرسمي:

يكون الالتحاق بمهنة المترجم – الترجمان الرسمي عن طريق مسابقة تحدد كفاءات تنظيمها وإجرائها بقرار من وزير العدل بناء على اقتراح من الغرفة الوطنية للمترجمين – الترجمة الرسميين.

3.1.3 يشترط للالتحاق بمهنة المترجم – الترجمان الرسمي استيفاء الشروط الآتية:

أ. التمتع بالجنسية الجزائرية،

- ب. بلوغ سن 25 سنة على الأقل،
- ت. التمتع بالحقوق المدنية والسياسية، وأن لا يكون قد حكم عليه بعقوبة جنائية أو جنحة مخلة بالشرف،
- ث. حيازة دبلوم في الترجمة من معهد الترجمة أو شهادة معادلة له،
- ج. خبرة في مهنة المترجم – المترجم الرسمي لمدة لا تقل عن خمس سنوات على مستوى مصلحة الترجمة لدى جهة قضائية أو إدارة أو هيئة أو مؤسسة عمومية أو خاصة أو منظمة أو مكتب عمومي للترجمة الرسمية أو مكتب أجنبي للترجمة،
- ح. التوفر على إقامة مهنية،
- خ. النجاح في المسابقة الخاصة بممارسة مهنة المترجم – المترجم الرسمي.
- _ يتم تعيين المترجم – المترجم الرسمي بموجب قرار من وزير العدل، حافظ الأختام.
- _ يؤدي المترجم – المترجم الرسمي قبل أداء مهنته اليمين القانونية أمام المجلس القضائي لمحل إقامته المهنية

3.2.1 Legal Texts Governing the Profession

Executive Decree No. 96-291, dated September 2, 1996, sets forth the regulations for the conditions of admission to the profession of auctioneer and the practice thereof, as well as its disciplinary system and the rules governing the organization and functioning of the profession.

3.2.2 Conditions for Admission to the Profession of Translator - Official Interpreter

Admission to the profession of translator - official interpreter is contingent upon participation in a competition, the organization and procedures of which are determined by a decision of the Minister of Justice, upon the recommendation of the National Chamber of Translators - Official Translations.

3.2.3 The following conditions must be fulfilled for admission to the profession of the translator - official interpreter

- a. Possession of Algerian citizenship,
- b. Attainment of at least 25 years of age,
- c. Enjoyment of civil and political rights, with no prior conviction for a felony or
- d. misdemeanour that impairs honour,
- e. Possession of a diploma in translation from an Institute of Translation or an equivalent certification,
- f. Experience in the profession of translator - official interpreter for a minimum period of five years within a judicial, administrative, regulatory, public or private institution, organization, or a recognized foreign translation office,
- g. Holding a professional residence,

h. Successful completion of the competition for the practice of the profession of translator - official interpreter.

_ The appointment of the translator - official interpreter is made by a decision of the Minister of Justice, who holds the position of Keeper of the Seals.

_ Prior to commencing their professional duties, the translator - official interpreter is required to take the legal oath before the Judicial Council in their professional place of residence.

3.3 Challenges Faced by Courtroom Interpreters

These are some of the difficulties that court interpreters encounter while serving their duties in court interpreting, according to (Professional ethics and the role of the court interpreter, p1-p19).

(Our translation)

3.3.1 Language challenges

Language turns into a hurdle when the accuser or eyewitness speaks in the absence of any help from legal court interpreters. These are some of the challenges court interpreters faces:

3.3.1.1 Keeping the level of language register

Interpreters face countless challenges every single time in court interpreting, according to E. Grant and D. Wang (Vol. 7, D. Wang, Vol. 7, p. 53). Normally, the courtroom language varies between formal and informal (Hale, 2007a, p. 66), and due to that, interpreters cannot maintain the level of language register. If the interpreters, in the course of interpreting, should never distort or modify the language register of the message to make it more simple or understandable for the witness's or defendant's sake.

For example, if an attorney asks, "When you were traversing the paved portion of the roadway, what did you visually observe?" an interpreter must not render, "What did you see when you crossed the street?" (H, Mikkelson). It is not the interpreter's job to speak up for the eyewitness or the defendant; if s/he does not understand, then court interpreters must not respond by speaking at their level or interrupting to suggest that you do not think the eyewitness can understand the question. (It is possible that the lawyer intentionally misled the eyewitness through the use of terms in a high register that the witness would not understand.) When analyzing a witness' evidence in front of a jury, it's vital to keep in mind the fact that jurors will make assumptions about the eyewitness' complexity and intellectual ability depending on the eyewitness' choices of words, manner, language...etc, to assess the eyewitness' credibility.

In the end, the interpreter's role is only to put the non-language speaker "in the same shoes" (on equal footing") as a language speaker. "Court interpreters must capture all the nuances of the original text and faithfully reflect them in the target text, conveying not only content but also style." (Lynn E.G., Danny W., Vol. 7, 2015, p. 58)

3.3.1.2 Challenges in interpreting legal terminology

Another obstacle court interpreters face during interpreting is legal terminology. Even court interpreters who get training, whether in universities or specialized institutions, still struggle to understand and translate legal terminologies accurately. This problem continues to exist. As a result, court interpreters find legal phrases difficult and challenging since they vary significantly from normal English. To resolve this issue, it is advisable that interpreters undergo continual professional training to stay current with new legal terminology and manage issues of this nature in the future (E. Grant, D. Wang, Vol. 7, p. 53).

3.3.1.3 The challenge of choosing words

The legal impact of the phrases "robbed" and "burglarized" must be maintained by accurately interpreting them into the equivalent legal word in the target language. This is because they have different legal meanings. Therefore, interpreters need to be accurate in selecting terminologies in the target language to ensure that they correctly and precisely convey the intent of the source language.

3.3.1.4 Lexical gaps challenges

Lexical gaps occur when there is a lack of lexicalization detected in the target language during translation (Cvilikait, 2006, p. 2). However, Bentivogli et al. (2000) and Hutchins and Somers (1992) stated that a notion in a language can be expressed by a lexical unit, while other languages may use a collection of words to express the same notion (Bentivogli, p. 2). This would place an extra burden on the court interpreters, which leads them to use other strategies to overcome this problem, like paraphrasing, simplification, clarification...etc. For example:

1. Arabic has over 300 vocabularies that express the position of the lion.
2. English does not have a word for the *sobremesa* (a Spanish word).

3.3.1.5 Challenges in interpreting terminology in other domains

When interpreting in court, cross-cultural differences might cause misinterpretations if both parties do not have enough knowledge about these differences. Therefore, in order to solve this issue, the interpreters must inform the court when it happens so that they can take the necessary measures and pay close attention to the interpreted meaning before accusing anyone (The Judicial Council on Cultural Diversity, 2017). The interpreter must be aware of the differences between cultures and legal terminologies and find the closest natural meaning in the target language. (The equivalent) in order to fulfill their duty. (Al-Tenaijy, 2015).

3.3.2 Challenges in interpreting in cultural differences

When interpreting in court, cross-cultural differences might cause misinterpretations if both parties do not have enough knowledge about these differences. Therefore, in order to solve this issue, the interpreters must inform the court when it happens so that it takes the necessary measures and pay close attention to the interpreted meaning before accusing anybody (The Judicial Council on Cultural Diversity, 2017). The Interpreter must be aware of the differences between cultures, legal terminologies, and finding the closes natural meaning in the target language. (The equivalent), in order to fulfill their duty. (Al-Tenaijy, 2015).

3.3.2.1 Challenges in interpreting idioms and proverbs

Idioms counted as essential part of every language culture, Boers (2008). Linguistically, idioms are fixed terms with arbitrary meanings that are often used figuratively in language, like "carrot and stick". While proverbs are a brief statement that offers guidance or conveys some universal truth and are often well known by many people for a long period.

For example: "Time is money", (Cambridge Dictionary).

Each language has its own idioms and proverbs that non-language speakers may find difficult to understand. On the other hand, interpreters should possess an extensive and wide knowledge to be able to find the accurate equivalent in the target language, because this is not translating words but meaning.

3.3.2.2 Obscenities in court interpreting

"Behavior or language that is offensive, rude, or disgusting", (Cambridge dictionary). In order to preserve the source message, interpreters have to interpret "obscenities, foul language" precisely as they heard it, with no editing or omitting. Interpreting obscenities is considered as

a challenge for interpreters, culturally. Hence, because the literal translation will have no meaning, interpreters should look for an equivalent term in target language to generate the same reaction from the listeners of the source language.

3.3.2.3 Challenges in interpreting dialects

Sometimes well-trained interpreters find it hard to interpret dialects. Dialects are a variety of languages that are unique to a specific region or group. The witness/defendant does not usually use standard language when speaking in the courtroom. They regularly mix it with their dialects, which increases the extent of misunderstanding and misinterpretation by court interpreters. In addition, terms or words that may have no equivalent in the target language may be used. If the interpreter faces such a problem, s/he must either look for an equivalent in the target language, explain it or simplify it as much as possible to make it easier for him/her to convey the intended meaning without any disruption to the structure of the language.

3.3.3 Challenge of interpreting Fragmentary Statements

Court interpreters Struggle sometimes. On one hand, interpreting incoherent and unreasonable testimonies. Because witnesses think that everyone now knows the facts, as a result of a repetition (e.g., "I went to the... you know... and there was... it was there."). Which compelled the court interpreters to convey the same fragmented message as the original, without adding any further details to make it clearer. On the other hand, interpreting for highly active person or a mentally ill is a challenge. In case the testimony is unclear, interpreters shall inform the judge that it needs more explication before interpreting. Interpreters should not edit, omit or add to what the witness or defendant claimed.

3.3.4 Lack of Preparation Materials

Interpreters normally need to be familiar with the subject of the trial before the scheduled session, because this allows them to be well prepared and able to face what might come later. Being aware of the topic is necessary to give interpreters the required confidence to perform their duty accurately. However, given the position of the court and the confidentiality of the trial files, its information may be kept and not shared with anyone, in order to protect the parties involved in. Due to this problem, interpreters may start to improvise while interpreting, which affects the translation. Especially that the judge and the attorney usually use a high and formal

register that need not only concentration but also background information about the judicial hearing.

3.3.5 Dealing with ethical dilemma

Interpreters encounter all kinds of challenges. One of the important worldwide problems that courts are faced with is dealing with ethical dilemmas. Ethics refers to the principles that should shape how people act, typically in terms of rights, responsibilities, justice, and a particular virtue. Meaning, Nature, and Scope of Ethics (Dr Satish.k.S., p. 2)

In the course of interpreting for individuals, feelings, emotions, and interests may get in the way of interpreting, which raises questions about the direction of the interpreted messages. Ethics are a vital key that all translators and interpreters should take for granted. It is necessary for interpreters to continue to be ethical in their work and not let the environment affect them in any way.

3.3.5.1 Gratuities

Interpreters should gently inform anybody who offers them a present that they serve as employees of the court, and it is illegal to accept presents or compensation. If ever offered, gifts of any type should never be accepted by people for whom an interpreter has provided services.

3.3.5.2 Conflicts Of Interest challenge

If the interpreters are aware of or associated with another party involved in the trial, or if the interpreter has a hand in how the trial turns out, there may be a conflict of interest. Additionally, interpreters should not act in a way that suggests unequal treatment, subjectiveness, or partiality. To avoid that, the court interpreter should let the judge know. Conflicts of interest arise from any situation that prevents an interpreter from being objective.

3.3.5.3 Clarifications, Editing and omit

Since others are relying on court interpreters to understand what is being said, they are facing an immense burden. As a result, a trusting connection exists and should be maintained regardless of circumstances. Therefore, court interpreters are obliged to never edit, omit, or change what is said. Interpreters are not able to speak with the witness or defendant for clarification. If the speaker cannot understand what was said, it is significantly important to

inform the court and ask for permission. To avoid any kind of unnecessary suspicion. The same thing goes for the lawyers; do not address them; everything must go through the judge.

For example:

If the witness uses the Spanish term "pie" (foot) to mean the entire leg, as is common among rural Latin Americans, the interpreters may step out and say, "Your Honor, the interpreter would like to clarify that it is common in some segments of the Spanish-speaking population to use the word 'foot' to designate the entire leg." Interpreters are not permitted to add, explain, omit, or clarify anything that they believe may be unclear due to the use of ambiguous terminology. Such as (Um... As...), since it is a part of the style of speech and contributes to an individual's trustworthiness. Interpret the way it was spoken precisely (H. Mikklson). An interruption is required only if the conversation is failing and interpreters are able to handle the problem due to their experience. Bear in mind that interpreters do not serve as experts in fields other than interpreting.

3.4 Ethics of the court interpreter: (ibid) She also pointed out to the significance of ethics for court interpreters "court interpreters must adhere to strict codes that guide their behavior in court."

3.4.1 Confidentiality: Court interpreters pledge not to disclose anything about the confidential discussions or communications and to keep any sort of information protected, whether important or not. Unless permitted by the Court or by law. To protect the parties who are involved.

3.4.2 Accuracy and competence: A non-language speaker's words must be accurately interpreted by the interpreter without any additions or deletions. It is vital to keep in mind that the judge and/or jury will base their decisions concerning the integrity of the eyewitnesses from the testimony only on the interpreter's interpretation of the testimony. This requires a greater awareness of both the SL and the TL as well as the culture. "In Virginia, for example, a legal interpreter interpreted for a police officer in investigating a suspect yet neglected to convey that the defendant demanded for a lawyer to the investigator. Because of this, the investigation and subsequent confessions were never presented in court.

3.4.3 Impartiality: The process of interpreting requires interpreters to maintain impartiality. They cannot convey their own views and must instead be neutral and objective. Additionally, they should abstain from engaging in any conversations with the court's parties that could influence or change the direction of the proceedings. Furthermore, a dual-licensed lawyer and interpreter cannot work on the same case.

According to "Code of Professional responsibilities for Interpreters in The Missouri Court System", these are the following are circumstances that are presumed to create actual or apparent conflicts of interest for interpreters where interpreters should not serve:

- a. The interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceedings;
- b. The interpreter has served in an investigative capacity for any party involved in the case;
- c. The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;
- d. The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that would be affected by the outcome of the case;
- e. The interpreter has been involved in the choice of counsel or law firm for that case.

3.4.4 Professionalism: Court interpreters have a duty to conduct professionally in a way that reflects the honor and dignity of the Court. They must also maintain an attitude of professionalism during the proceedings and try to be invisible as much as possible

3.4.5 Representation of qualifications: Practicing ethical standards in the interpreting requires accuracy in the representation of an interpreter's qualifications, competences, certification, accreditation, training, education, and relevant experiences.

3.4.6 Restriction of public comment: Anything that has been seen or talked about in a Court setting, interpreters are not permitted to disclose, report it, share, or express an opinion on, even if it appears minor.

3.4.7 Scope of practice: Interpreters shall restrict into interpretation only. Also, as cannot offer legal assistance or participate in any other activity that may be regarded as providing a service other than interpretation while performing as an interpreter. This assures that the interpreters have no impact on the interpretation's conclusion.

3.4.8 Assessing and reporting inability to perform: Interpreters shall continuously make sure that they have the ability to fulfil their duty. Disqualification is a serious matter that should be approached cautiously. So, Interpreters who are not sure of their linguistic proficiency to interpret accurately. Such as in case the assigned eyewitness speaks a dialect, and the interpreter realizes that s/he is not familiar with it. Only then, the Court must be notified. Therefore, Interpreters need to be certain that they possess a firm understanding of each element of their assigned languages before providing their assistance as legal interpreters.

3.4.9 Duty to report ethical violations: Interpreters are obligated to maintain the highest level of ethical and professionalism behavior and they must report any violation. For example: gifts, gratitude...

3.4.10 Professional development: Self-improvement is an important part of an interpreter's career. Since human language is constantly evolving, it is critical for court interpreters to be up to date on the most recent changes in terminology. Furthermore, interpreting abilities must be continuously improved. By constantly sharpening their abilities and competence, as well as extending the profession by various courses. As a result, continuous education is an important aspect of the interpreter's job duties and contributes to the growth and success of the translation and interpretation field.

3.5 Court interpreters' skills

Interpreters in general should possess a high level of proficiency, must be fluent and experts in their spoken languages (both SL and TL), so they can have the necessary skills to carry out their duties accurately, they also need to have Profound knowledge of different subject matter. While court interpreters are masterful language professionals. Interpreters are not the producers

of the message, but who convey the words of the speaker in the target language. they need to understand it first, quickly find the equivalent in the other language and adapt the message as well the style to it. Bear in mind, that not everybody who understands both languages will be able to interpret.

Court interpreters will face a variety of eyewitnesses/defendants and different kinds of subjects to interpret in the courtroom "testimony of handwriting, ballistics, fingerprint, chemical, DNA, and drug experts, criminal trial, sophisticated legal arguments, religion, idioms, various dialects". Therefore, they are expected to have a vast passive and active vocabulary and great knowledge to overcome these obstacles.

4. The Judge

The judge wears a black robe in many courts. The judge's usually sitting at the front of the courtroom, presiding over trials from a desk called a bench on an elevated platform. The judge's name appears regularly on a sign next to the bench. The judge is responsible for five fundamental tasks. The first thing is to hold the proceedings and make sure it is still in order. The second thing is to rule on whether any evidence that the parties want to use is unlawful or improper. The judge shall also give instructions to the jury on the laws and standards that must be followed in reaching a decision, before it begins its deliberations with regard to the facts of the case. Fourthly, the judge must also be able to assess the facts and make decisions in a bench trial. The fifth thing is to send a guilty defendant to jail.

5. The lawyer

The lawyer is also called an attorney. They are the lawyers who represent people accused of crimes. The lawyers for each party will either be sitting at the counsel tables facing the bench or be speaking to the judge, a witness, or the jury, (fnd.uscourts.gov). Each lawyer is responsible for producing the facts that put his client's case in the clearest possible light but using approved procedures to do so. In criminal cases, one of the lawyers works for the executive branch of the government, which prosecutes cases on behalf of society. It is extremely rare for defendants in criminal proceedings or parties to civil proceedings to present their cases alone without the use of a lawyer.

You are not going to need a lawyer to go to court. When a lawyer speaks with someone who has come to court, they mean that the attorney represents them. Every attorney represents just

one person in court. Therefore, more than one lawyer may be present at court if there are many people involved in a dispute. Everybody has got lawyers, and children as well! In court, lawyers tend to sit next to the person who is representing them.

6. The Witnesses

Witnesses give testimony on the facts at issue in this case. They are sitting on the witness stand, facing the court, during their testimony. In the case of witnesses who are called to testify by either party, it is generally referred to as a plaintiff's witness, government witness or defense witness. Witnesses may sit down, but the tiny part where they are required to take their seats while giving evidence remains called a witness's stand. Once called to give evidence, defendants may not depart the witness box until instructed or permitted by a judge. It's called 'stepping down' when you leave the witness stand, even if it's not elevated.

7. Suspect

Anyone suspected of committing a crime is considered a suspect. These requirements require the existence of evidence giving rise to a so-called initial suspicion. For example, if a report is made to the police, such a suspicion may arise. He will be called an accused if the authorities start investigating the suspect. That difference is important, because the defendant has some rights and obligations. An example: the suspect must be aware of his rights. The accused becomes a defendant if the main proceedings are opened upon completion of the investigation.

Chapter Three:
Legal Language and Language Register

Introduction

1. The definition of legal jargon

Argot, dialect, register, style, and even being treated as a distinctive language, given several labels used to describe legal language. Yet, the more accurate description for legal jargon is "sublanguage". Which is a newly coined concept that represents a specialized type of language with independent grammatical rules, a restricted scope of subject matter, and precise lexical and syntactic structures. Furthermore, semantic constraints frequently utilize technical terminology (القضاء/ court) (المحاكمة/court). Legal jargon is an uncommon language with various characteristics and styles.

The process of interpretation is made more difficult by the intricate nature of the two languages' distinct judicial systems and by the numerous variations in culture. Finding linguistic counterparts for complicated legal terms, syntactic structures, and jargon that is quite complicated and not necessarily understood are just a few of the challenges that might occur throughout the course of interpretation (M. Al-Tenaijy, p. 45). Latin phrases, for instance "in camera means in private", archaic expressions "witnesseth means witnesses", taboo words, and long and complex sentence structures, to cover the demands of the law, are one of the most difficult types of specialized languages due to their specificities, unlike the regular language. O'Barr (1982) and Danet (1980) identified it by technical terms, common words having obscure meanings, words with Latin, French, or Old English origins, high percentage of polysyllabic words, unusual prepositional phrases, paired and redundant words, formality, vagueness, and over-precise, Mozah Al-Tenaijy (2015, p. 33).

Adopted by legal professionals such as judges, lawyers, and legislators in their regular duties to issue legal paperwork, discuss legal issues, interpret regulations and legislation, and act on legal choices, Tiersma (1999, p. 142). Legal language is usually the fruit of its legal system, culture, and history, resulting in differences between countries. Furthermore, the language used in legal context is characterized by its accuracy, difficulty, complexity (complicated domain language with multiple meanings), and formality, which have advanced throughout the years and can only be utilized by skilled professionals, creating challenges for the layman to understand. For example, the distinction found in Islamic law The rules and procedures that govern various aspects of people's lives in Medal East are interpreted from the holy Quran and the teachings of the Prophet Muhammad, and they encompass things like contracts, inheritance, and criminal law, Myrteza MURIÇI (2017, Vol. 4, p. 66, 67).

2. The Main Characteristics of Legal Language

The terminology used by those involved in the legal profession, such as lawyers and other legal professionals, is known as legalese. The use of legal language is now a universal phenomenon, much like the English language. It has a number of peculiar elements connected to terminology, punctuation, linguistic structure, and linguistic norms. Legal language has several issues because of its extensive lexicon, including "ambiguity," "multiple meaning," and "doubtfulness in its contents," among others. However, throughout their job, legal professionals use terminology that is simple and clear.

2.1 Use of Foreign Words/Maxims

For several centuries after the Norman Invasion, when almost all writing was done in French or Latin, Latin and French influenced legal English throughout history. The development of legal English is closely connected with the history of Great Britain and the legal tradition of which is based on common law.

Exsample:

- a. **Ex post facto (Latin):** By a subsequent act. It describes any legal act, such as a statute, that has retrospective effect.
- b. **Travaux préparatoires (French):** preparatory works that provide a background to the enactment of legislation.

2.2 Synonymy

There are many synonyms in English because of the French and Latin influences. Many synonyms that coexisted were derived from at least three different lexical sources. Legal writing is made more difficult by the existence of numerous synonyms for the following instances provided by Haigh illustrate the same legal concept: Assign – transfer; Breach – violation; Clause – provision – paragraph – article; Contract – agreement; Default – failure; Lessee – tenant; Promise – assurance – undertaking; Void – invalid – ineffective.

2.3 Use of Archaic words

Old or archaic words are used less frequently than other terms, therefore over time they become obscure. Old terms are frequently employed in legal English to prevent the repetition

of names or phrases. Instead of the parties to this contract, use the parties hereto. A lengthy list of such terms can be found in legal terminology:

- a. **Hereby** means ‘by this means, as a result of this’. For example, ‘the parties hereby declare’.
- b. **Thereby** means ‘by that means; as a result of that’. For example, ‘the parties thereby agree’.

2.4 Circumlocution

The term circumlocution is derived from the Latin words *circum*, meaning "circle," and "loqui", meaning "to speak." Thus, circumlocution—a crucial aspect of language used in law—means, "talking around." Here, one utilizes many words to communicate a notion that could have been expressed more effectively with fewer words. The use of circumlocution in legal jargon is extensive. Although there are analogues to this phrase in contemporary English, legal drafters have chosen to stick with the old custom in order to preserve legalism. Here are a few instances of circumlocution:

Circumlocuted Expression	Modern Equivalent
Adequate number of	enough
At the time when	Then
At that particular time	When
At a later date	Later
As a consequence of	because
During such time as	While
For the duration of	During
In the event that	If
In close proximity to	Near
Similar to	like
The reason being that	because
Until such time as	until

2.5 Punctuation

Punctuation is not used enough. We can clearly see the glaring lack of punctuation, especially in conveyances and deeds. Legal professionals once held the common belief that only the words

used, and their context, could convey the content of a legal document. Punctuation is employed to make sentences in contemporary legal writing clearer in meaning.

2.6 Use of Modifiers

The modifiers employed in legal documents, such as the same, the stated, the abovementioned, the cited, etc., are fascinating since they are typically used as adjectives to describe the nouns rather than to replace them. As John Smith said.

2.7 Reciprocal words

The use of alternate endings in various terms and titles in legal English, such as employer and employee, addresser and addressee, lessor and lessee, indicates the reciprocal and opposite character of the connection.

2.8 Phrasal verbs

These are frequently used in a vaguely technical context. Contracts are signed, deposits are made, parties are served, debts are written off, and so on.

2.9 Ordinary words with special meanings

The everyday terms we use in everyday speech are given unique meanings in legal English. For instance, the term "consideration" refers to an act of forbearance or commitment by one party to a contract that serves as the price in exchange for the other party's promise as used in legal English to refer to contracts (Oxford Dictionary of Law).

2.10 Sentence length

The most noticeable syntactic qualities are the length and complexity of sentences. The movement for plain English contested the structural complexity of legal writing and investigated options for sentence-lengthening. Every section of a legal document used to be composed of a single sentence in the past, which has led to the development of specific sentence structures. There was a lot of information in the sentences, a lot of repetition, extensive noun phrases with plenty of variations, strange word ordering, prepositional phrases, and coordinate and subordinate clauses. Lawyers are therefore recommended to gauge the length of their sentences, eliminate pointless words and sentences, or even eliminate redundant words and phrases. Only phrases that lend credence to the text's arguments should be used in sentences.

2.11 Nominalization

The words to offer consideration instead of to consider, to be in opposition instead of to oppose, to be in contravention instead of to contravene, and to be in agreement instead of to agree are all examples of nouns that are frequently employed in place of verbs, but it is difficult to end nominalization because lawyers do not say, "To arbitrate, but to go on arbitration, because arbitration is a legally defined procedure and should be treated as such."

2.12 Impersonal style

Lawyers frequently employ aspects that minimize the agent's identity while highlighting the action, depending on whose party they are representing. This is a matter of strategy that hinders comprehension as a result. An extremely impersonal writing style is characterized by the passive voice and odd pronoun usage. Although passive voice is a natural part of the legal language, it is overused in many kinds of legal writing. Laws and court rulings typically contain a verb in the passive tense, especially when an obligation or condition is imposed. This is because legal drafters automatically keep to it. They have a tendency to give the idea that these laws are unbreakable since they take place independently of human agents.

2.13 Capitalization

The use of capital letters is prevalent and prominent in legal terminology. A notable example of the use of capital letters is in Our Preamble (The Preamble of the Indian Constitution)

2.14 Doublets and Triplets

During the Medieval period lawyers used a mixture of Latin, French and English. The usage of pairs of words from different languages led to the emergence of mixed language doublets in legal language. Among the examples of mixed language doublets are:

“Lands and tenements” (English/French)

“Breaking and entering” (English/French)

3. The Arabic legal jargon

Islamic law and Roman, or common, law are the two fundamental origins that define Arabic legal terminology. The Holy Quran (the holy book for Muslims) and the Sunna are sources of Islamic law, or sharia, as it is called (the legal system of Islamic countries). The Roman, or Common Law, extended in recent centuries, which affected the Arabic legal language. Therefore, new terminologies and regulations, like in French and English, were established based on the Latin languages. As a result, the wave of colonization that several Western Arab nations, like Algeria, Tunisia, and Morocco, witnessed, led by European powers, especially France, had an immense effect on the evolution of legal terminology and language. The "Napoleonic Code" had a significant influence on the development of new legal jargon.

As an example, Algeria is one of the countries that served as a great source of legal inspiration. Therefore, the Algerian legal language extensively drew upon the French legal language and terminology that evolved in Algeria. (As cited in the dissertation under the title Translation of Archaic Adverbs in Legal Documents from English into Arabic Case Study: Resolutions of the General Assembly of the United Nations, p18, p19). For Arabic court interpreters, the Arabic language revealed a barrier. Since Arabic people rely on both forms of the same language in their speech communities, the language's "diglossic" character contributes to this difficulty. One type is quite formal and is referred to as "Modern Standard Arabic." It is largely standardized. The second kind is referred to as "dialectal Arabic" and is more casual. Typically spoken and not written, these issues are brought on by the considerable differences in pronunciation and vocabulary among dialects.

4. Features of Arabic Legal language

Same as to all legal languages, one of the characteristics that set Arabic legal language apart from other legal languages is its complex structure.

4.1 Lexical Features

4.1.1 Formality

It is mandatory that legal terminology remain official at all times. For this reason, legal documentation is frequently written in Modern Standard Arabic, a formal, standardized form of Arabic that is utilized in official contexts including courts, government records, and official communication. Drafting in a formal tone makes legal documents concise, accurate, and

ambiguity-free. Additionally, it is crucial to refrain from using slang or informal phrases and adhere to the formal structure and technical terminologies common in Arabic legal jargon.

The use of honorific titles to address parties in a legal setting is an illustration of formality in Arabic legal language. For instance, in certain Arab nations, attorneys are referred to as "Your Excellency" (سعادة المحامي) whereas judges are addressed as "Your Honor" (سيادة القاضي). In order to express respect and recognize the authority and position of the person being addressed. As Lataiwish puts it (1995:256)

-Another example that demonstrate the formality of the legal language of Arabic is taken from "The Pact of the League of Arab States –II":

His Excellency the President of the Syrian Republic

حضرة صاحب الفخامة رئيس الجمهورية السورية

His Royal Highness the Emir of Transjordan.

حضرة صاحب السمو الملكي امير شرق الاردن

His Royal Highness the Emir of Transjordan.

حضرة صاحب الجلالة ملك العراق

(Mansoor, 1965a, 1)

It's worth mentioning that the titles were initiated by the word (حضرة) which is redundant in ST (Arabic), hence was omitted in TT (English). (LEXICAL AND SYNTAX FEATURES OF ENGLISH AND ARABIC LEGAL DISCOURSE: A COMPARATIVE STUDY, Hanem El-Farahaty, p66)

- "تقع على عاتق الحكومة مسؤولية حماية حقوق المواطنين وتوفير الخدمات العامة المناسبة لهم وفقاً للقانون"
- "It is the responsibility of the government to protect the rights of citizens and provide them with suitable public services in accordance with the law."

As follows the use of formal language and technical terms in the sentence, as "الحكومة" (the government), "مسؤولية" (responsibility), "حماية" (protection), and "القانون" (the law), which are commonly used in Arabic legal language.

4.1.2 Gender Biased Terms

As Mona baker stated (In Other Word, p92), Arabic legal documents frequently refer to people in general -including women- using masculine pronouns and nouns "gender distinctions

are reflected in nouns and pronouns but also in the concord between these and their accompanying verbs and adjectives". Regardless of if the documents are an official or a local one, the Arabic language has a tendency for using terms that are masculine, for example: (المستأجر و المتعاقد والمؤجر) ... The lessee, the contractor and the lessor.

In another example by Hatim, Shunnaq and Buckley (1995, 174-175) show that (المتعاقد) was denoting to a masculine party rather than female one.

- يباشر المتعاقد واجبات وظيفية سكرتير لغات اجنبية في مقر الوزارة او فروعها

The contracted party shall carry out the duties of Foreign Languages Assistant in the headquarters or the branches of the Ministry. (**Employment Contract**).

_Similarly, this can be heard in court, one cannot identify the gender.

4.1.3 Archaic terms

Archaic terms are old words and expressions that were commonly used in classic Arabic, called "**routines**" by Hatim and Mason (1997:190), and "**the frozen patterns of language**" by Baker. M (1992:63).

For instance:

The legal guardian...الولي

The legally capable...المعتبرة شرعا

4.2 Syntactic Features

4.2.1 Nominalization

Nominalization is used highly frequently in legal Arabic language such as:

- "تؤكد الدستورية الحقوقية للإنسان وتحفظها وتضمن تطبيقها دون تمييز"

- "The Constitution affirms human rights, safeguards them, and ensures their application without discrimination."

Another example is taken from The Arab Solidarity Accordance I:

- The Governments of the Hashemite Kingdom of Jordan ... **being aware of ...in response to ...in their appreciation of ... and a contribution to...** and **in their desire to conclude an agreement for the promotion of** cooperation and **coordination** of efforts for the fulfillment of these objectives. (Mansoor, 1965b:19).

- ان حكومات المملكة الاردنية الهاشمية... ادراكا... و استجابة... و تقديرا... و اسهاما... و رغبة منها في عقد اتفاقية لتقوية التعاون و تنسيق الجهود في سبيل هذه الغايات.

(Mansoor, 1965b:19).

4.2.2 Passivation

Legal Arabic language has a tendency to use active rather than passive as Rosenhouse (1988: 92) said "Arabic is known to avoid passive verb forms and not to favour much use of them in its sentences". But all is started to be changing recently, as an example:

- يفسخ هذا العقد فوراً وتلقائياً و بدون تنبيه او انذار في حالة...

(*Tenancy Agreement, article 12*)

- This contract shall be terminated **immediately** and automatically and without **any prior notice** in the event of...

4.2.3 Model

They are frequently used to convey specific legal actions or obligations in contracts and legal documents. Most used model verbs are: ...على... لا يجوز... يجوز... , in English are: Shall, must...

Quoted from the Egyptian Labour Law:

- لا يجوز تعليق الاخطار بالإنهاء على شرط واقف او فاسخ

(Article 115)

- The notification terminating the contract **shall not** be made contingent on an abrogating or suspending condition.

4.2.4 Complex Sentence Structure

Arabic demonstrates the complexity, and the tendency to use long sentences, making it challenging to understand where one sentence ends, and another begins. The legal language is no exception, the lack of using punctuation marks, unlike English. It is worth mentioning that Arabic does use (و = And), and use embedded and relative phrases that begin with the relative pronouns (الذي, التي, who, whom, which, that...). (Bouhafs, 2019).

The Constitution of the People's Democratic Republic of Algeria as an example:

- اذا ارتأى المجلس الدستوري ان مشروع اي تعديل دستوري لا يمس البتة المبادئ العامة التي تحكم المجتمع الجزائري، و حقوق الإنسان و المواطن و حريتهما، ولا يمس بأية كيفية التوازنات الاساسية للسلطات و المؤسسات الدستورية، و علل رأيه، أمكن رئيس الجمهورية ان يصدر القانون الذي يتضمن التعديل الدستوري مباشرة دون ان يعرضه على الاستفتاء الشعبي، متى احرز ثلاثة ارباع (4/3) اصوات اعضاء غرفتي البرلمان.

- **When** the Constitutional Council considers that the draft constitutional revision does not infringe, at all, upon **the general principles governing** the Algerian society, the human and citizen's rights

and liberties, or does not affect, in any way, the fundamental balance of powers and of institutions, the President of the Republic may promulgate, directly, **the law pertaining** to constitutional revision without submitting it to people's referendum if it obtains the voices of three quarters (3/4) of the members of the two chambers of the Parliament. (Article 176)

4.2.5 Doublets

Refers to a form of repetition where two or more words are placed together that have very similar meanings, as suggested by Enrique Alcaraz, Brian Hughes (2002, p9)

As an example:

- المتهم يواجه اتهامات بتهرب السلع **الممنوعة** و**الغير مشروعة** إلى الدولة، ويعتبر ذلك جريمة تستوجب العقاب الرادع وفقاً للقانون الجنائي

Source : الشرق الأوسط (Asharq Al-Awsat)

- The accused faces charges of smuggling **prohibited** and **illegal** goods into the country, and that is considered a crime that deserves severe punishment according to the criminal law.

5 The English legal jargon

English legal language is the language usually utilized by attorneys and other professionals in English-speaking countries, and it has evolved significantly through time. Celtic terms and phrases were initially used by the natives of Great Britain but with the Roman invasion in 55 BC and the advent of Christianity after St. In 597 A.D, Augustine arrived prior to the Vikings and Normans, who introduced French words, the Anglo-Saxons and Jutes had an important effect on the language. English was able to borrow words from other languages as a result of the British Empire's growth.

The many governing systems that have existed throughout history have also had an impact on legal English; the most notable effects are likely to be Latin and French. Long phrases and periphrasis were prevalent in legal language in the past, which was primarily composed of French and Latin. Legal English, on the other hand, developed into a specialized language with distinctive features. A nation's or a community's way of life, traditions, family issues, trade, and communication are all governed by law, which is a body of rules. Because of using ambiguous wording in their rulings, judges in the past encountered several problems. In order for attorneys and judges to communicate, make judgments, and teach, legal language has developed into a specialized language with specific characteristics. (As cited in Translation of Archaic Adverbs in Legal Documents from English into Arabic by Ghebaichi, Bendania, P13)

6 Features of English Legal language

6.1 Lexical Features

Goodrich discusses in his book "Legal Writing: Analysis, and Oral Argument," that the lexical characteristics of English as a legal language. He comments that legal terminology is distinct, frequently technical, and accurate and that it features many words and expressions that are uncommon in general discourse. In legal documents and proceedings, terms such as "deposition," "affidavit," and "interrogatory" are commonly used, although they might not be recognized by those who are not legal experts. Alcaraz Varo and Hughes (2002, p16,18) suggested three types:

1. Technical terms

Technical terms are specialized words or phrases that hold a distinct meaning within a particular field of study or profession. These terms are often not commonly used in everyday language and require specialized knowledge to comprehend. For example, "chromosome" refers to a structure in cells that carries genetic information, "isotope" refers to a variation of an element with a different number of neutrons, and "taxonomy" refers to the classification of living organisms.

2. Semi-Technical

Semi-technical terms are words or phrases that possess a specific meaning within a particular field but are also frequently used in ordinary language with a more general significance. For instance:

- "virus" has a precise meaning in microbiology as a microorganism that can cause disease, but it is also used in everyday language to refer to malicious software that can harm computer systems.

These terms require contextual understanding to discern their intended meaning.

3. Everyday vocabulary

Everyday vocabulary refers to terms that frequently occur in speech and do not have specialized meanings in a given field. "Table, chair, and book" are some examples of common words.

6.1.1 Archaic terms

Alcaraz Varó and Hughes (2002, p5) describe archaic terms in legal language as words or phrases that are no longer in use in modern language but are still utilized in legal contexts.

These terms often hold a historical or cultural importance and are prevalent in antique legal documents and texts.

For example:

- "The court has considered the evidence **heretofore** presented"
- "The new law shall apply **henceforth** to all cases of this nature."
- "**Herein**, the parties agree to abide by the terms of this contract."

6.1.2 Latin terms

As Tiersma (1999, p88), suggests the fact that the Latin term "**res judicata**" can be replaced with an equivalent English phrase while keeping its initial meaning. For example, "**Last judgment**" or "**Final and binding decision**" may be adopted, rather than using "**res judicata**." This enables individuals who might not be competent in Latin to comprehend judicial processes more clearly. Similarly, Mellinkoff (1963, p58) criticized the use of Latin in legal jargon in his book "The Language of the Law," noting that it makes it difficult for those without previous experience in juridical terminology to comprehend it. He uses the Latin phrases "**habeas corpus**" and "**ex parte**" as examples of legal terms that have common usage.

6.1.3 Formal Terms

Legal English differs from other forms of the language due to a specialized and highly formal register that is attained through the use of unique linguistic features and serves its specific purpose in the legal profession.

These components also include Lexical doublets are pairs of words with related meanings, such as "cease and desist" or "null and void." To maintain the conventional format of legal writing, archaic words like "herein" and "whereof" are used in legal documents. Another notable characteristic of Legal English is its use of complicated syntax, which often uses incomplete sentences to express difficult legal topics. Nominalization is the use of nouns rather than verbs to enhance the formality of Legal English.

6.1.4 Religious lexis

According to Matulewska (2007), the use of religious terminology in legal English is known as the religious lexicon, and it has numerous functions, including highlighting the importance and the gravity of legal language, conveying a sense of power or divine punishment, and demonstrating the historical and cultural background of legal traditions. For example:

- **in the name of our Lord**
- **"Thou shalt not steal"** (the Bible)

6.2 Syntactic features

6.2.1 Wh-Deletion

Although it remains less used compared to other characteristics, "Wh-forms" deletion serves as one of the hallmarks of the English legal language. In legal English, "Wh-deletion" stands for the practice of deleting specific terms from interrogative sentences, especially in legal documents like contracts and legislation, such as "which," "what," and the past participle of the verb given. This practice is often used to make legal language more concise, easier to read, and also for stylistic variation.

Such as:

- **Original sentence:** "When did the company receive the notice of termination?"
- **Sentence with wh-deletion:** "Company received notice of termination on..."

6.2.2 Conditionals

According to Solan and Tiersma (2005), conditionals are a type of linguistic construction that attorneys use in the courtroom and in legal documents. Hypothetical and Deontic conditionals are the two forms of conditionals used in legal language. Hypothetical conditionals represent hypothetical or counterfactual situations and their consequences, whereas deontic conditionals express obligations or permissions and their effects. For instance:

- **hypothetical conditionals:** "If the defendant had not breached the contract, the plaintiff would not have suffered damages."
- **Deontic conditionals:** "If the tenant fails to pay rent on time, the landlord may initiate eviction proceedings".

(ibid) point out that attorneys frequently use conditionals to the legal language more precisely and specify the legal consequences of different actions or events.

6.2.3 Nominalization

Nominalization, according to Fowler (1991:80), is the process of changing verbs and adjectives into nouns in legal English, which frequently results in lengthy and complex phrases that can make it challenging to comprehend legal writing.

(ibid) criticized the excessive use of nominalization in academic writing and said that it may make legal writing unnecessary complicated and challenging to understand.

Fowler argued that it may conceal the sentence's true purpose and make writing more complex and challenging to comprehend. Instead, he advised utilizing active verbs and concrete phrasing.

As an example:

- "The determination of the legality of the search was made by the court."
- "The payment of the settlement amount shall be the responsibility of the defendant."

6.2.4 Negation

In legal English, the term "negation" denotes the practice of denying or negating a statement by using the negative words or phrases "not," "never," negative prefixes like "un," or words like "unless" and "except." Negation is useful to avoid incorrect assumptions or ambiguities in legal writing, which emphasizes the need for clarity and precision.

For instance:

- "**No** person shall be deprived of life, liberty, or property without due process of law."
- "This agreement may **not** be assigned without the prior written consent of the other party."

6.2.5 Doublets and triplets

According to Triebel (2009:160), "doubling" is the use of several expressions to express a single notion when a single term would be enough for that objective. This practice is deceptive because it gives the illusion of extra certainty or conveys a second meaning that is untrue. A combination of two, or maybe three, words are referred to by the term "doubles or triplet," according to Tiersma (1999:13), and are sometimes referred to as "word pairs" such as 'true and correct', 'false and untrue', or "conjoined phrases": 'by and with the consent and advice of...'. They are irreversible features of formal syntactic elements rather than lexical ones, Danet (1985:280).

- "The defendant is hereby ordered to immediately **cease** and **desist** from all further use of the plaintiff's copyrighted material."

7 The legal text

7.1 Definition of legal text

Legal definition of text According to (Tiersma), a legal language can establish, alter, or repeal the rights and obligations of people or entities. This makes it very different from ordinary speech. The legal text is a system of interconnected legal codes that is sent by the legislator,

who is the custodian of this legal system, and is received by the citizens who are addressed to him (the senders), who are subject to the textual requirements and legislative provisions that do not excuse the ignorant. On the one hand, the judge designated to act as his protector applies this legal text, and on the other hand, he executes it.

Legal repercussions that can have significant effects on a person's life and liberty are thus produced by legal texts, which have a level of authority that is not inherent in literary texts. Their interpretation, which is a normative endeavor by necessity, goes beyond the simple mechanical implementation of legal requirements. This begs the question of how data mining on legal texts might improve our comprehension of the law. Each genre of legal text tends to have its own stereotypical format, is generally written in legal language (or "legalese"), and usually contains one or more legal speech acts that are meant to carry out its intended functions.

Legislation, in the sense of enacting innovative rules of behavior, was rare in England until the end of the thirteenth century. Even then, the texts of such early legislation were not authoritative in the modern sense. According to legal historian J.H. Baker (1990: 236), medieval legislation was "not a text which had been pored over word for word by the lawmakers, with debates upon the wording." In fact, clerks typically did the drafting of the text of early statutes or judges after parliament had given its assent. In addition, before the invention of printing the written versions of the texts were often inconsistent with one another. The text of legislation was merely evidence of Parliament's intent at this stage, and sometimes not particularly convincing evidence.

Legislation in England underwent an important shift. It became--in the words of Plucknett (1944: 248) "the deliberate adoption of specific proposals embodied in specific texts." The text of statutes was no longer simply evidence of the law but constituted the law itself.

Legal texts are publications that lawyers, organizations, and other legal experts use to explain the rules and principles of the law. These writings can appear in a wide range of formats, including legal agreements, advisory opinions, and interpretive regulations.

Judges write court opinions, which are used to interpret and apply laws. They are frequently acknowledged as authoritative authority by other courts. Written agreements between two or more parties that specify each party's rights and obligations are known as legal contracts. Courts and other legal authorities provide advisory opinions to offer direction on how to interpret rules of law. Administrative agencies publish interpretive regulations to better explain how laws and regulations should be applied. There are also legal briefs, memoranda, and pleadings in addition to these writings. Legal briefs are written by attorneys to provide justification for a client's

position in court. Memoranda are documents that offer legal counsel. Pleadings are documents submitted to a court to begin a legal case. The legal system is not complete without legal texts. They serve to clarify and uphold the law, as well as to offer direction to organizations, organizations of lawyers, and other legal professionals. They are an important component of the legal profession and necessary for the efficient administration of the law.

7.2 The Creation of Legal Texts

Legal texts, especially authoritative texts, tend to be created or executed in very formal ways, wills are a good example. The text of the will itself is quite formal, in the sense that most wills follow a relatively rigid structural format and are written in what is commonly known as legalese. Once the will has been drafted, the testator typically gathers in a room with two witnesses. The testator declares that this is his will and signs it in the presence of the witnesses. The witnesses, who must see the testator sign or acknowledge the will, then each sign the will as well. There are several reasons that the text of wills must be executed with these relatively strict formalities. The main reason is to ensure that this text is intended to be the testator's will. It is not just a draft of a will, or a casual list with ideas of who should get the testator's possessions when she dies. Rather, it must be meant to be a legally operative document that will give away the testator's possessions upon death. Anyone who goes through the rigid formalities of executing the will should be aware of the act's consequences. In other words, the formalities and ritual help us identify this unambiguously as an authoritative legal text.

7.3 Types of Legal Text

7.3.1 Instrument: this is a formal legal document that grants (or proves the grant) a right.
Example: Deeds, Wills, Mortgages, etc.

7.3.2 Pleading: this is a formal statement by a party in the context of litigation.
Examples: Complaints, answers

7.3.3 Document: this applies to any other communication set to a permanent medium that is relevant to a legal issue.
Examples : Police reports, photographs, letters, etc.

7.4 Types of Legal Instruments

7.4.1 Contract: any written agreement can fall under this heading

7.4.2 Deed: this transfers any interest in real estate including easements, mortgages, etc.

7.4.3 Business Documents: article of incorporation, bylaws, partnership agreements

7.4.4 Will/ Codicil: these are special legal documents that allow gifts to be given after one's death.

7.4.5 Trust: establishes an agreement whereby the trustee agrees to hold property for the beneficiary.

7.5 Characteristic of legal text

Linguists claim that the purpose of stylistics is not to categorize different styles but rather to examine and describe the morphological, lexical, syntactic, and textual characteristics of the major styles. In terms of the morpho-lexical characteristics of legal English, we may state that the vocabulary is extremely varied. A significant chunk of words is very formal. Many technical jargon, foreign words, and antique words are used.

Legal papers are frequently written in a formal tone, with exact terminology and terms that are quite detailed. This is because legal texts must transmit meaning with extreme precision and accuracy. Legal texts frequently incorporate footnotes, endnotes, and citations to other legal texts and information sources. Legal materials must also be written in an approachable manner so that everyone reading them can comprehend their content. This entails defining words and ensuring that all information is presented in an understandable manner. In order to convey the desired meaning, legal texts must generally be exact, accurate, logical, ordered, and accessible.



Chapter Four:

Data Analysis

Introduction

In the past three chapters, we aimed to demonstrate the related literature regarding language register in court interpreting. We provided the historical context as well as the background information for court interpreting, the elements of court, and the language register. In this chapter, we will present the research design, methodology and details of data collection that seek to answer the questions given in the beginning.

1. Research methods and data analysis

This research used descriptive study, in order to provide the necessary data, which able us to answer the questions of this research. We have concluded that the better way to resolve the problem that this research presented earlier is by adopting an online questionnaire. A survey is a research tool that composes a list of questions (open, open-ended questions) to help us get the chance to gather more data in less time. It is also helpful to help us to understand the participants' experiences.

This study shed light on the official sworn court interpreters from different countries (Ouargla, US, Greece, Zambia, Egypt...etc.). It is worth mentioning that they were free to share their knowledge and insightful expertise in any language they chose and get comfortable. We will refer to participants as C1, C2, and C3... The answers provided by participants are taken precisely as they are, despite any grammatical, structural or other additional errors (if there are) included to avoid any modification for how they expressed their opinions and thoughts.

In the end, and because the questionnaire is not enough tool, we went to the courtroom for observation, we attended a closed trial, were in English language that consists of foreign national with an interpreter signed from the court, to determine how judicial trials truly go.

2. Data collection

The current research was conducted through a descriptive analytical approach. 12 official sworn court interpreter are asked to complete a survey that include 29 online questions using google form, later to be analyzed and discussed in efforts to obtain an accurate and correct finding that serve to find the answers to the questions asked at the beginning of this research. We are able to describe and clarify the situation as it is perceived by the interpreters during the trial thanks to the descriptive and analytical approach. We were able to describe and clarify the situation as it is interpreted by the interpreters during the trial thanks to the descriptive and analytical approach. Finally, observation was done in an English language courtroom with foreigners and a court interpreter who had been assigned by the court in Ouargla.

3. Interpreters's profile

The population that was targeted by this research is official sworn court interpreters from different places in the world, for various reasons. About language register and intention (re) expression in court interpreting, beside if the challenges affect their choice of register as well as how the choice of register impact court interpreting.

4. Analysis of the questionnaire

29 questions were asked to 12 court interpreters, between the background information, the interpreter qualifications, the linguistic difficulties encountered by interpreter in courtroom, the use of language registers, the profession ethics, and an expertise from their job.

4.1. Question 1: Working Languages

Most of the languages worked with when the sworn court interpreters answered the questionnaire (80%) are Arabic, English, and French, while the remaining (20%) are divided between Portuguese, Greek, Slovak, Spanish, Turkish, Italian, and German. This demonstrates that court interpreters use, regularly these languages whether inside or outside Algeria during trials in court interpreting. In the trial that we attended in the Ouargla's court, one of the defendants was fluent in Nigerian, unlike her friend, who spoke both Nigerian and English. Therefore, the latter acted as an intermediary translator between her and the former's accuser first. Then, between her and the official translator next. For this reason, it is necessary that the court provide an intermedium interpreter to mediate the non-language speakers (suspect/witness).

4.2. Question 2: How did you become an interpreter in the court?

According to the results that we have in our hands, which shows that the majority (42%) of the participants became court interpreters by pursuing self-improvement and this is what raises some questions: What make the participants choose to self-improvement and independent study instead of applying to private training companies, run by high professional interpreters? Are those who decide to self-improve themselves, will be ethical? This may lead us to think that studying and training in university or training at privet institutions is not enough to be effective and qualified, you need also improve your skills through practice and contacting more with court reality to help you understand how to become a court interpreter.

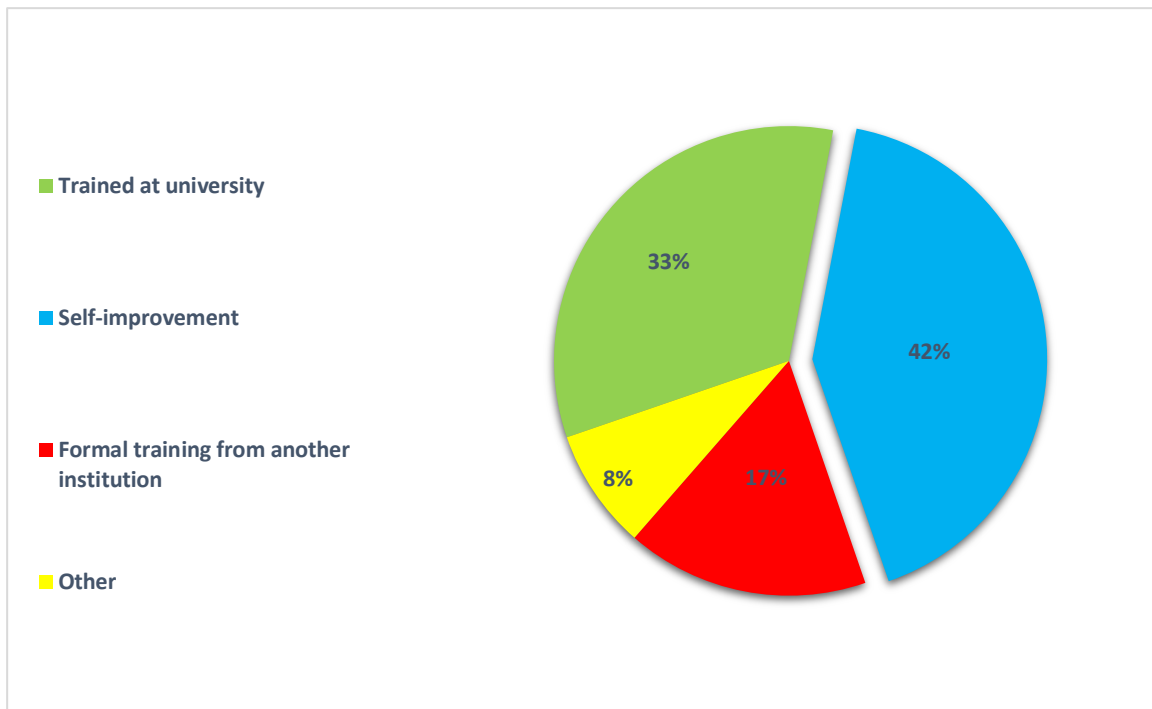


Figure 1: How did you become an interpreter in the court?

4.3.Question 3: Years of experience in court interpreting?

Half of the participants choosed over than +15 years in court interpreting as an experience, which is 6 from the total 12 court interpreters, this indicate that these interpreters devoted a majore time of their carrer in court interpreting and it also show that they are able to manage the legal proceeding and they hold a wide range of knowledge which represent their competency in the field. Whereas six remaining interpreters stand for 16.7% for each two of them.

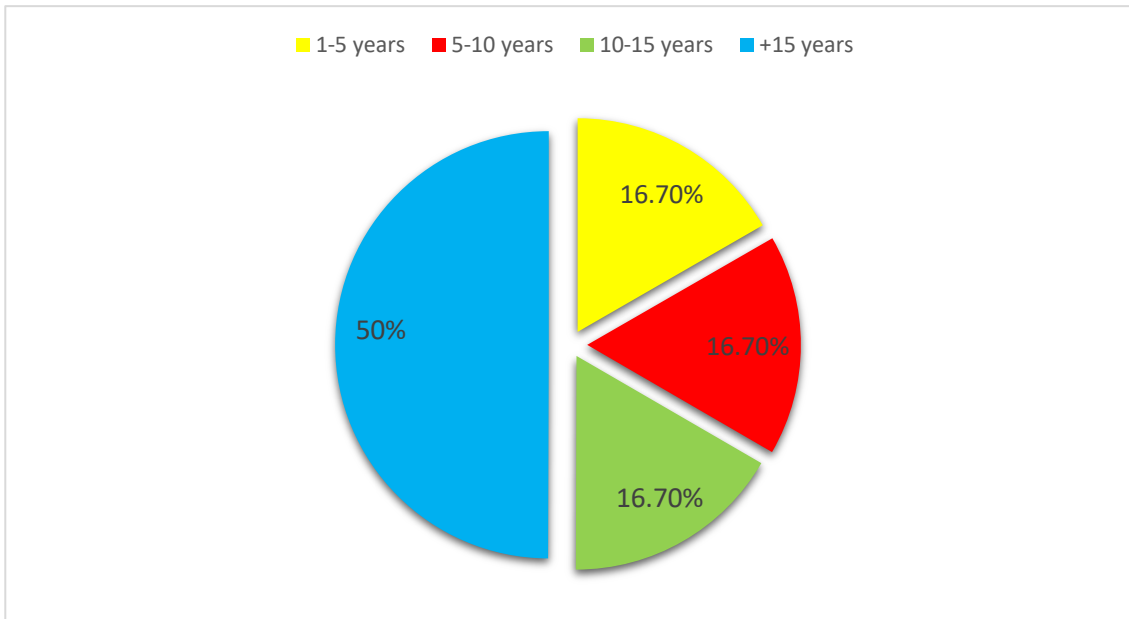


Figure 2: Years of experience in court interpreting

4.4.Question 4: The time spent in interpreting in court?

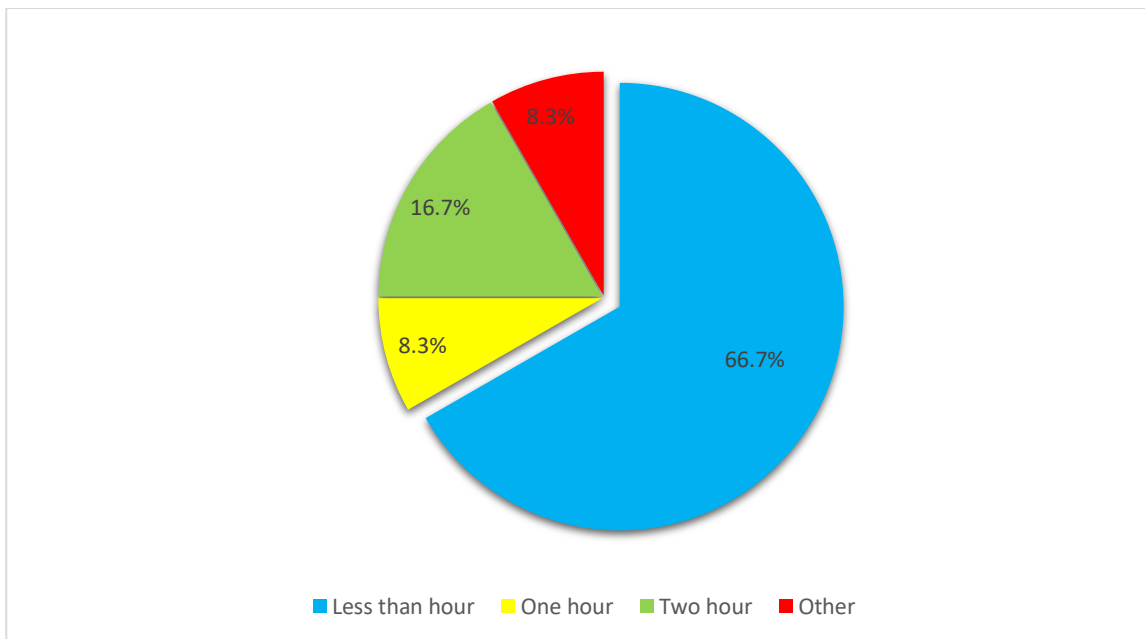


Figure 3: Time spend in interpreting in court

The pie chart shows that the vast majority of court interpreters spent less than an hour interpreting in court these are 8 participants in a total of 12 sworn court interpreters. The results of this study shed light on the ability of interpreters and their flexibility to perform their duty in court, and also show that interpreters have to be skillful in focusing and adapting to situations during translation. And hone their skills to provide an accurate and reliable translation within a

short period of time. It also urges the need for interpreters to continue maintaining a high level of language proficiency even in trials of short duration.

As for the rest of the four interpreters, two of them chose two hours for the length of the interpretation session, which represent **16.7%**, and the other chooses said that the session stands for a full hour representing **8.3%** of the total. While the latter who represented **8.3%** said that the time of the sessions differs from one to the other according to the topic of the session and sensitivity. Sometimes the duration is short if the session is short, and sometimes it is long if it needed to be. Long sessions can be challenging because it can put pressure on interpreters and may affect negatively on their performance of the interpreters and their level of concentration and accuracy, so it is recommended to take breaks during work to avoid this.

4.5.Question 5: Do court interpreters take sufficient time to comprehend case issues before interpreting in court? Why?

/	Court interpreter’s number	Percentage
Yes	9	75%
No	3	25%
Total	12	100%

Table 1: Case issues permission

The lack of information that the court interpreters get about the subject of the court session is a serious problem for the interpreters. As **75%** of the interpreters said that because of the confidentiality and privacy of the case files, they are not given the opportunity to form an idea about the subject according to what the interpreter **C1** said: “Due to privacy, no information is given to the interpreter in advance”, and **C2**: “Unfortunately, because of privacy, they never give the interpreter this opportunity”. While **25%** of them believe that it is important to familiarize yourself with the nature of the case to know what to expect and to prepare your glossary in advance. Which in return contributes to reducing errors that may occur, in addition to reducing the pressure on the interpreters and increasing their accuracy during interpretation.

4.6.Question 6: Do you think it is important for court interpreters to have a profound knowledge of the legal language to carry out their duty efficiently? Justify, please?

/	Court interpreters' number	Percentage
Yes	9	75%
No	3	25%
Total	12	100%

Table 2: Understanding of the legal language.

The table show that **75%** of court interpreters think that it is important to have a great awareness for the language of law to effectively accomplish your duty, as **C5** says: " a proper training can make the interpreter's task easier. If the interpreter does not have a basic understanding of the legal system, he/she can struggle to convey the intended meaning to the defendant or the service user in general", and **C2** " Of course! Because if they know what is going on the can be much more efficient", and because the role of interpreters in court is to convey the meaning from the source language int the target language, it is therefore necessary for them to have an understanding for the legal language, in order to be able to complete their duties accurately. While **25%** of court interpreters believe that interpreters are not obliged to have a profound knowledge about the legal language, as explained by **C7** " It is not essential, since we are not supposed to give explanations ourselves but only translate the questions and answers however it is a very useful added value if an interpreter also has a legal background..".

4.7.Question 7: Is it right to say that "the accuracy depends on the use of court interpreter's tone of voice and body language"? Can you explain.

/	Court interpreters number	Percentage
Yes	10	83.3%
No	2	16.7%
Total	12	100%

Table 3: Accuracy of court interpreting

Accuracy plays a vital role in court interpreting, and court interpreters depend on it to convey the intended meaning. After analysing the data that the above table provides suggests that **(10)** of them agree. Court interpreters may influence the accuracy while interpreting using their tone of voice and body language, as **C8** points out "The interpreter can sometimes act like in a theatre play. In some contexts, the defendant is aggressive or deeply upset or disheartened by something so it is important to try to relay his/her feeling", **C7** "Because if Interpreter doesn't adopt the tone of voice of the speaker, the transfered message will be different", and **C6** "because non verbal language is fundamental, and the interpreter should reflect the nonverbal

language of the speaker." Unlike, (2) of them who disagree, saying that accuracy can not be affected by voice tone and body language. We can say that tone of voice and body language are two important aspects that may change the direction of the interpretation because they can enhance or hinder the effectiveness of the message, but they are not everything to achieve accuracy.

4.8.Question 8: Is it correct that court interpreters credibility can effected by language register an intention? How is that?

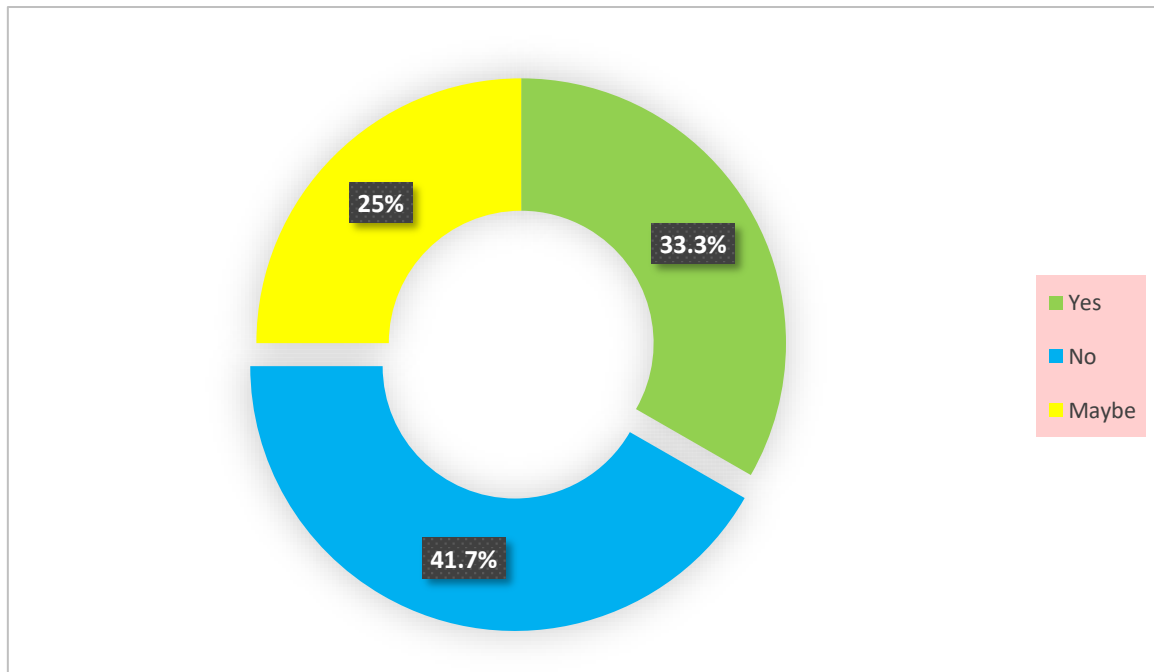


Figure 4: Court interpreters' credibility

As can be seen in ' **Figure 4**', (4) court interpreters said 'yes', which implies that their credibility can be affected by the way they interpret the language register and the speaker's intention. They argue that being accurate and faithful to the meaning are two important components in court interpreting. In addition, one of the participants (C6) reasoned that by saying the interpreter who fails to convey the same language register and intent will be seen as less professional " because an interpreter who doesn't manage to convey the same language register and intent would be perceived as less professional". On the other hand, (5) of them indicate that this does not affect their credibility while interpreting in a court of law. The rest (3) are not very sure if credibility can be influenced by language register.

4.9.Question 9: Do you think accuracy can be altered by language variation in interpretation? Justify, please?

The pie chart indicates that the opinions of court interpreters were divided between supporters, opponents, and neutrals regarding the effect of language variations on the accuracy of the interpreters during interpretation. The majority of them (75%) supported the fact that there is an effect on the accuracy of what has been interpreted, and since interpretation is based on conveying the message from one language into another, it is necessary to take into account its accuracy in order to deliver the message without any prejudice to it, as one of the interpreters (C6) added, “In some occurrences it may happen that there are expressions that have no exact translation in the target language, therefore, a part of the meaning may get lost in translation.”, another aid the same idea, saying: “Arabic for example has more than 26 dilaects. Interpreters from middle east can struggle to understand someone from North Africa and vice versa”, (C8). While two of them only objected to what was said previously.

As a summary of what has been said above, language variations pose a major challenge for court interpreters. Interpreters have to decode the speaker's message first, understand it, then extract the meaning and intention of the speaker from it, then rephrase it in the target language, check it to make sure it fits the structures of the target language then transmit it faithfully. Therefore, during this procedures, the “Accuracy” may be affected due to the presence of many factors. Including the lack of equivalences in some cases, the differences in cultures, the ambiguity of some terms, the multiplicity of dialects and so on. All these indicators make the task of the interpreter difficult in the courts.

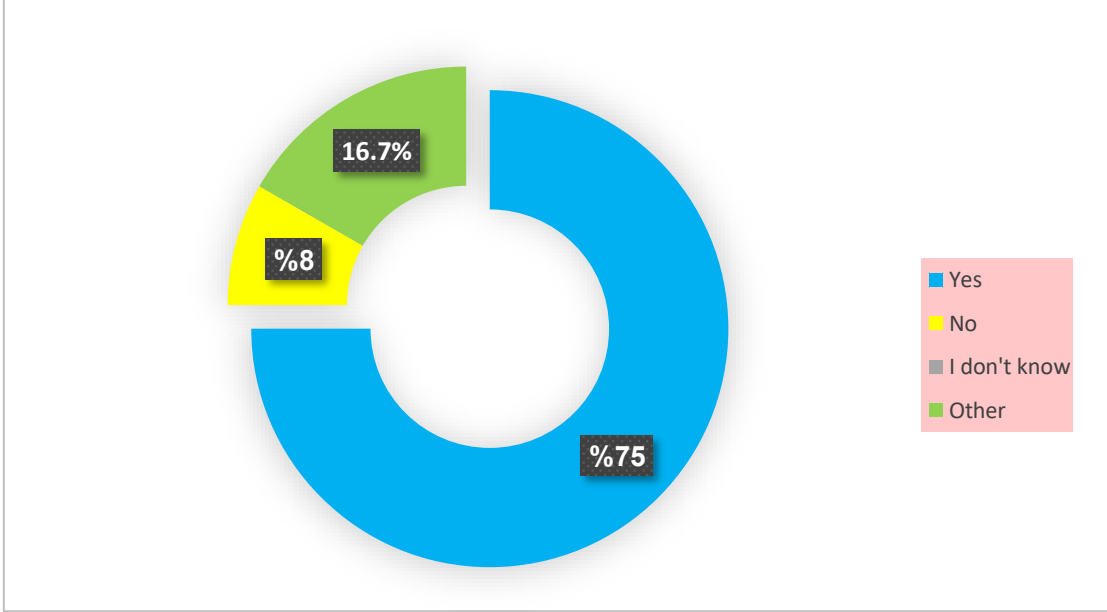


Figure 5: Accuracy is affected by language variation

4.10. Question 10: Is it possible for court interpreters to remain completely impartial in their interpretations?

According to **the Code of Ethics**, interpreters must maintain their impartiality and unbiased, and must report any conflict of interest that would affect the interpretation process in court. Therefore, as the results reveals, all participants agree (**100%**) that court interpreter should be impartial during interpretation.

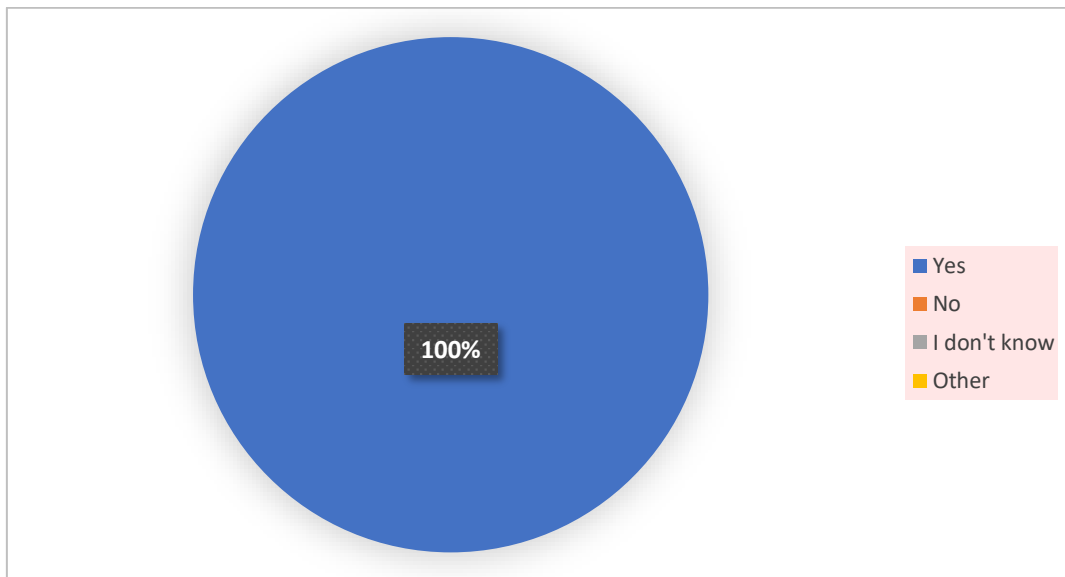


Figure 6: Impartiality of court interpreters

4.11. Question 11: Does the selection of court interpreters to language registers impact the accuracy in interpretation? Why do you think so?

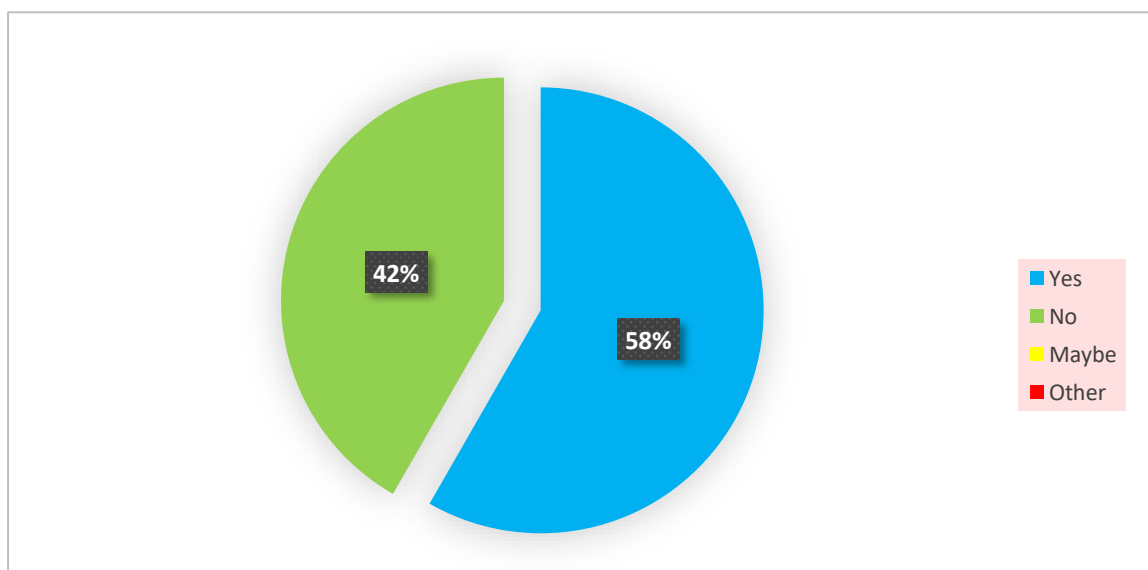


Figure 7: The affection of the accuracy by language register

Language register is concerned with the formality of language, such as formal to casual, style, choices of words, and grammar. Choices that court interpreters choose to take can have a great impact on the accuracy of their interpretation. Thus, court interpreters have to select a language register that suits the defendant's/witness's situation in order to convey the message accurately.

The results show that more than half of the interpreters support what has been said earlier and that their choices of language register influence their interpretation in the court of law. Clarifying this by saying, (C8) “The use of legal terminology can be challenging if you are interpreting for an uneducated person or someone who is not familiar with the legal system of the country. The interpreter can simplify the language without twisting the meaning” Meanwhile, 42% oppose that suggestion, and see that the selection of language register doesn't make any changes to the accuracy of interpretation. As (C7) said: “It shouldn't, because the interpreter should reflect the register of the speaker, therefore, if, for instance, a defendant starts insulting and cussing, the interpreter is supposed to translate in the same register, because the insults too are information for the judges to evaluate.”

4.12. Question 12: Do interpreters in courts have to be accountable for all error occur in interpretation? Give an explanation please?

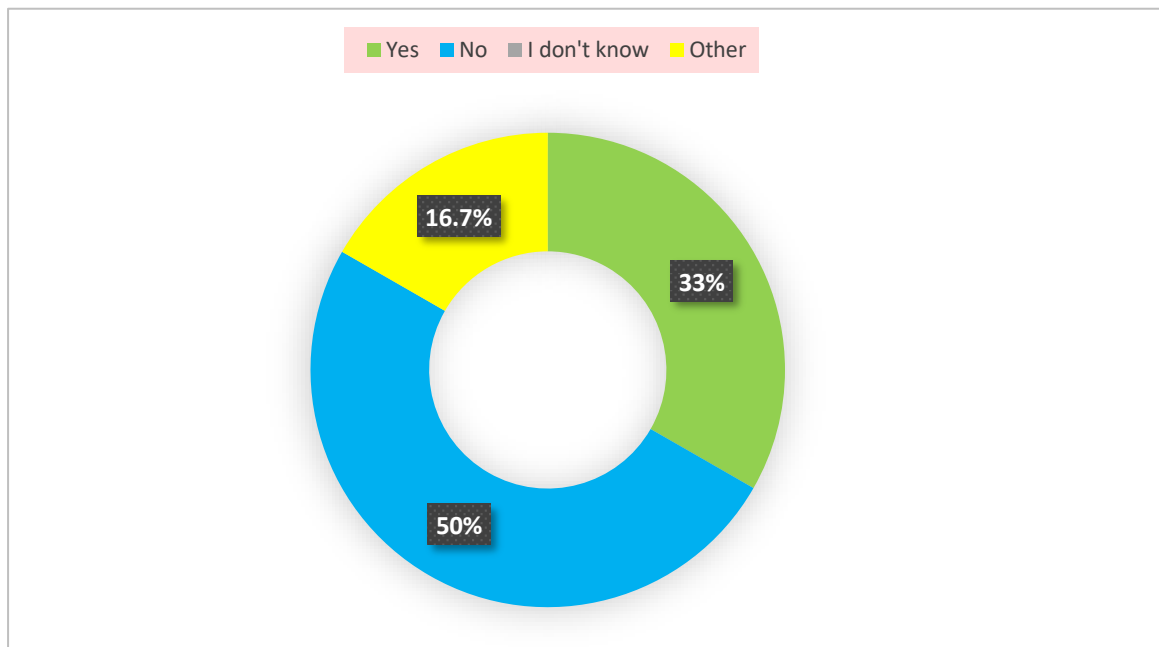


Figure 8: Misinterpretation by court interpreter

Simple inconsistencies in interpretation or translation can lead to serious errors in trials. Court interpreters must provide the most accurate interpretation for any term, including slang, or colloquialism. Therefore, it is necessary for the interpreter to transmit the message without distortion, modification, deletion, or addition in its content, as well as making sure that all parties involved in the trials are able to understand and communicate with each other despite the different languages spoken.

However, interpreters in court may face various challenges that cause them to make misinterpretation. Including, differences in cultures, ambiguity of some vocabulary, fast pace of the speaker, some legal terminology, technical words, emotional and psychological state of the speaker, and dialect differences, which make their work more difficult. One of the reasons that lead to misinterpretation is the selection of the language register that is appropriate to the context of the message that being interpreted. As justified by **50%** of the interpreters, **(C1)**“Sometimes, the message that interpret is ambiguous”. In contrast, **33%** of them said that the court interpreters are professionals and should not make such mistakes, **(C4)**"The legal responsibility rests with the translator, and he must be aware of that, and he must bear full responsibility". While **two** of them said that it depends on the seriousness of the misinterpretation, **(C11)**"It depends on how severe is the misinterpretation."

4.13. Question 13: If the speaker's message is vague, will court interpreters able to deal with the issue? How so?

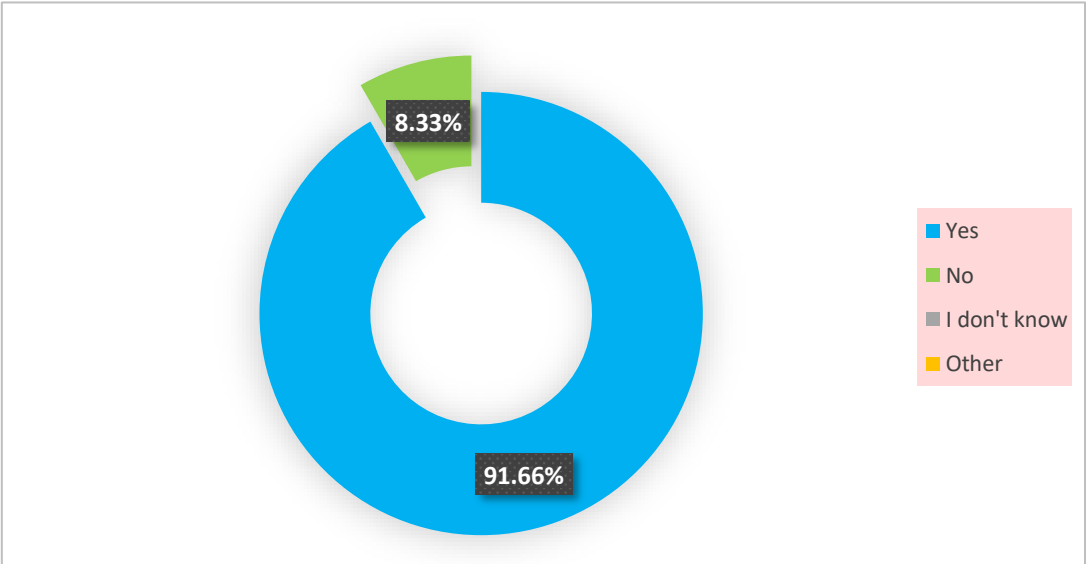


Figure 9: The ambiguous meaning of the speaker

The results uncover that court interpreters have the abilities and the skills to deal with a situation where the intended meaning of the speaker is ambiguous or unclear. **91.66%** of court interpreters think that court interpreters must require the necessary qualifications to deal with this kind of situation by "simply ask the speaker for more clarifications", "telling the judge if something has a double meaning", or " ..ask for clarifications", as (C6), (C12), and (C8) added. While only one interpreter disagrees with them.

4.14. Question 14: The duty of court interpreters?

The duty	Court interpreters number	The percentage
To render the meaning	8	66.7%
Important for conveying intent	3	25%
I don't know	0	0%
Other	1	8.3%
Total	12	100%

Table 4: The role of court interpreters

Concerning the role of a court interpreter, **66.7%** of the respondents said their role in court interpreting is about rendering the meaning only, while **25%** think that the intent is much more important and should be conveyed, as C6 who disclosed that "Intent is fundamental because it gives the judges additional information on the defendant". On the other hand, one interpreter, representing **8.3%**, sees that the duty is "to convey what's being said". Therefore, we can say that the role of court interpreters differ from interpreter to another.

4.15 Question 15: How does a court interpreter's knowledge of the legal system influence their interpretation of language registers and aimed terms? Justify?

/	Number	Percentage
Mastering the legal system is required.	06	50%
Essential aspect in understanding language and terms	06	50%

I don't know	00	00%
Total	12	100%

Table 05: The interpreters understanding of legal system.

The table above shows the importance of knowing the legal system for court interpreters. Where **50%** of the interpreters think that mastering the legal system is required and the other **50%** of the respondents believe it is essential aspect in understanding language and terms. Therefore, it is important for an interpreter to have at least a basic understanding of the legal system so they can give accurate messages. The interpreters are not lawyers but in case of doubt, the interpreter needs to ask for clarification before rendering their interpretation.

4.16 Question 16: Is the specially designed training for court interpreters to serve their duty with accurately, important? Justify, please.

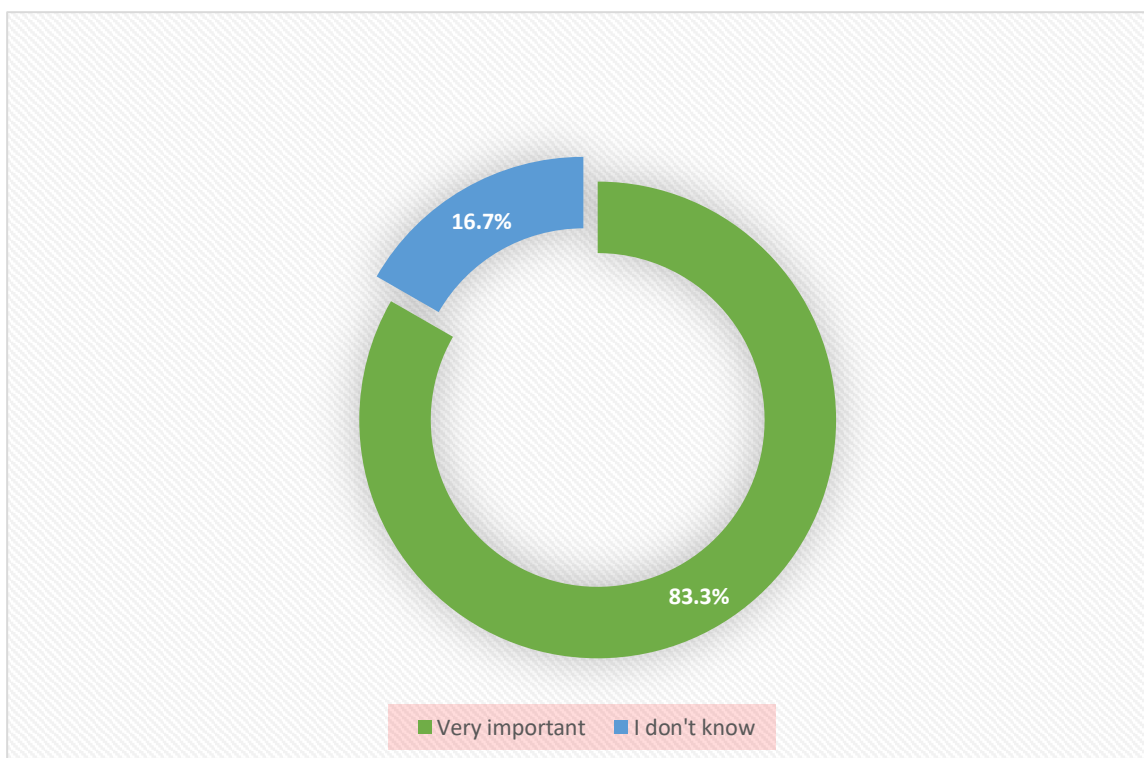


Figure 10 :Responses to importance specialized training for court interpreters.

83,3% of the whole agree that it is very important to be specialized training so they can perform their role effectively, also, **16,7%** of them do not know the importance of the training, besides. Overall, without proper training, interpreting can be very distressing and can result in

serious mistakes that can lead to injustice, to avoid that they can rely on courses or programmers for a better performance.

4.17 Question 17: How much do you think court interpreters should be aware of legal terminology in both the SL and TL? Justify, please.

According to the Code of Ethics, the court interpreters must be excellent in the languages they interpret to. Interpreters must be well versed in legal terminology because any mistake or error in choosing the wrong words or giving an inaccurate interpretation may risk someone's life. This was confirmed by most of the participants, such as **C8**, when he said that understanding the legal language alone is not enough, but the interpreters must also have extensive knowledge of the legal language and the legal system in order to be able to execute their duty accurately, "Mastering the language is not enough. Interpreters should also make themselves familiar with the legal terminology and the legal system in general", and **C6** in her words "At least proficient, otherwise they may convey an unprofessional and hesitant translation that would lose credibility".

Languages, structures, grammar, and registers all differ from one culture to another, and in return, legal languages will differ. Which results in differences in legal terminologies. Therefore, the interpreter must possess a rich dictionary of legal terms in both the source and target languages, in order to be able to convey correctly the intention of the speaker. As well as establishing understandable communication between the parties in the courtroom.

4.18 Question 18: When there is no direct equivalent available for a terms or phrases in the target language, what do you do? Justify, please.

Court interpreters find many obstacles with language especially when there is no direct equivalence for the term or phrases in the TL. We found out that interpreters use multi ways to manage the language barriers. Four of the participants picked the first choice "use a synonym for the word". Whereas the other **four** also prefer "using explanation or simplifying the term" for the witness/defendant. **C2** from the participant said, "I usually take the time to explain as clearly as possible. If it is simultaneous interpreting and I have no time, I find the closest equivalent in the target language". However, **C3** has a different opinion, "There's always an equivalent in every language or at least a meaning", while **C4** said, "To simplify is less dangerous from choosing incorrect term or phrase". In conclusion, to manage the challenge of no direct term in TL, interpreters tend to use different ways to get around these kinds of challenges to render the message, but as H. Mikklson said, interpreters should not use

explanation, explication, clarification, or edition the language register, and instead interpret what was said and the **way** of saying it.

4.19 Question 19: What do you think is the better way for court interpreters to handle complex linguistic and cultural challenges, to convey the intended meaning?

All of the interpreters gave different points of views to overcome the obstacles they face when conveying the speaker’s message. One of interpreters said that the knowledge of culture and language is very important for interpreters to master, "the deep knowledge of both cultures first and languages". Another interpreter stated that based on his experience that “Both are helpful, depending on the situation: either the interior knows and explains, or they shouldn’t hesitate to ask questions in order to clarify”. Therefore, it is crucial for interpreters to possess cultural knowledge background that can rely on. They should master the language.

4.20 Question 20: When a speaker uses a term that has multiple meanings (polysemy) in their speech, what should court interpreters do? Justify.

In this question, interpreters choose more than an option. **Two** of them think it is better to give interpretation for both meanings. However, **nine** of them choose to inform the judge,” I would inform the judge and ask permission to ask the speaker for clarification”, said one of the participants, while the rest (3) prefer to guess the suitable term and continue to interpretation.

4.21 Question 21: Did you encounter challenges regarding technical or legal terms you didn't know before? If so, how did you deal with it?

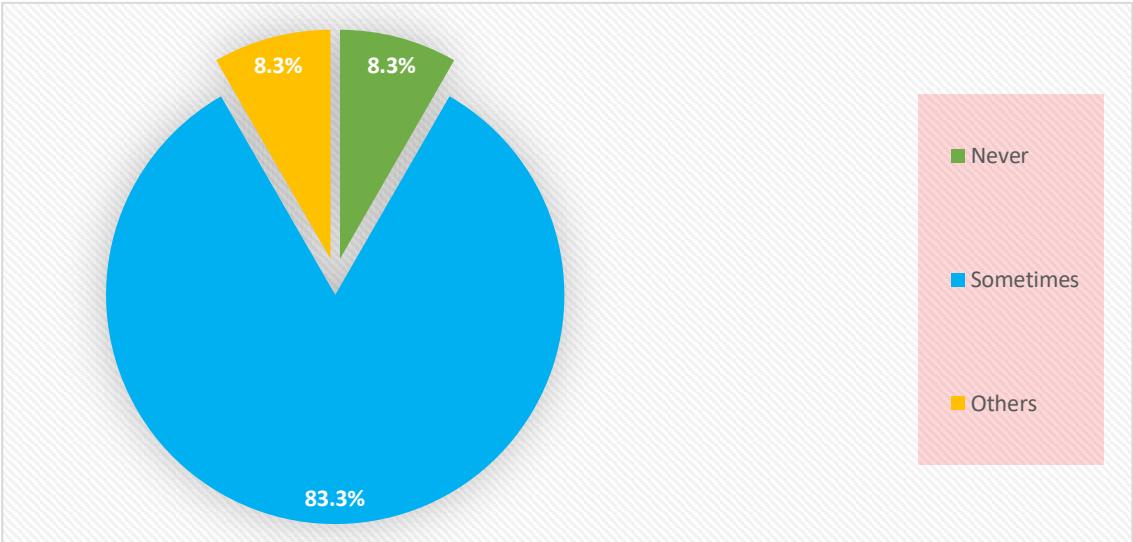


Figure 11: Responses to challenges dealing with technical or legal terminology.

The pie chart shows that **83.3%** of the responses face this kind of challenge "occasionally" when dealing with technical or legal terminology. However, **8.3%** said that they had "Never" encountered this problem before. While the rest **8.3%** choose neither of the suggestions justifying that by "In a court setting, improvising is not allowed, therefore, the interpreter should admit that they are not familiar with the term and either ask for clarification, or ask permission to look it up on Linguee, or any other resource". Studying the findings of **Figure 11** and based on the results obtained, we can conclude that court interpreters find technical or legal terms challenging.

4.22 Question 22: When a judge or attorney utilize legal jargon while interpreting for a witness/defendant, what will you do? Justify, please.

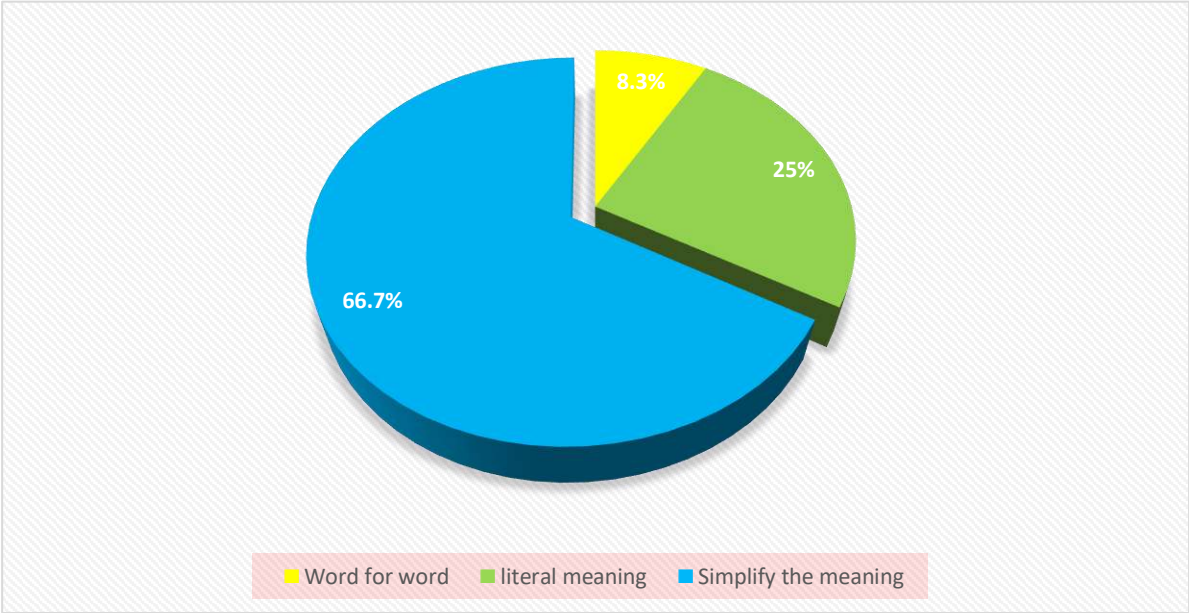


Figure 12: Response to methods used when confronted with legal jargon.

More than half of the interpreters 66.7% selected "simplifying the meaning" when confronted with legal jargon during the interpretation, arguing that "word for word and literal meaning is the same thing which in interpreting should be avoided", and "It Is necessary because Otherwise the dfendant would not understand in manu cases". However, 25% of the respondents find the "literal meaning" suitable to tackle this issue. At the same time, 8.3% believe that the "word for word" approach is better. To sum up, we can say that simplification of the meaning is the method used by court interpreters to render legal jargon, to ease the understanding for the listener and prepare a glossary to help them.

4.23 Question 23: What court interpreters need to do when the speaker speaks different languages? Justify, please.

The results show that the majority choose to inform the judge (7) and let it decide the next move. In addition, (3) interpreters would ask for another interpreter rather than interpreting by themselves. While only one said, "The interpreter is legally required to inform the judge that the person speaks a different language during the hearing when answering questions. Otherwise, this should not pose an issue because the interpreter checks first if the person understands the language the dialect and if someone is bilingual and multilingual he/she is given the choice to pick the language they feel more comfortable with". As a conclusion for the previous results, interpreters are interpreters, and their role is to convey the message from SL into TL. Therefore, if a challenge like these encounters them it is better to inform the judge rather than interpret. However, if the court does not have another interpreter for that specific language, you may intervene and suggest taking the job.

4.24 Question 24: 1. How does the guarantee fair trials for LLP affected by court interpreters? Justify, please.

/	Number	Percentage
Perform a major role of maintaining justice.	11	91.7%
Not important for fair trials	00	00%
I am not sure.	00	00%
Others	01	8.3%
Total	12	100%

Table 06: Significance of court interpreters in ensuring fair trials.

The majority of respondents, **91.7%** asserted that they perform a major role of maintaining justice., as C5 said, "It is fundamental. So many times, I have seen a defendant complain that

the interpreter did not translate them properly in a previous interrogation.”. On the other hand, no one responds with “Not important for fair trails” or “I am not sure”. The remaining represent **8.3%** response with different answers. We can say that most interpreters of court interpreting are aware of the need of credibility to convey the message.

✚ **Note:** LLP: limited language profession

4.25 Question 25: What do court interpreters do to enable the enhancement of their interpretation register to serve speakers' requirements? Justify, please.

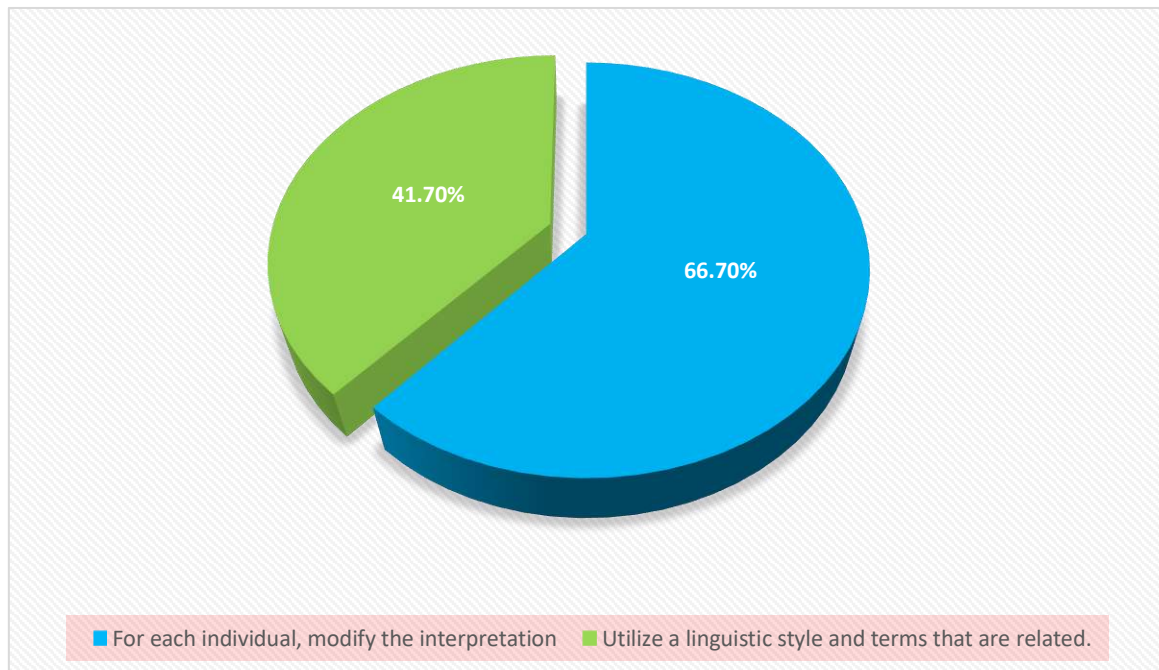


Figure 13: Responses to court interpreters adapt their interpretation style.

As the figure shows, it scored **66.7%** as “for each individual, modify the interpretation”, and **41.7%** of them “use related language registers and terminology”. Consequently, court interpreters adapt their interpretation style through customized interpretation, according to them to fulfil the speakers’ requirements and needs. This is something interpreters should not do, interpreters must render the style as it is without any modification, because the interpreters are not the author of the message, interpret intentions and registers as it is. Interpreters are obliged to accurately interpret without any changes or related terminologies, as one.

4.26 Question 26: The speaker's accent/dialect is obscure, or s/he speaks quickly, what will you do? Explain, please?

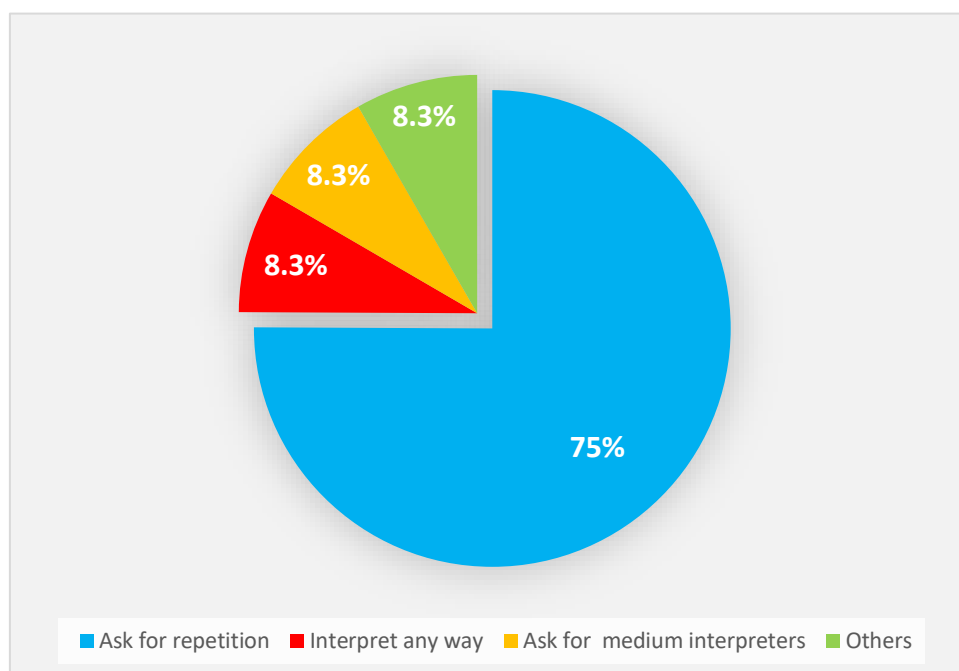


Figure 14: Response to speaker's accent/dialect ambiguous

The collected answers reveal that **75%** would "ask for repetition" As C6 said, "Any time an interpreter has issues understanding, they should not be ashamed to admit it and either ask for repetition or if the issue is too severe, ask for another interpreter to take on the assignment, even of that means cutting short their own assignment. It is a matter of professional ethics." Whereas **8.3%** may "interpret any way" without asking for repetition. Moreover, **8.3%** of participants believed that they should "ask for medium interpreters", and the maintained participants divided between informing the judge or requesting from the speakers to slow down and give clarification... etc or ask for clarification and request from the speaker to break down the sentences and slow down to be able to interpret accurately.

4.27 Question 27: How you deal with a speaker faces a hard time in expressing and conveying the wanted meaning clearly (repetition, incomplete sentences, stuttering...etc.)?

In this case, interpreters split up between "asking for repetition" and "interpreting the response as it is". Those who declare it is better to "ask for repetition", explained it as C6 said, "It depends on the case: first of all, the interpreter should do their best to show the speaker that they are making the maximum effort to understand them, then, if there is any doubt, the interpreter may ask for clarification or repetition, and sometimes, when the speaker is completely incoherent,


for instance, in case of mental illness, then the interpreter should translate the response as it is, since this would also give a clue to the judge's that the person is incoherent." However, one of the other interpreters said: if it is allowed, an interpreter should request the presence of the judge.

4.28 Question 28: If you interpret and the witness/defendant did not comprehend what was said, what will you do?

The interpreters find it difficult to interpret the message to the witness/defendant and sometimes the listener does not understand the interpretation. Therefore, in this case, interpreters deal with this situation differently, some of them choose between clarifying the statement or asking the lawyer/ judge to explain more. At the same time, others see that asking for repeating of the statement/ question is preferable for them. C1 said, "Inform lawyer or judge about, and ask if you can repeat" and C2 said, "It depends on the context: normally interpreters are not supposed to intervene, therefore they should just transfer the classification request. However, since this makes the process longer, it may be possible, depending on the context, to explain directly". In addition, C3 said, "I Always ask the lawyer if I can explain".

4.29 Question 29: May you share one instance where you faced a problem concerning the language register while interpreting in court and how you dealt with it?

In analyzing the data, we find out that most of the participants faced difficulties regarding the language register, for instance, C1 claimed that using the local language by eyewitnesses was a source of inconvenience. On the other hand, C10 said while he was interpreting in court, he could not understand a Nigerian's English accent and had to ask him to slow down. But only one respondent said that he never faced this issue. In the end we conclude that when a court interpreters face these kinds of challenges it is best to inform the judge.

 **Note:** All the mistakes (grammar, vocabulary.) made by the participants kept as it is.

Conclusion

This dissertation seeks to look over the language register and re-express the intention in court interpreting, implementing an investigative study among court interpreters, besides the challenges they encounter in dealing with registers in the courtroom and setting recommendations to improve interpreters' jobs. Accomplishing this serves to answer the dissertation questions that we asked in the beginning, along with the hypothesis we set to confirm or deny.

Approaching this vital subject guided us to the following findings of the study, indicating that context in court interpreting forms the language register, as a result, the court interpreter aims to shift between the participants' register variations to convey the accurate meaning because misinterpretations can cause someone's life and others' justice. After analyzing the data, we concluded the absence of training courses, programs, institutions, and organizations that will enhance the court interpreters' skills to not change or manipulate the register used by the attorney/defendant even the context changes, besides taking into consideration the years of experience to prevent such problems, cases notification times in short time. Yet, the burden should not be put only on the interpreters alone but also on other parties, such as court interpreters, to change this fact, preserve the linguistic rights of the non-language speakers for a fair trial, and enrich the practice of court interpreting.

Moreover, Interpreters face many challenges one of them is selecting a suitable language register; and according to the study we conduct, language registers have a huge impact on the intentions of the speakers, because ambiguity among other factors, led them to use an unsuitable register. Therefore, the strategies that need to take into consideration to avoid these obstacles are improving the skills of court interpreters (listening skills..), developing the cultural backgrounds as well as the linguistics abilities to enhance the interpreters' competencies, ask and clarify from the speakers for any ambiguities, development on-going training programs to understand the legal system terms and legal knowledge to overcome the difficulties may face them besides to strengthen interpreting techniques, advance their communication with the speakers for effective interpreting and set a program for feedback to facilitate the work of interpreters. Furthermore, conducting research for more preparation. It is also hoped that the study results will raise the awareness of the judicial authorities and those dealing with the court interpreters of their professional challenges and the immense need to work and collaborate to bring forth an elevated level of respect for this profession and to effect social change.

Recommendations

1. The court must always provide a medium interpreter to prevent any cultural misunderstanding.
2. Court interpreters must inform the judge if there is any kind of polysemy or ambiguity in the speech.
3. Courts must be ready to offer other court interpreters for speakers that do not speak the court's language.
4. Court interpreters should participate more in training programs, or training at private institutions and continuing their studies to keep updated with the latest changes in language terminologies.
5. It is important for interpreters to have at least a basic understanding of the legal system for the accuracy of interpretation.
6. Court interpreters admit if they cannot interpret such segment or fragment.
7. Court interpreters should keep the language registers and do not change it while interpreting.
8. Court interpreters should not omit, edit or add the speakers' statement. It should be interpreted as it is.
9. Court interpreters need to be familiar with the legal system and the legal terminology.
10. The court should notify interpreters before the case time.
11. The court should give a break time for interpreters, if the work is long.
12. Court interpreters must adhere to code of ethics.
13. Court interpreters should accurately interpret intentions.
14. Court interpreters should keep developing their skills.
15. Court interpreters should have the ability to adapt their language register to be appropriate for courtroom environment.

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Language Register and Intention (Re)expression in court Interpreting

Dear interpreters

The purpose of this survey is to investigate the reality of the language register and Intention (re)expression in court Interpreting. The data provided will be used in our dissertation. So, please answer the questions honestly and accurately by putting a tick (✓) in the appropriate box and justify whenever is needed.

Your humble participation in this research is highly valued.

* Indicates required question

1. **Working languages? ***

2. **How did you become an interpreter in the court? ***

Mark only one oval.

- Trained at university
- Self-improvement.
- Formal training from another institution
- Other: _____

3. **Years of experience in court interpreting ***

Mark only one oval.

- 1-5 years
- 5-10 years
- 10-15 years
- +15 years

4. **The time spent interpreting in court? ***

Mark only one oval.

- Less than hour
- One hour
- Two hours
- Other: _____

5. **Do court interpreters take sufficient time to comprehend case issues before interpreting in court? Why? ***

Tick all that apply.

- Yes
- No
- I don't know
- Other: _____

6. **Do you think it is important for court interpreters to have a profound *knowledge of the legal language to carry out their duty efficiently? justify, please?**

Tick all that apply.

- Yes
- No
- I don't know
- Other: _____

7. **Is it right to say that "the accuracy depends on the use of court interpreter's tone of voice and body language"? Can you explain. ***

Tick all that apply.

- Yes
- No
- I am not sure
- Other: _____

8. **Is it correct that court interpreters' credibility can be affected by language register and intention? How is that. ***

Tick all that apply.

- Yes
- No
- Maybe
- Other: _____

9. **Do you think accuracy can be altered by language variation in interpretation? Justify, please?** *

Tick all that apply.

- Yes
- No
- I don't know
- Other: _____

10. **Is it possible for court interpreters to remain completely impartial in their interpretations?** *

Tick all that apply.

- Yes
- No
- I don't know
- Other: _____

11. **Does the selection of court interpreters to language registers impact the accuracy in interpretation? Why do you think so?** *

Tick all that apply.

- Yes
- No
- Maybe
- Other: _____

12. **Do interpreters in courts have to be accountable for all error occur in interpretation? Give an explanation please?** *

Tick all that apply.

- Yes
- No
- I don't know
- Other: _____

13. **If the speaker's message is vague, will court interpreters able to deal with the issue? How so? ***

Tick all that apply.

- Yes
- No
- I don't know
- Other: _____

14. **The duty of court interpreters? ***

Tick all that apply.

- To render the meaning Important
- for conveying intent. I I don't
- know
- Other: _____

15. **How does a court interpreter's knowledge of the legal system influence their interpretation of language registers and aimed terms? Justify? ***

Tick all that apply.

- Mastery of the legal system is required.
- Essential aspect in understanding language and terms I don't
- know
- Other: _____

16. **Is the specially designed training for court interpreters to serve their duty with accurately, is important? Justify, please? ***

Tick all that apply.

- Very important
- Not important I
-

don't know

Other: _____

17. **How much do you think court interpreters should be aware of legal terminology in both the SL and TL? Justify, please.** *

Tick all that apply.

- Extensive knowledge of legal jargon in SL and TL
 Is well-versed with Legal terminologies in both spoken language
 I don't know
 Other: _____

18. **When there is no direct equivalent available for a terms or phrases in the target language, what do you do? Justify, please.** *

Tick all that apply.

- Use a synonym for the word
 Use exploitation
 Simplify it
 Other: _____

19. **What do you think is the better way for court interpreters to handle complex linguistic and cultural challenges, to convey the intended meaning?** *

Tick all that apply.

- Ask more questions and try clarifications help simplify what is meant.
 Challenges are dealt with by experience and expertise.
 I don't know
 Other: _____

20. **When a speaker uses a term that has multiple meanings (polysemy) in their speech, what should court interpreters do? Justify.** *

Tick all that apply.

- Give an interpretation for both meaning
 Inform the judge
 Choose the suitable
 Other: _____

21. **Did you encounter challenges regarding technical or legal terms you didn't know before? If so, how did you deal with it?** *

Tick all that apply.

Never Sometimes

Always

Other: _____

22. **When a judge or attorney utilize legal jargon while interpreting for a witness/defendant, what will you do? Justify, please.** *

Tick all that apply.

Word for word

Literal meaning

Simplify the meaning

Other: _____

23. **What court interpreters need to do when the speaker speaks different languages? Justify, please.** *

Tick all that apply.

- Ask for another interpreter
 Inform the judge
 I don't know
 Other: _____

24. **How does in guarantee fair trials for LLP affected by court interpreters? Justify, please.**

Tick all that apply.

- Perform a major role of maintaining justice. Not
 important for fair trials
 I am not sure
 Other: _____

25. **What court interpreters do to enable the enhancement of their interpretation register to serving speakers' requirements? Justify, please.** *

Tick all that apply.

- For each individual, modify the interpretation Utilize a
 linguistic style and terms that are related. I don't know
 Other: _____

26. **The speaker's accent/dialect is obscure, or s/he speaks quickly, What will you do? Explain, please?** *

Tick all that apply.

- Ask for repetition
 Interpret any way
 Ask for medium interpreters
 Other: _____

27. **How you deal with a speaker faces a hard time in expressing and conveying *the wanted meaning clearly (repetition, incomplete sentences, stuttering... etc.)?**

Tick all that apply.

- Asking for repetition Interpreting
 the response as it is I don't know
 Other: _____

28. **If you interpret and the witness/defendant did not comprehend what was said, * what will you do?**

Tick all that apply.

- Clarifying the statement/question
 Asking for repeating of the statement/ question
 Asking the lawyer/ judge to explain more
 Other: _____

29. **May you share one instance where you faced a problem concerning the language register while interpreting in court and how you dealt with it? ***
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Abstract

Interpretation has played a pivotal role in assisting to communicate between people. Yet, it is a difficult and complex task that requires great knowledge, training and extensive expertise in several domains. Therefore, oral interpretation, especially in courts, requires high skills and competencies that qualify interpreters to perform their tasks effectively with accuracy. Interpreters must be proficient in the languages of their work, in order to produce an accurate and adapted interpretation at all levels. In courts, interpretation takes a consecutive form in Algeria, while abroad it takes the forms of simultaneous, consecutive, whispered and sight interpretation. Hence, in this study, we investigate what are the challenges facing the interpreters, and how they affect the choice in language register. In addition, how can language register affect the interpreters' job in court interpreting, and what are the difficulties associated with it. Moreover, the strategies that can be used to overcome them. The study also discusses, as well, the conditions for admission to the profession of sworn interpreter. This research is minted based on official and accredited sources, as well as; the use of a questionnaire submitted to twelve official certified interpreters in Algeria and from foreign countries. This study led us to identify the difficulties faced by interpreters as selecting the right language register, legal terminology, the accuracy of interpretation, and language registers and their specificities. The procedures to overcome them through strategies aiming to increase the efficiency of the interpreters in performing their tasks.

Key words:

Court interpreting, language register, legal language, court interpreters, challenges.

المخلص

تضطلع الترجمة الشفهية بدور محوري في المساعدة على التواصل بين الناس. ومع ذلك، تعد مهمة صعبة ومعقدة، فهي تحتاج الماما واسعا ومعرفة كبيرة بجوانب عدة. لذلك، فإن الترجمة الشفوية وخاصة في المحاكم، تستلزم مهارات وكفاءات عالية تؤهل المترجمين الفوريين لأداء عملهم بفعالية وإتقان تامين. يجب على المترجمين الشفويين أن يحوزوا على معرفة شاملة باللغات التي يعملون منها و إليها من اجل تقديم ترجمة دقيقة. تعتمد المحاكم في الجزائر الترجمة التتابعية، اما في معظم الدول الأخرى فتكون ترجمة تزامنية او سماعية او فورية او شفوية. استقصينا في هذه الدراسة ماهية التحديات التي تواجه المترجمين الفوريين خلال عملهم وما مدى تأثيرها على اختيارهم للسجل اللغوي. بالإضافة إلى ذلك، تحاول الدراسة تسلط الضوء على كيفية تأثير السجل اللغوي للتراجم على منتجهم داخل المحكمة وماهية الصعوبات التي قد تلم بهذا المجال وكذا السبل التي يحوز عليها المترجمون لتجاوزها. كما تطرق هذا البحث الى مناقشة الشروط اللازمة لتوظيف المترجمين/التراجمة الرسميين. تم الاعتماد في هذا البحث على مصادر رسمية وموثوقة، علاوة على ذلك تم الاستعانة باستبيان توجهنا به لاثني عشر ترجمانا مُعتمدا، داخل وخارج الجزائر. ساعدتنا هذه الدراسة الى تحديد الصعوبات العديدة التي يُواجهها المترجمون الشفويون نحو: اختيار السجل المناسب وترجمة المصطلحات القرجميانونية ومدى دقتها. وسجلات اللغة وخصوصياتها. اما الإجراءات المتبعة فتهدف إلى زيادة كفاءة المترجمين الفوريين في أداء مهامهم.

الكلمات المفتاحية:

الترجمة الشفوية في المحاكم، سجل اللغة، اللغة القانونية، المترجمون الشفويون، تحديات.

Résumé

L'interprétation a joué un rôle central dans l'aide à la communication entre les personnes. Pourtant, il s'agit d'une tâche difficile et complexe qui nécessite de grandes connaissances, une formation et une expertise approfondie dans plusieurs domaines. Par conséquent, l'interprétation orale, en particulier dans les tribunaux, nécessite des aptitudes et des compétences élevées qui permettent aux interprètes d'accomplir leurs tâches efficacement et avec précision. Les interprètes doivent maîtriser les langues de leur travail, afin de produire une interprétation précise et adaptée à tous les niveaux. Dans les tribunaux, l'interprétation prend une forme consécutive en Algérie, tandis qu'à l'étranger elle prend les formes de l'interprétation simultanée, consécutive, chuchotée et à vue. Par conséquent, dans cette étude, nous examinons quels sont les défis auxquels sont confrontés les interprètes et comment ils affectent le choix du registre de langue. En outre, comment le registre de langue peut-il affecter le travail des interprètes dans l'interprétation judiciaire et quelles sont les difficultés qui y sont associées. De plus, les stratégies qui peuvent être utilisées pour les surmonter. L'étude aborde également, ainsi, les conditions d'accès à la profession d'interprète assermenté. Cette recherche est fondée sur des sources officielles et accréditées, ainsi que ; l'utilisation d'un questionnaire soumis à douze interprètes officiels assermentés en Algérie et à l'étranger. Cette étude nous a amenés à contribuer à nous amener à identifier les difficultés rencontrées par les interprètes comme le choix du bon registre de langue, la terminologie juridique, la justesse de l'interprétation, et les registres de langue et leurs spécificités. Les procédures pour les surmonter par des stratégies visant à accroître l'efficacité des interprètes dans l'accomplissement de leurs tâches... En outre, comment le registre de langue peut-il affecter le travail des interprètes dans l'interprétation judiciaire et quelles sont les difficultés qui y sont associées. De plus, les stratégies qui peuvent être utilisées pour les surmonter. L'étude aborde également, ainsi, les conditions d'accès à la profession d'interprète assermenté. Cette recherche est fondée sur des sources officielles et accréditées, ainsi que ; l'utilisation d'un questionnaire soumis à douze interprètes officiels assermentés en Algérie et à l'étranger. Cette étude nous a amenés à contribuer à nous amener à identifier les difficultés rencontrées par les interprètes comme le choix du bon registre de langue, la terminologie juridique, la justesse de l'interprétation, et les registres de langue et leurs spécificités. Les procédures pour les surmonter par des stratégies visant à accroître l'efficacité des interprètes dans l'accomplissement de leurs tâches.

Mots clés :

Interprétariat judiciaire, registre des langues, langage juridique, interprètes judiciaires, contestations.

وزارة التعليم العالي والبحث العلمي

جامعة قاصدي مرباح – ورقلة

كلية الآداب واللغات

قسم الأدب و اللغة الإنجليزية



مذكرة مقدمة لإستكمال متطلبات نيل شهادة الماستر

اختصاص: ترجمة عربي – انجليزي - عربي

السجل اللغوي و (إعادة) التعبير عن قصيدة الكلام في الترجمة الشفهية بالمحاكم

دراسة حالة: دراسة استقصائية لدى مترجمي المحاكم

من إعداد الطالبتين:

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