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***A Field Study of Court Interpreting in Algeria  
Challenges and Perspectives***

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## ABSTRACT

Like many other specialities, court interpreting is very complex and requires familiarity with a number of subjects. This study explores the practice of court interpreting in Algeria regarding the prerequisites and competences required for the court interpreter, his role in legal settings and mainly the difficulties found in the work environment. Besides, it provides practical recommendations in this regard. The research design makes use of the official data to provide the qualification of court interpreters and their contact information. The other data sources are an online survey and personal interviews. The scope covers official sworn translators-interpreters throughout the country. Sixty interpreters participated in the survey and eight volunteered to be interviewed. The findings shows that lack of case information beforehand, poor scheduling, low remuneration and the non existence of training programs are the most challenging issues encountered by court interpreters. It is suggested that it is important to provide regulations which should consider the work conditions, the complexity of court cases and the intricacy of the legal language.

**Keywords:** *court interpreting, official sworn translators-interpreters, challenges, Algeria*

### المخلص

على غرار العديد من التخصصات، فإن الترجمة الشفهية يشوبها قدر من التعقيد و تستدعي إلماما بجوانب كثيرة، و نسعى من خلال هذه الدراسة الميدانية إلى تقصي ممارسة الترجمة في المحاكم الجزائرية و ما يتعلق بها من قضايا انطلاقا من شروط التوظيف في منصب مترجم ترجمان رسمي، من ثم الكفاءات اللازمة للترجمان في المحكمة، وصولاً إلى الصعوبات التي تحف ميدان العمل، كما تقدم الباحثان توصيات عملية بهذا الصدد. و قد أفدنا في تصميم بحثنا من مصادر رسمية، للإطلاع على مؤهلات الترجمة في المحاكم و معلومات الاتصال بهم، أما مصادر البيانات فكانت دراسة استقصائية عبر الإنترنت و مقابلات شخصية و شمل البحث المترجمين الترجمة الرسميين المحلفين عبر جميع أنحاء الوطن، شارك 60 ترجمانا في الدراسة الاستقصائية و تطوع ثمانية لأجراء المقابلات. و من خلال قراءة متفحصة للنتائج يتبين أن الافتقار إلى المعلومات المتعلقة بالقضايا سلفا و كذا سوء و عشوائية الجدولة، و تدني الأجور، و عدم وجود برامج تدريبية نوعية موجهة للترجمة في المحاكم كانت أكثر الصعوبات التي تعترض سبيل الترجمة في المحاكم، واقترح لتحسين أداء الترجمة وضع اللوائح و القوانين التي تُعنى بالمهنة و ظروف العمل، و التي من شأنها أيضاً المساهمة في إحقاق العدالة.

**الكلمات المفتاحية:** الترجمة الشفهية في المحاكم، المترجمون- الترجمة الرسميون المحلفون، التحديات، الجزائر.

### Résumé

Comme beaucoup d'autres spécialités, l'interprétariat est très compliqué et nécessite une certaine connaissance aux différents sujets. Cette étude explore la pratique de l'interprétation judiciaire en Algérie en ce qui concerne les préalables et les compétences

requis pour l'interprète judiciaire, son rôle dans le cadre juridique et principalement les difficultés rencontrées dans le milieu de travail. En outre, il fournit des recommandations pratiques à cet égard. La conception de la recherche utilise les données officielles pour fournir la qualification des interprètes judiciaires et leurs coordonnées. Les autres sources de données sont un sondage en ligne et des interviews personnelles. Le champ d'application couvre les traducteurs-interprètes assermentés dans tout le pays. Soixante interprètes ont participé au sondage et huit autres ont accepté d'être interviewés. Les résultats montrent que le manque d'informations sur les cas à l'avance, la mauvaise planification, la faible rémunération et l'inexistence de programmes de formation sont les problèmes les plus difficiles rencontrés par les interprètes judiciaires. Il est suggéré qu'il est important de prévoir des règlements qui devraient tenir compte des conditions de travail, de la complexité des affaires judiciaires et de la complexité du langage juridique.

**Mots-clés:** interprétariat judiciaire, traducteur- interprètes assermentés officiels, défis, Algérie.

## **List of Abbreviations**

## *Dedication*

*To my parents: Zineb and Taher.*

*Nadjoua*

## *Dedication*

*To my mother specially*

*To my husband*

*To all my family*

*To all my friends*

*I dedicate this work.*

*Hadjer*

## ***Acknowledgement***

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**C:**Coordination effort

**CI:**Consecutive Interpreting

**GAM:**generated abstract memory

**KSAs:** Knowledge, Skills and Abilities

**L:**Listening and analysis effort

**L2:**Second Language

**M:**Memory effort

**R:**Interpreter

**P :** Production effort

**PSECCI:** the Professional Standards and Ethics for California Court Interpreters

**SL :** Source Language

**SI:**Simultaneous Interpreting

**TL:**Target Language

**VRI:**Video Remote Interpreting

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# *General Introduction*

## **Background**

Today, a greater diversity of languages came in touch in our globalized world. Different languages are spoken by tourists, refugees, people come for work or marriage and immigrants. Thus, more explicit provisions are made for the rights of linguistic minorities. Algeria is but one part of this ever-shrinking world that has undergone enormous changes. The country's economic growth and social development requires interpreting services in many fields.

As litigation and prosecution became increasingly important, a qualified court interpreter is also highly demanded to grantee due process and to ensure that the handicapped participant have his right as anyone else would have if he understood the language of the court. To achieve this goal, a court interpreter should not only be linguistically competent but also, he should have special skills and abilities along with the adherence to standards of ethics and professional conduct which may enable him to practice his task professionally. The current study aimed to understand court interpreting practice in Algeria by focusing on three points. First, the most frequently-encountered issues and challenges for court interpreters. Second, the qualification, skills and knowledge required for court interpreters and the strategies used in court interpreting proceedings. Finally, the kinds of improvement are deemed necessary for in-service court interpreters.

For the purpose of this study, the notion "Court Interpreting" will be used to mean the task that official translators-interpreters in Algeria perform as a part of their profession in courtroom settings and will include only the verbal practices and not the written work (translation).

### **Statement of the Problem**

Although the last two decades saw an increasing scholarly interest in court interpreting, there is a dearth of pertinent studies in Algeria to address the difficulties existing in this specific working environment. In the legal sphere, interpreting is far more involved than eliminating communication barriers. The task of court interpreter is rendered more difficult by the specific situational context in which it is performed. Court interpreting requires a native-like mastery of the target language, particular skills to smooth over the interpreting process difficulties and a broad knowledge of the legal system in general. However, even the most skilful interpreter faces many professional challenges. Therefore, raising the awareness of the specificities of the profession and investigating the challenges encountered in the work environment constitutes a serious need. The present study will try to systematically identify -with empirical data and in-depth analysis- what challenges do interpreters have at courtrooms and to suggest practical recommendations in this regard.

### **Aims of the Study**

While court interpreters seek a faithful and accurate interpretation to the best of their ability, it is worth addressing the difficulties encountered in the courtroom. The main objectives of this study, thus, is to shed light on the requirements of court interpreting in Algeria and to increase the understanding of the effectiveness of pre-service training as well as ongoing professional development in solving these challenges in order to optimize the contribution interpreting makes towards achieving a fair trial.

### **Research Questions**

The researchers will make an attempt to answer the following questions:

1. What challenges do Algeria court interpreters have in the work environment?
2. What are the key recommendations which are deemed as desirable to improve the practice of court interpreting in the country?



## **Methodology**

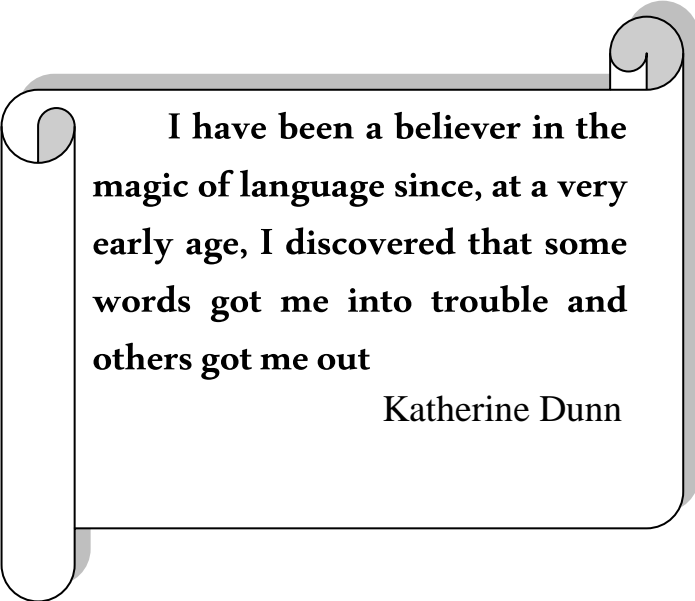
This is a qualitative and descriptive study that uses a survey questionnaire and interviews as instruments to collect the required data.

## **Research Structure**

This dissertation is presented in two chapters. Chapter one includes the theoretical background of the study including the modes, models, approaches and the themes related to court interpreting along with the challenges that are commonly encountered in this field. The second chapter describes the methodologies used for the collection of data, as well as the criteria of selecting the participants conducted in this study. Furthermore, the chapter highlights the main findings and discussions and lists some suggestions and recommendations for the development of court interpreting profession in Algeria.

**Chapter One:**

# **On Court Interpreting**



**I have been a believer in the magic of language since, at a very early age, I discovered that some words got me into trouble and others got me out**

**Katherine Dunn**

## Introduction

This chapter presents the theoretical background of the current study. It begins with an overview of the history of court interpreting and defines interpreting in the legal settings. Besides, it highlights the theoretical approaches, modes and cognitive models of interpreting and explained the role of the court interpreter. This chapter also addresses the challenges commonly found in court interpreting along with the required skills, abilities and competences to serve as a background to understand the importance of this study.

### 1.1 An Overview of the History of Court Interpreting

Historically, interpreters have always been accorded a high status through accompanying the Pharaohs and the Persians kings and providing services for the Greeks and the Romans. Back then, the interpreter was not only a linguistic mediator for business deals, but was also regarded as God for his numerous linguistic skills.

In the Middle Ages, interpreters were very professional and highly competent and their role became increasingly prominent. However, interpreting at that time was never linked to courts and trials. As for the Arabs, writings in Arabic jurisprudence showed their great interest in experts, for their awareness of the serious need of interpreting. Almost all jurisprudential books have pointed out the judiciary provisions, rules and importance of the legal interpreting. In addition to the supervision that must be established by the judge over his interpreter.

In relatively modern history, Serminto Perez (2011) refers to interpreting mediating between Europeans and African indigenous groups in legal contexts, among others in the fourteenth century (Mikkelson, 2000, p.5). Interpreters played an important role during the Spanish colonization of Central and South America as early as 1500s. Colin and Morris (1996) cite interpreted trials in the 1682 and 1820 that were landmarks in English jurisprudence. The first, *Brosky and Others*, was a murder trial involving several languages.

Perhaps the first trials which gave rise to interpreting as a recognized profession was in the Second World War the famous Nazi war trials in Nuremburg 1945-1946 and in Tokyo 1946-1948 (Gaiba, 1999), because it was the first instance of the use of equipment to provide simultaneous interpreting (Mikkelson,2000, p.5). As Gaiba notes, “the Nuremnrug Trail was

one of the first major international media events, and there was the need to keep the international public constantly informed.” (p.33)

Despite these accounts of historic trails, only recently court interpreting was regarded as a full time occupation and a career which required a specialized training in it. The first regulation of the quality of interpretation in the judiciary began in the late 1970s. Sweden was among the first European nations to regulate the practice of interpreting, introducing a state authorization exam in 1976 (Ozolins 1998). In the United States the Federal Court Interpreters Act of 1978 required the Spanish interpreters working in the federal court demonstrate proficiency by passing e certificate exam (Gonzalez et al., 2012). At the same time, Registry of Interpreters for the Deaf (RID) developed a legal skills certificate as a complement to the general certification exam it had been administering since 1972. Australia began recruiting a proficiency exam for interpreters in 1978 and Canada in the early 1980s (Mikkelson, 2000, p.7).

Recently, the political conditions and the war crimes trials around the world have brought more attention to the role of interpreters, such as the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia, the events of 9/11, and the events of the Arab Spring in the Arab world ( as cited in Al-Tenaijy, 2015, p.22 ). These events and steps in the field of court interpreting have resulted in the adoption of interpretation in court as a legal right to justice and have received considerable attention at the international level (The International Covenant on Civil and Political Rights of the interpreter), as well as (The European Convention for the Protection of Human Rights and Fundamental Freedoms provided for the use of interpreters) at the national level. A number of countries and legal systems considered these rights and enacted laws regulating the work of the official court interpreter. However, it is clear that there is a great deal of work to be done in making sure that language rights are recognized all over the world.

## **1.2 Introduction to the Concept of Court Interpreting**

Before we go deep in defining the term court interpreting, we have to clarify that court interpreting as an activity is sometimes referred to as forensic interpreting, judiciary interpreting and legal interpreting. However, the literature review (Berk-Slegson 1988, de Jongh 1992, Hale 1997, Mekkilson 1998, Morris 1995, Roberts 1997) shows that court

interpreting is the commonly used term. According to Mekkilson (2000) the term limits interpreting to a given setting, namely a court of law. (p.1)

Court interpreting is the oral interpretation of speech from one language to another in a legal setting...It is but one form of interpretation, other varieties include conference interpreting (which is simultaneous at international conferences) and escort interpreting (consecutive interpreting for small, informal groups). (Edwards, 1995, p.1)

Court interpreting is sometimes regarded as belonging within the broader concept of what is usually termed community interpreting (Roberts, 1997). However, when giving an overview of the development of community interpreting since the 1960s, Pöchhacker (1999) observes that, more often than not, court interpreting «is viewed as a separate speciality” one that is distinct from the activity of community interpreting (p.127). According to the author, this may be explained by the diversity of community interpreting which refers, in the most natural sense, to interpreting in all kinds of institutional settings, involving all kinds of languages and cultural groups.

Interpreting is a complex social event involving not only linguistic and cognitive skills, but also social, institutional and professional aspects. Metzger (1991) has stated that interpreting studies from linguistic and cognitive aspects only provide a partial understanding of interpreting events. Traditionally, interpreting studies as it developed through the twentieth century mainly focused on the cognitive and contextual levels of interpreting events.

At the cognitive level, various information processing models have been developed and refined by Gerver (1976), Gile (1985) and Setton (1999). At the textual level, discourse analysis has been the main instrument for observing interpretation products and effects. A series of studies on discursive aspects have been carried out by researchers including Berk-Seligton (1988), Hatim and Mason (1990), and Dam (1993). At the interactional level, communication models have been developed by Kirchhof (1979) and Stenzl (1983). A mode-based distinction has been developed and widely applied in Interpreting Studies. In terms of interpreting modes, interpreting generally can be categorised into Simultaneous Interpreting (SI) and Consecutive Interpreting (CI). (Ginori & Scimone, 1995)

However, these traditional cognitive or textual paradigms along with their mode-based categorization have become less effective since the late twentieth century with the emergence of social, cultural, institutional and professional settings (Pochhacker, 2007). Court interpreting

is used to refer to all activities involving language mediation for people who do not speak the same language to facilitate a trial in a court of law. Court interpreting is understood in Roy's (2000) terms as, "a linguistic and social act of communicating, and the interpreter's role in this process in an engaged one, directed by knowledge and understanding of the entire communicative situation, including fluency in the language". He also points out that the interpreting event itself is influenced by both linguistic and social factors, such as the status of the participants, level of directness, and explicit understanding of the progression of talk.

An earlier work by Pochhacker in 2006 suggested that the first step to deciding on a research framework is the development of a more effective distinction of the different kinds of interpreting based on institutional settings of interpreting service, such as court interpreting, healthcare interpreting and diplomatic interpreting. As a matter of fact, like most other professions, interpreting, especially in court interpreting, has always been under the influence interplayed social, cultural, institutional and professional factors, such as power differentials (Ozolins, 2007).

This study includes not only linguistic perspectives but also non linguistic perspectives, such as educational, institutional, and professionalization aspects, to provide insights into challenges faced by Algerian court interpreters.

### **1.3 Approaches to Court Interpreting**

Different schools of thought have been interested in studying the field of court interpreting. The approaches they deploy can be divided into linguistic-based approaches and non-linguistic based approaches.

Most of the linguistic-based research in court interpreting has concentrated on the discourse of the courtroom and the impact of the interpreter's performance on the legal process. The two major works who have served as a theoretical basis for a court interpreting research were pioneered by Berk-Seligson (1990, 2002) and Hale (2004). These studies deploy discourse analysis, the ethnography of language, pragmatics and experimental psychology methods. In her book *The Bilingual Courtroom*, Berk-Seligson (1990, 2002) found that there existed a common misunderstanding regarding the interpreter's role. For example, she noted that interpreters often rephrased questions, instructed lawyers on how to ask them, rebuked witnesses for not addressing questions adequately, and altered the pragmatic effect of the original questions and answers. These actions, in turn, affected mock

jurors' assessments of the witnesses' trustworthiness, convincingness, intelligence, and competence. The finding of this study indicated that the presence or absence of polite forms in a witness's testimony impacted the jurors listening to that testimony, illustrating how variations in register (politeness) play a crucial role in how listeners judge the credibility of an original speaker (as cited in to Al-Tenaijy, 2015, pp.43-44).

The researcher study shows the importance of understanding the strategic use of forensic language and maintaining the pragmatic force of the discourse. Similarly, Hale (2004) investigated the treatment of courtroom questions and answers and demonstrated that there was a lack of understanding the purpose of certain question types, including the use of tags and other questioning strategies, such as discourse markers, repetition, and modalities. Most interpreters omitted or altered these features while conveying the questions, thereby changing their pragmatic intension (p.44). Both researchers recommended the necessity of adequate training and practice for court interpreters.

Other studies have looked at other, non-linguistic aspects of the practice of court interpreting using social science methods of surveys, interviews and focus groups. They can be divided into the following themes: Perceptions on the quality of court interpreting (Kadric 2000; Jacobsen 2008; Berk-Seligson 2009; Braun 2013; Fowler 2013), issues of professionalism in court interpreting (Parviainen 2006; Kinnunen 2011 ;Hussein 2011), perceptions on the role of court interpreters (Mikkelson 2000, 2008; Berk-Seligson 2002; Angelelli 2004; Morris 2007, 2010; Lebesse 2011; Martin and Taibi 2012) and, issues related to ethical obligations (Ozolins 1998 ;Takeda 2008 ; Lipkin 2008 ; Morris 2010).

Fewer studies have focused on the other aspects of legal interpreting, such as police interpreting (Krouglov 1999; Berk-Seligson 2000; Russell 2004; Wadensjö 1997) and tribunal hearings (Wadensjö 1992; Mason & Stewart 2001; Barsky 1996). Hale contends that most legal interpreting research studies have been descriptive, qualitative and speculative, providing useful and fruitful information in the field.

## 1.4 Modes of Interpreting in the Courtroom Settings

Consecutive interpreting, simultaneous interpreting, whispered interpreting, sight translation and remote interpreting are different modes of interpreting that could give rise to other interpreting related issues for court interpreters. The first three modes refer to oral translation from an oral language into another oral language. In consecutive interpreting, the speech is divided into segments; the interpreter listens then starts interpreting after the speaker's pauses. This mode of interpreting demands active listening, prediction, note-taking skills and strong memory. While simultaneous interpreting is the process of conveying the meaning and ideas of the SL speaker at the same time which requires high concentration for extended periods of time and the ability of self-monitoring of the outputs to ensure the transfer the message accurately. This mode of interpreting is principally used in jury instruction and attorney- judge conferences. Whispered interpreting is where the interpreter sits next to the person who needs the interpreting service, whispers what's being said in their ear.

The fourth mode of interpreting is sight translation which refers to oral rendition from a written language into another oral language without advanced preparation. It is used usually to interpret short documents such as medical report or birth certificate. The last mode of interpreting is remote interpreting ; telephone interpreting or videoconferencing (VRI) are two forms of remote interpreting where the interpreter provide the interpreting service without being physically attended in same room or even country. Although remote interpreting may seem cost-effective and time-saving, many court interpreters have expressed their dissatisfaction about integrating this technological advancement in court interpreting. Some of the complaints include stress and fatigue as a result of poor connection quality, lack of visual clues, defendant's confusion due to lack of direct contact with the interpreter. (as cited in Al-Tenaijy 2015, p.25)

## 1.5 Models of Interpreting

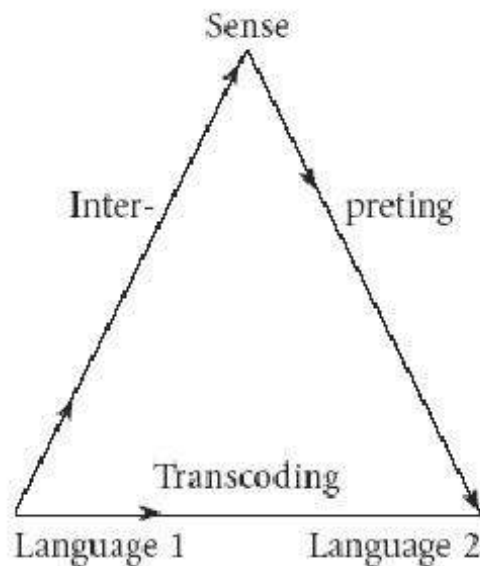
The interpreting models can significantly contribute to increase our understanding of the mental activities and processes involved in court interpreting. Moreover, the models have key role in terms of training and guiding teaching. Some models were devised by court



interpreters such as Gerver's Model, Moser's Model, Gile's effort Model and Seleskovitch & Lederer Model of translation. We will discuss each model briefly due to space consideration.

### 1.5.1 Seleskovitch & Lederer Model of Interpreting

Danica Seleskovitch and Marianne Lederer have established the Interpretative Theory or Theory of Sense which considers translation as a work on message or sense and not a work on words or languages and defended it with force, had the great merit of showing that this process is both important and natural. Of course, both stages imply some skills on the part of the translator: a knowledge of the source language, an understanding of the subject matter, a mastery of the target language, but also a method, a capacity to apply reflexes and adopt, as per the text, an attitude which will yield the best results through research of equivalences rather than the simple use of correspondence. Seleskovitch's Sense Theory represented graphically in the following ternary composition model of translation.



**Fig.1.1 Selescovich & Lederer model of Interpreting**

Pöchhacker (2004) hypothesized that the model implies the following: interpreting is a ternary process, first comes the activity of listening in L1; the meaning and sense of the discourse (the object of interpreting) then, is perceived, afterwards comes the final stage (the

most important one in interpreting) the reformulation of the acquired meaning in L2. Transcoding, however, only applies to the simultaneous interpreting of terms, numbers, and names (p.97). For Selescovitch, interpreting is unquestionably about sensation, on the one hand, a sense of "internal" language system, on the other hand feel the "external", thence, the translation process is not straightforward, but the pass through various phases. From here we conclude that it is an active process clustered around the "understanding" and then "re-expression" of ideas (as cited in *The Interpretative Theory*, p.5.).

Interpreting for Selescovitch is a tool of communication and its ultimate goal is to achieve the "communicative sense" She said that: "To believe that to interpret is to pass directly from one language to postulates knowledge, to say that to interpret is to go through the meaning of postulates besides intelligence." (Seleskovitch, 1983)

### 1.5.2 Gerver's Model

Gerver's model (1976) focuses on memory structures and processing operations for simultaneous interpreting. He conducted a number of experiments with professional interpreters and based on the results proposed a sequential model of mental processing during interpreting. The model focuses on a system of short-term stores for the different stages of text processing. (Timarova, 2000, p.12) The actual text processing is, according to Gerver, performed in co-operation with long-term memory, which activates the appropriate linguistic units. Gerver (1976) assumed that this stage of processing is purely linguistic, and did not consider it any further.

Another process model of simultaneous interpreting was proposed by Barbara Moser in the mid-1970s. Her model is similar to Gerver's model, but it is more detailed and thorough in terms of describing the initial stages of the information processing. According to Timarova, the model t assigns a crucial role to working memory. Unlike Gerver, Moser is more explicit as to specific process segments. Barbara Moser uses a different term – generated abstract memory (GAM), but mentions specifically that it is identical to short-term memory.

Both Gerver's and Moser's models are interesting in a number of ways. They acknowledge the complex and multi-faceted nature of the information processing involved in interpreting. Moreover they emphasize that the extra-linguistic factors (e.g., background noise

and speed of the original message delivery) affect the processing capacity of the interpreter, and explain that coping tactics or strategies should be employed to facilitate the interpreting performance. While Gerver's model focuses on the psychological description of the interpreting process, Moser's model devotes considerable attention to psycholinguistic processing mechanism (as cited in Al Tinaji, 2015, p. 40).

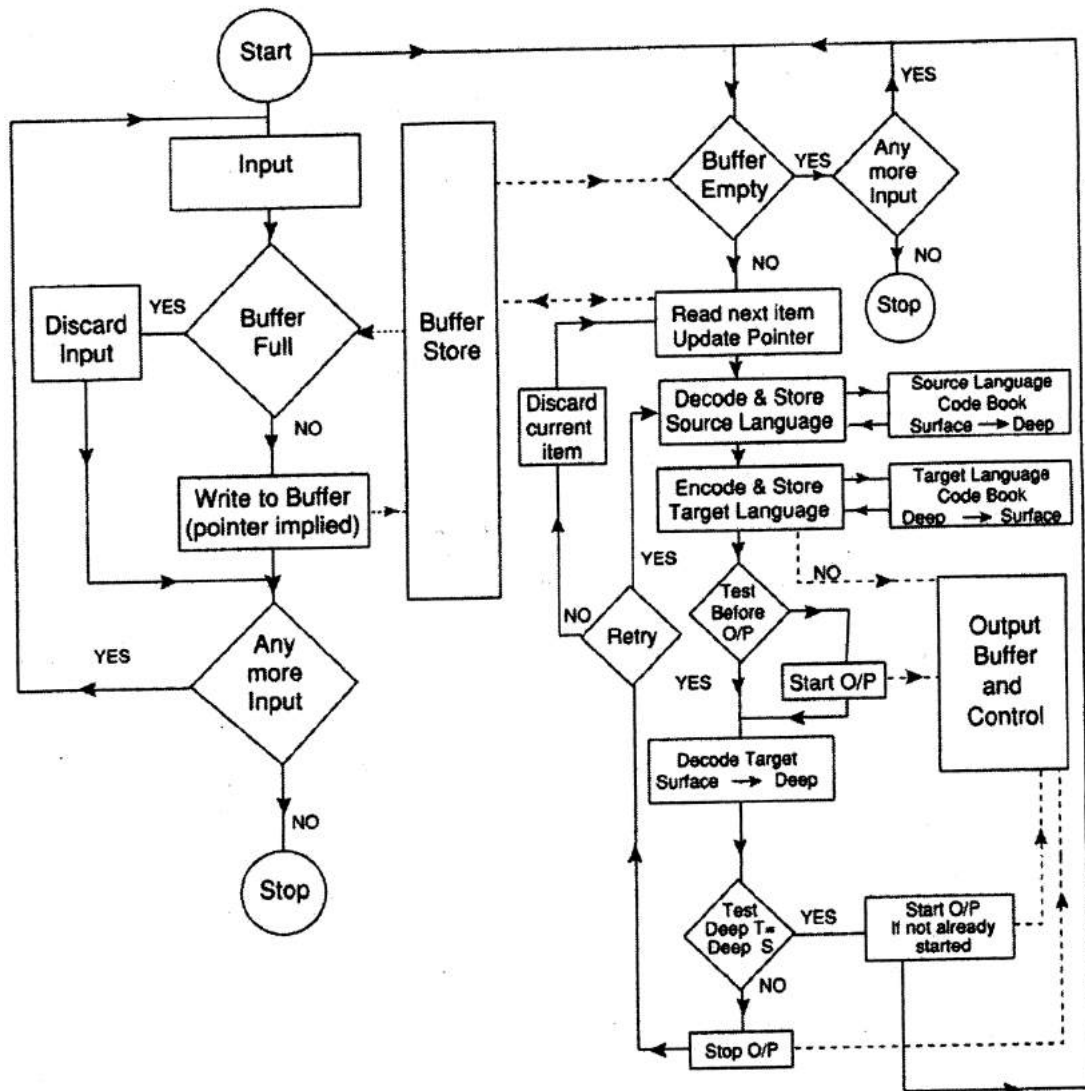


Fig. 2.2 Gerver's Processing Model of Simultaneous Interpreting (Gerver, 1976, pp.196-197).

### 1.5.3 Gile's Effort Model

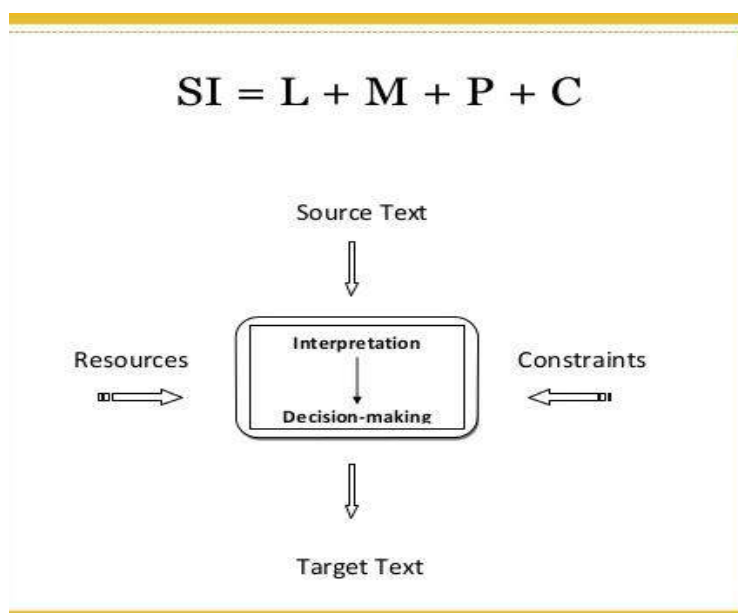
In his effort models of simultaneous interpreting, Gile (1995) suggests that there are three basic efforts:

1. Listening and analysis effort (L) is defined as “all comprehension-oriented operations, from the analysis of the sound waves carrying the source-language speech which reach the interpreter’s ears, through the identification of words, to the final decisions about the meaning of the utterance” (p. 162).

2. Production effort (P) is the “output part of the interpretation ... the set of operations extending from the mental representation of the message to be delivered to speech planning and the performance of the speech” (p.165).

3. Memory effort (M) refers to the short-term memory where information is temporary stored throughout the interpretation process.

As a refinement of the model, a “coordination effort” (C) was added to balance the functions of the other three efforts. Thus, according to Gile’s Effort Models (1995), simultaneous interpreting (SI) consists of three main efforts, as well as a coordination effort. The resulting relationship among the model components can be formulated as follows:  $SI=L+P+M+C$  (p.169).



**Fig.1.3 Gile's cognitive processing effort model. (Cynthia Dodzik 2013)**

Gile (1995) provides additional insight into the consecutive interpreting process in his Effort Model. He points out that there is a lag:

*Between the moment the information is heard and the moment it is written down, or between the moment it is heard and the moment the interpreter decides not to write it down, or again between the moment it is heard and the moment it disappears from memory.... Another point is that the Production Effort during the first phase of consecutive interpreting is associated with the production of notes, not with the production of structured natural language. (p. 179)*

## 1.6 The Role of the Court Interpreter

Various definitions of the role of the court interpreter have been perceived by legal professional players, for instance, Morris (2010) argues that the current legal system demands that the interpreter functions as “a faceless voice” (p.20).

Hale (2008) has a more positive perception on the role of court interpreters. She identifies five current roles adopted by interpreters: advocate for the minority language speakers (i.e., the role of cultural brokerage or mediation), advocate for the institution or service provider, gatekeeper, facilitator of communication, and faithful renderer of others’ utterances (pp. 102-119).

The duty of the court interpreter is to provide an appropriate interpretation that is linguistically and legally true. According to (Fishman, 1991, p. vii), the interpreter has to conserve all the linguistic elements of the original, including nuances, level of formality, and intent, along with paralinguistic elements of a discourse, such as pauses, hedges, self-corrections, hesitations, intonation, and so on. By means of emphases and modifications in his interpreting, the interpreter can exert some —third party influence. This influence can be positive if the court interpreter preserve the fidelity and at the same time it can be negative if he abuses his power to and affect the communication outcome.

González et al. (1991) pointed out that lawyers were taught in school how to use language as a tool to probe, to discover truth, and to manipulate thoughts of others. In interpreter-mediated court proceedings, the lawyer would totally rely on the interpreting to capture nuances of the language as originally uttered. Therefore, the interpreter should also

reflect the nuances of the language uttered by the lawyer in his/her interpreting, so as to exert equivalent impact on the client.

Competent legal interpreters require not only linguistic and cultural competencies, but also specific cognitive skills, such as strong short- and long-term memory, immediate comprehension and concentration and stress tolerance (Pöchhacker 2009). The literature shows that there is a consensus that the interpreter should remove the language barriers between the participants of proceedings and enable communication between the parties. However his role is defined differently interpreters are perceived as invisible persons in the courtroom, intermediaries in communication, experts of language and culture or visible and active partners in communication (Nartoska, 2015, p.9).

Empirical surveys on the role of court interpreter (Berk-Seligson 1990; Hale 2004; Jansen 1995; Kadrić 2009; Nartowska 2014a, 2014b; Niska 1995) show that the interpreter in the courtroom is visible, is an “active verbal participant in the interaction” (Berk-Seligson, 1990, p.64). According to the author, on one hand they may intervene with the lawyers’ questions, changing their purpose which is beyond the lawyers’ control and on the other hand they may intervene with the answers provided by the person speaking a foreign language. Moreover, the power of the interpreter is manifested in the coordination procedures undertaken: since the only person who understands the language of the foreigner is the interpreter, the course of the foreigner’s testimonies is controlled by the interpreter in the role of judge (e.g. by calling him or her to answer, to repeat the statement or to be silent) (Berk-Seligson 1990; Kadrić 2009).

Whereas, as Hale (2008) points out, most of the postulated opinions “are based solely on personal preferences and ideologies, some on descriptive studies of the current state of affairs, but very few on research that looks at the consequences of each of the roles proposed” (p.101). The interviewees of this study will be asked about their self-perception of their role as court interpreters. Their views will be discussed in the findings.

## 1.7 Challenges Commonly-found in Court Interpreting

### 1.7.1 Legal Language

Legal language is characterized by its complex nature and it is not a universal language but it is tied up with the legal system related to each language along with the cultural differences. For example, the English and Arabic legal systems are strikingly different and each of them is embedded in the cultural background of each system. Legal English is related to Common Law where many ‘terms of art’ can only be understood against a Common Law background (Triebel, 2009, p.149). Legal Arabic, on the other hand, involves aspects of the Islamic Law and Civil Law. Thus, translators from and into Arabic face difficulties on different linguistic levels, be they terminological (i.e. Shari‘a Law vs Common Law terms), syntactic (i.e. modals and passive structures’ incongruities), or textual (i.e. lexical repetition and punctuation marks) (as cited in El-Farahaty, 2016, p.475). According to O’Barr (1982) and Danet (1980), the language used in legal processes is identified by:

1. Technical terms
2. Common terms with uncommon meanings (e.g., assignment)
3. Words with Latin, French, or Old English origins (e.g., voir dire)
4. A high percentage of polysyllabic words (e.g., collateral)
5. Unusual prepositional phrases (e.g., in the event of default)
6. Paired and redundant words (e.g., will and testament, freely and voluntarily)
7. Formality
8. Vagueness
9. Over-precision

Furthermore, legal language entails special characteristics and styles like jargons and different registers. Examples of this involve the language of lay witnesses, slang of the police and technical jargons of the reports and testimony of expert witnesses who may be doctors, surgeons, bankers, technicians, etc. (as cited in El-Farahaty, 2016, p.476). In some instances, speakers use taboo words and offensive words or phrases with a specialized meaning different from the literal meaning, as in the case of metaphors, idioms, sarcasm, and irony which makes the task of the interpreter difficult because his job is not just transcoding the legal meaning but transferring the legal effect. In this study we will investigate whether court interpreters in Algeria face such challenges in their work.

### 1.7.2 Lexical Gaps

Legal systems differ from one country to another and each language has its way of labelling concepts and naming the physical or abstract entities that we live with and the situations we experience. However, several studies show that not every single concept in our world can be labelled by proper lexical item; in fact there are several conceptual structures which are not lexicalized. Brislin (1978) and Whorf (1940) note that some languages have a wider range of vocabulary to describe certain objects or concepts in a more precise manner than other languages do. For example, the Eskimo language has a rich vocabulary to convey the subtlety of snow; the Arabic language has a more sophisticated terminology about horses ; French speakers able to better describe the taste of grape wine (as cited in Wangy, 2014, p.17). This linguistic phenomenon is called lexical gaps.

Bentivogli and Pianta(2009) underline that a lexical gap occurs whenever a language expresses a concept with a lexical unit whereas another language expresses the same concept with a free combination of words. For Court Interpreters this phenomenon demonstrates a challenge which they have to overcome using certain strategies as Gonzalez et al. (1991) point out, the interpreter really needs to paraphrase rather than give the exact words spoken in certain occasions. For example, when using Haitian Creole, there's no equivalent for jury and the interpreter needs to paraphrase it into —the twelve men and women who will judge you (p. 290).

The same holds true as al-Ghazalli (n.d) explained the semantic field of kinship relations where there is a huge gap between both languages in that in Arabic eight kinship relations (i.e. abn alkhala, aibnat alkhala, abn aleama, aibnat aleama, abn alkhalatu, aibnatu alkhalatu, abn aleimata, aibnat aleima) are inadequately matched in translation by one lexical kinship term 'cousin'. This lexical gap can only be bridged by paraphrasing written in form of footnotes or comments within the body of the text under translation. Two examples are given below:



My cousin (my maternal aunt's son) got married yesterday.

Tazawaja ibnu khalatii albarihah

تزوج ابن خالتي البارحة

My cousin (my parental uncle's daughter) got married yesterday.

Tazawajat bintu amii albarihah.

تزوجت ابنة عمي البارحة

In that the court interpreter has to decide whether it is necessary to ask for more background information to precisely convey the precision of the relationship.

Another gap that has been pointed out by Hale (2007) is that the terminological precision of legal language could be a challenge for court interpreting because legal terms are greatly different from everyday English. Speakers have four ways opened to them to bridge such gaps: semantic extension, blending, combination of old existing words or borrowing. As to translation, Weise (1988) maintains that any gap either in the form of one-to-zero or one-to-many equivalents must be compensated by the translator's skill (p.190). Thus, court interpreters have to face challenges from the fact that legal systems have different foundations. As to Mellinkoff (1963), courtroom language can be dated back to its origins of Anglo-Saxon, Latin, and French. He points out that court language is largely inaccessible to laymen due to its wordiness, unclearness, pompousness, and dullness (pp. 11-29). Here are a few examples of his legal terminology list: covenant (which refers to a sealed contract), alleged (which means has been stated but has not been proved to be true), nolo contendere (a Latin phrase which means not challenged), and injunction (which refers a court order).

Court interpreters must be familiar with such legal concepts and have a wide range of vocabulary in various domains. In addition, the interpreter should also have a good command of the jargon and argot of the criminal underworld (Akmajian, Demers, & Harnish, 1984). For example, 'to front up' means to provide payment beforehand; 'to flash' means to show the dealer of illicit goods the money one has on hand. Court interpreters should be able to instantly comprehend these difficult legal terms embedded in the utterance of legal professionals, and to orally translate them into the equivalent of the other language. In this study we will try to figure out how court interpreters learn and acquire these terms and the way they deal with a challenge when they hear a word they are not familiar with.

### 1.7.3 Speech Style and Translated Discourse issues

The Court Interpreter task is more than simple conveying the message from one language to another. He has rather to provide immediate renditions of the original utterances in terms of meaning, effect and speech style. The interpretation of many different kinds of linguistic and social meaning is often based on speech style (Pennington, 1996, p. 6). In the context of the courtroom, where legal decisions are made based on the evidence presented to the court, the speech style of witnesses may influence legal decisions. For example, compared to speakers who use elaborate or formal forms and convoluted illogical structures, speakers who use simple, congruent forms and logical structures are considered more committed to what they say (Olsson 2008, pp.113–114). An example was provided by Funk concerning judge's emotional reaction to the speaker, whether it would be the defendant or a witness:

Because of the fight the boy had cuts on his face.

Due to the physical altercations the lad sustained facial lacerations.

*For me, the more formal language in the second sentence makes the speaker sound more educated, which might make me more likely to believe him. The formality also makes the situation sound more intense, resulting in a more emotional reaction. These differences emphasize the importance of register in translation and the power of the interpreter in the court room. By simply changing the formality of words while keeping the same general meaning, the jury's and judge's perception of the defendant could be completely changed, for better or for worse (as cited in Funk 2012).*

Maintaining a register and the style of the interpreter is so important. However, studies in the field showed that most interpreters would use their own speech style rather than the speaker's style. According to an instance reported by Silva (1981), the interpreter altered the register of a woman giving the testimony from a casual language style full of colloquialisms and swearing into a gentle and grandmotherly style. This register alteration might have left the jurors a better impression of the old woman, which finally resulted in the accused's life-long imprisonment for rape conviction (Silva, 1981).

In fact, interpreters have to copy the witness's style in order to avoid any alteration of the pragmatic intentions. Because it is important that the court access the evidence given by witnesses from diverse cultural and linguistic background, court interpreters are called upon to preserve the register, style, and tone of the speaker in interpreted renditions (Mikkelsen, 1998, p.22).

Apart from the speech style, speech act are other challenges for court interpreters. The speech act theory which has been initiated by Austin (1962) and applied by Hatim and Mason (1990) includes: a locutionary act (the performance of the utterance), an illocutionary act (the communicative force of the utterance), and prelocutionary act (the actual effect of the utterance). They suggested that it was vital for the interpreter, especially the court interpreter, to be aware of the illocutionary act of the speaker's utterance. As each participant in the courtroom has a given role, the intention of the utterance could be rather stereotyped and consistent. For example, —the accused may not order, question, threaten, etc.; a barrister may assert, question, threaten, etc.; while it is the prerogative of a judge to advise, pronounce, and adjourn (Hatim&Mason, 1990, p.62).

According to Hale's data (2004), one of the most challenging illocutionary issues for court interpreters was interpreting tag questions. Her study showed that interpreters omitted the tag over 50% of the time in their interpreting (p.44). Her article (2007) presented an example of how a cross-examiner used a tag question in a falling tone to challenge the witness to the defence. In this example, the Counsel asked: —You're making all this up, / aren't you? \. However, the Spanish interpreter omitted the tag and interpreted it into a flat tone statement, which diminished the illocutionary force of accusation (p.199). Our online survey will include e relevant question to see whether participants find tag questions demonstrate a difficulty while interpreting. The interview will investigate if the stereotyped illocutionary act may help the court interpreter better anticipate upcoming utterances.

### 1.7.4 Faithfulness

The issue of faithfulness and fidelity in interpreting has been frequently brought up and court interpreters sometimes find it really challenging to be committed to the oath of swearing that they enter into. The bellow version of oath is for New South Wales court interpreters which shares the same meaning with all the other world court interprets oath :

*“Do you swear by Almighty God that you will well and truly interpret the evidence that will be given and all matters and things that are required in this case to the best of your ability. Say the words ‘I do’.*

*Interpreter- I do.”*

The first step to achieving a faithful rendition is understanding its meaning. Faithfulness otherwise referred to as accuracy of interpretation. (Hale, 2007). The ideal goal for an interpreter is to render the information from the source language (SL) into the target language (TL) as accurately as possible. This idea explains why interpreters are bound by a professional Code of Ethics (as cited in Chang, 2013, p.132). However, accuracy is an illusive concept which is seen by some interpreting approaches differently. Those who call for a literal translation seek equivalence at the word level and try to match each word, in the same order in the other language. A more advanced approach, seek equivalence at the sentence level, out of context. Such translations will change the order of the words to match the target language grammar, but will not necessarily be accurate. This is called a ‘semantic translation’ (Hale, 2007). The author presents an example of the effects of semantic translation:

Attorney: And you’ve been here 27 years, correct?

Interpreter: (accurate interpretation)

Witness: Haga la cuen/ vine en 69. Haga la cuenta.

Interpreter: I came in ’69, YOU figure it out. (Laughter in courtroom)

Attorney: Okay. Why don’t YOU tell me, how long you’ve been here?

A literal translation of the witness’ original utterance would be:

‘Make the count/ (I) came in 69. Make the count’

In the example above, the interpreter may be succeeded in achieving the semantic interpretation but not the intention behind the speaker's utterance. Because English and Spanish differ in the way they express requests. The use of the imperative mood in English can be regarded as a sign of impoliteness but in Spanish it would not. As in Hale's words,

*A Spanish speaker listening to the Spanish original of the above utterance would understand that the witness is having difficulty working out the number of years and is pleading for help. This is where the interpreter either misunderstood the original intention or was unable to reproduce it in a pragmatically appropriate way in English. A pragmatically accurate rendition of this utterance would have been "Could you work it out for me".*

Such situations show how crucial is the role and the responsibility of the court interpreter. He has to have great knowledge about the complexities and differences among languages and to be skilful at his job in order to be able to achieve the faithfulness and accuracy of interpreting. In the last section of this literature review we will discuss the necessary abilities and knowledge required by court interpreters.

### **1.7.5 Ethical Issues**

Another problematic issue closely linked to the issue of faithfulness is the impartiality and unobtrusiveness of interpreters. Court interpreters must remain impartial and neutral and should not voice their opinions to their participants (as cited in Wangy, 2014, p.33). However, remaining neutral and serving as a conduit are not always applicable. As Morris (2010, p.20) puts it, "the interpreter does not check his humanity at the courtroom door". Sympathy and psychological status might sometimes take over, especially if the suspect or the defendant is from the same home country of the interpreter despite the fact that such behaviours and attitudes violate the ethical standards of the interpreting profession. (as cited in Al-Tenaijy, 2015, p.58)

Similarly Hale (2007) points out that, code of ethics are largely on 'common sense' and 'personal opinions' rather than empirical data. Therefore, some interpreters argued that the theory might be far from real life interpreting practice. Morris (1999) relates interpreters' behavioural deviations during the rendition process to the fact that defendants or litigants

often view interpreters as psychological supporters, since they are the only individuals who can understand them linguistically and psychologically.

The existence of code of ethics determines the role of court interpreters and how they should perform their task. However, its ideality may sometimes be far from what could happen in reality. Lee and Buzo (2009) report that interventions avoidance which is mandated by codes of ethics overlooked the fact that ‘Interpreters are merely social beings who are subject to the interplay of social factors, institutional constraints and societal beliefs’ (p.47). in the same way, Laster and Taylor (1997) say that the ideal of the conduit model which required the interpreters to act like a conduit ‘machine’ is far from reality given the fact that the reproduction of the utterance would inevitably be characterized by the interpreters own voice, dress, mannerism, linguistic competence, age and gender (p. 120). This study will try to find out if the ideal of being an impartial interpreter is challenging in court interpreting settings.

Another problem related to the issue of impartiality is ambiguities of original utterances. The Professional Standards and Ethics For California Court Interpreters (PSECCI) (2013) says that an interpreter should never “guess at what might have been meant, bluff your way through, gloss over problem terms, or omit unclear portions of a message”. Always inform the judge of the situation and request permission to resolve it (p.13). A suggestion by the Missouri Foreign Language Court Interpreter Handbook would be that the interpreter must always refer to him/herself in the third person when requesting for clarification, repetition, paraphrasing, or asking the participant to speak more loudly and clearly such as, “Your Honor, for the record, the interpreter request...” (n.p.) If the witness has used unfamiliar term, the interpreter could ask for clarification in a respectful manner such as in this example provided by PSECCI, “Your Honor, the witness has used the Spanish term ‘pinzas’\_\_ the interpreter will spell it for the record: P-I-N-Z-A-S\_\_ which has several possible meanings” (p.7). In this way, the judge can either directly ask the witness what meaning the word refer to, or direct the questioning lawyer to ask for clarification (as cited in Wangy, 2014 , p.28). This study will explore how Algeria court interpreters deal with such ambiguities.

## **1.8 Knowledge, Skills and Abilities (KSAs)**

Acquiring the necessary knowledge, skills and abilities can be a real challenge for court interpreter at the start of their career. In this section bellow we will present these KSAs as they are identified by researchers in the field and professional court interpreters.

### **1.8.1 Linguistic ability**

Linguistic ability requires native-like proficiency in the working languages, Knowledge of the dialectal varieties. The court interpreter has also to be highly knowledgeable of the culture of different countries; the cultural connotations of the words spoken and the use of cultural nuances, idiomatic expressions, and colloquialisms. Knowledge and use of a broad range of vocabulary, including legal terminology, subject- specific terminology. The terms related to court and general administrative hearing procedure such as legal and criminal justice system terminology; terms related to injury and physical and mental symptoms of illness; tests and laboratory analyses related to alcohol and drugs; ballistics and firearms; and slang expressions related to crime and drug use (Hewitt, 1995, p.41).

### **1.8.2 Interpreting skills**

Interpreting skills refer to operational skills within the courtroom such as:

#### **1.8.2.1 Listening**

Court interpreters have to be able to give awareness, interest, and effort to listen effectively and attend to meaning. The process of listening as it is described by Richard (1983) involves: The type of interactional act or speech event in which the listener is involved is determined (e.g., conversation, lecture, discussion, debate), and this information is retained and acted upon, and the form in which it was originally received is deleted (p. 223).

#### **1.8.2.2 Prediction**

Prediction is a critical factor in performing an accurate and efficient interpretation. Researchers such as Gile (1995), Lederer (1978), and Moser (1978) who were interested in listening comprehension and who have studied interpreting have frequently mentioned the notion prediction in their works. Abbott et. al, ( 1981) emphasize that " our task is made easier by our ability to predict what is likely to come next our ability to select which stretches of material we will pay maximum attention to and which we need not bother too much about" (p. 61).

### 1.8.2.3 Memory

Memory plays a major role in to render the conveyed message accurately and preserve all the linguistic and paralinguistic elements. Seleskovitch (1978) states that memory and understanding are inseparable” (p. 34). The function of memory as summarized by Gonzalez, Vásquez & Mikkelson is to:

*Store the SL message in memory and processes the message for comprehension by activating the relevant modules and schemata. These schemata contain the meanings associated with the SL terms in the message and probably the appropriate TL terms as well. Once the interpreter has formulated a proposed TL version of the message, she checks it against the SL version originally stored in memory, and if the two versions match, the interpreter utters the TL version, inserting paralinguistic elements where appropriate. (p.876)*

### 1.8.2.4 Note-taking

Interpreters jot down numbers, proper names and statistical data to support memory to recall the information needed. Milddelson (1983) stated that the act of taking notes appears to aid in the analysis and processing of the information and the interpreter is more likely to remember something that s/he has acted upon him/herself (p. 6). However other interpreters prefer not to use this skill because it interferes with listening comprehension as Dunkel (1985) indicates that “taking notes during a very rapid presentation may interfere with listening, while at slower speeds, it may enhance listening by increasing the concentration” (p. 27).

### 1.8.2.5 Situational control

Having the skills mentioned above is necessary and can be a real support to the interpreter while doing his task. However, faced with extremely long utterances or due to other physical and environmental challenges, even most practiced interpreters may feel the need to ask for repetition or interrupt testimony or use visual cues to break up the speech into smaller segments. . At the same time, interpreters don't have to overuse use these techniques. It may indicate a need to work on the major or sub skills of interpreting, interpreters should develop their memory capacity and their vocabulary so that they need resort to this expedient only on rare occasions (Gonzalez, Vásquez, & Mikkelson, pp. 886-887).



### 1.8.3 General Job skills

The following general skills for court interpreters are identified by Hewitt in his Model Guides for Policy and Practice in the State Courts (1995):

- ✓ Knowledge of theory, skills, and techniques of interpreting.
- ✓ Ability to follow written and oral instructions effectively.
- ✓ Skill in writing the foreign language (e.g. appropriate grammar, spelling)
- ✓ Ability to provide equal service regardless of the race, national origin, gender, religion, physical abilities, or socioeconomic status of the non-English speaking persons or professionals; and ability to remain impartial in all cases.
- ✓ Ability to recognize and understand one's own motives, limitations, and prejudices.
- ✓ Ability to interpret every oral utterance, even those embarrassing to the interpreter or other court participants.
- ✓ Ability to perform interpreter services effectively under pressure of time constraints, adversarial settings, and in emotionally charged circumstances.
- ✓ Ability to recognize and understand one's own motives, limitations, and prejudices.
- ✓ Knowledge of ethical codes for interpreters and protocol of interpreting.
- ✓ Knowledge of generally observed forms of justice system organization

. This chapter has provided an overview of the literature related to the field of court interpreting in general and to its challenges in particular. It also highlights the competences and abilities which are important and needed in judicial interpreting. The next chapter will outline the methodological approach of and present the data collection instruments employed in this study followed by the analysis and the finding of our research.

## **Chapter Two**

# **Challenges of Court Interpreting in Algeria**

### **Analysis and Findings**

**“The interpreter is not there to make sure that the Limited language proficient understands, but merely to give him the same chance anyone else in his place would have if he spoke the language of the court.”**

**Holly Mikkilson**

## Introduction

This chapter discusses the methods used for collecting the data of this research. Followed by the analysis of the findings which covers the survey and the interview results in an attempt to answer the main questions of this study:

1. What challenges do Algeria court interpreters have in the work environment?
2. What are the key recommendations which are deemed as desirable to improve the practice of court interpreting in the country?

### 2.1 Research Methods and Data Collection

The present study adopts a qualitative approach; the descriptive nature of the current study determines that the first instrument to collect data is the online survey which would be a suitable method for initial data collection. The second instrument is the semi-structured interviews. This type of interviews welcomes additional issues raised by the interviewee during the interview process. Besides, in the survey there will be an extra comment space at the end of the attitudinal questions. Both instruments have a translated version into Arabic.

Moreover, this study makes use of the officially-announced information on the website of the Ministry of Justice ([www.mjustice.dz](http://www.mjustice.dz)) as for the definition of official interpreters and the qualification required. Besides, the information on the website of the Regional Chamber of the Official Translators and Interpreters of the East ([www.ctioe.org](http://www.ctioe.org)) as for the interpreters name lists, contact information, the specified working languages and their compilation according to the working place. The other data of the west and the middle were gathered through personal interviews with members at the National Chamber of the Official translators and Interpreters.

The criteria of selecting participants will be based on official sworn interpreters. They have the right to choose any language that suits them best to share their experience and insight. The criteria encourage different demographic groups: male/female, trained/

untrained, different specified languages, and different work places. The participants' names will be referred as R1, R2, and R3 to protect their identity and they are provided with a Participant's Information Sheet to know about the study investigators, as well as the research topic, significance and how the process of investigating is going to be. The comments and answers provided by participants are taken as they are which means even the grammatical, structural or other mistakes are included to avoid any alteration of their way of expressing ideas and thoughts.

## **2.2 Court Interpreting practice in Algeria**

When we talk about court interpreters in Algeria, we mean the official interpreter-translator who does interpreting in courts as part of his profession. Court interpreting is not yet a fully recognised profession in the Algeria's judicial system. According to the Ministry of Justice official website, the official interpreter-translator is a public officer appointed by a decision of the Minister of Justice to commit himself to professional secrecy as per the decree published in the Official Gazette, Article 13/95 of 11 March 1995. He must wear the official Dress (See Appendix.4) in the same conditions as the clerk when he is called upon to serve in judicial proceedings and he has to take the judicial oath in front of the Judicial Council of his residence. Official translators also have their own office and enjoy having the state seal.

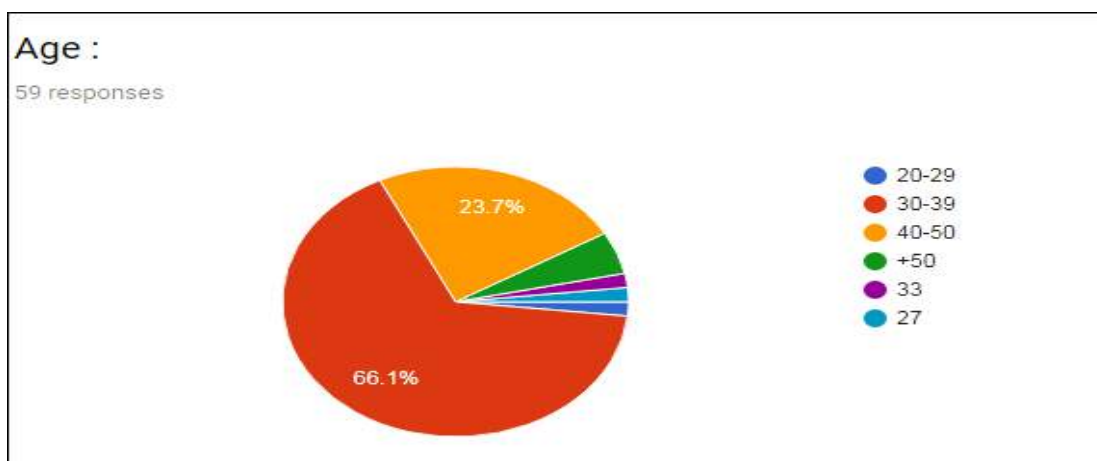
The tally of interpreters registered in the Regional Chambers of official translators-interpreters is about 1000 interpreter. The available specified languages cover: Arabic, English, French, Spanish, German, Italian, Turkish and Chinese. Arabic is the official language of the court in Algeria and the main mode of interpreting used at trials is consecutive. Participant R7 explained that consecutive is the more efficient type to cope with the cognitive overload produced by the speaker as well as it would be more respectful to let the judge finish his statements then start interpreting.

## 2.3 Survey Results and Analysis

This section provides the stages that the survey and the interview follow to obtain the required data. The survey questions are divided into three sections. The first section includes a brief description of the study and factual questions about the demographic information to know more about the interpreter's job profile and educational certification. The second section asks the respondents to select from a range of options as towards the various challenges at work, which goes like, "What challenges have you ever encountered in courtroom interpreting?" This section is designed using the Likert Scale for the survey respondents to choose from a five points ranging from "Never" to "Often" for each question, where 1 represents 'Never' and 5 represents 'Often'. The last section includes questions related to court interpreting practice. this type of questions is presented in a multiple-answer format. Most of those are answered by selecting either "Yes or No or Sometimes" and some require a short answer text. The current online survey is completed by 60 interpreters and the used software of the online survey questionnaire is Google Forms.

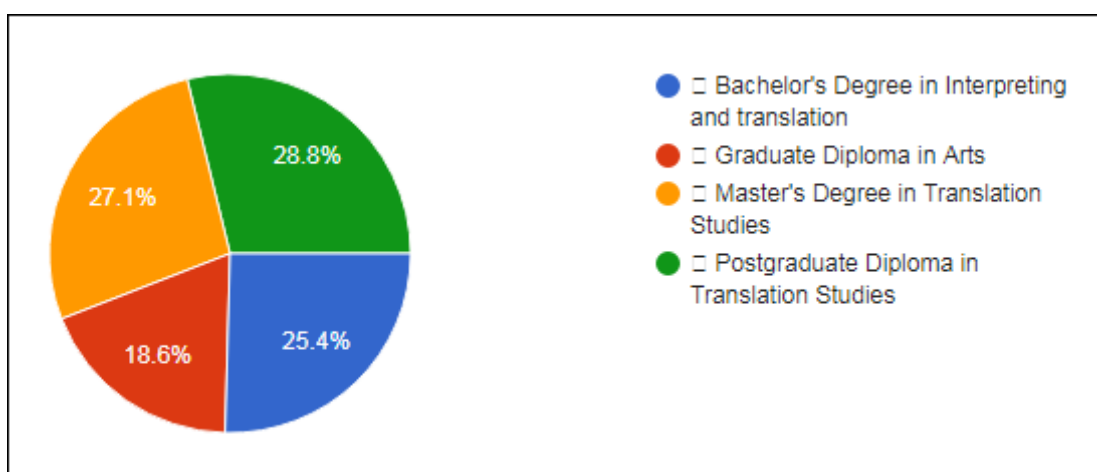
### 1.3.1 Participant's Demographics

The target group of interpreters are official sworn interpreters, As this study is the first to be carried out in Algeria, Interpreters from all around the country and different demographic groups are welcomed. 295 survey questionnaires were mailed to these interpreters to invite them to participate in this study. Yet, many of the emails cited in the official sites of courts are not available since the sites are not updated since the first time they were created. Furthermore, these interpreters are not organized by a professional group to be regarded as a reference for official data. As a result, only 60 surveys were completed and sent back. These 60 respondents include males (55%) and females (45%). The age question was designed with mutually exclusive options: "20-29,30-39,40-50,+50". The largest group of interpreters are in their 30's (66.1%) followed by 23.7% ranging from 40 to 50. Three interpreters are +50 years old and one interpreter is 27 years old.



**Fig. 2.1** Age Range of Court Interpreters

Moreover, 28.8% of these 60 interpreters hold a postgraduate diploma in translation studies. And 27.1% of them have a master's degree in Translation Studies.



**Fig. 2.2** Participant's Level of Education

In terms of the working languages, Almost all of respondents answers were Arabic, French and English except one interpreter who is specialized in interpretation of sign language and one interpret between Arabic and Italian.. As for years of experience, the data has shown a reasonable amount of experience with court interpreting. Forty one of the respondents have interpreted for 5-10. Six of them had worked for 14-20 years. One interpreter has 26 years of experience with another Five have interpreted for 15 to 29 years. However when we asked about the number of cases they interpreted, the answers showed a great deal of variation. Twenty three of the interpreters have provided interpreting services for only 2-20 times though they all have 5-10 years of experience. Meanwhile, five having the same range of years of experience have interpreted 100 cases. In addition, one

interpreter who have 15 years of experience, have provided his services to court 250 times. Some interpreters did not offer their personal information.

### 1.3.2 Frequently-encountered Difficulties

This section covers the survey results concerning the frequency of the challenges which were collected through a little research on the common problematic issues pointed out by researchers in the field along with the challenges which our participants cited in the comments section and those provided by our interviewees.

The current survey includes a total of 13 potentially difficulties and asks the interpreters provide their feedback (see appendix 2). According to the average rating, the six most challenging issues in descending order are: Too little information about the case is provided prior the interpreting process, Lack of background information about court interpreting at the start of your career, The speaker provides too much information ( the speaker uses numbers, names, events ... without a pause), The speaker turns to you for advice or consultation, Difficulty understanding the speaker: the speaker has strong accent/ speaks too fast, legal terms. The results are going to be listed according to nature of the challenge: linguistic, information processing, institutional and pedagogical and other miscellaneous challenges.

#### Linguistic Challenges

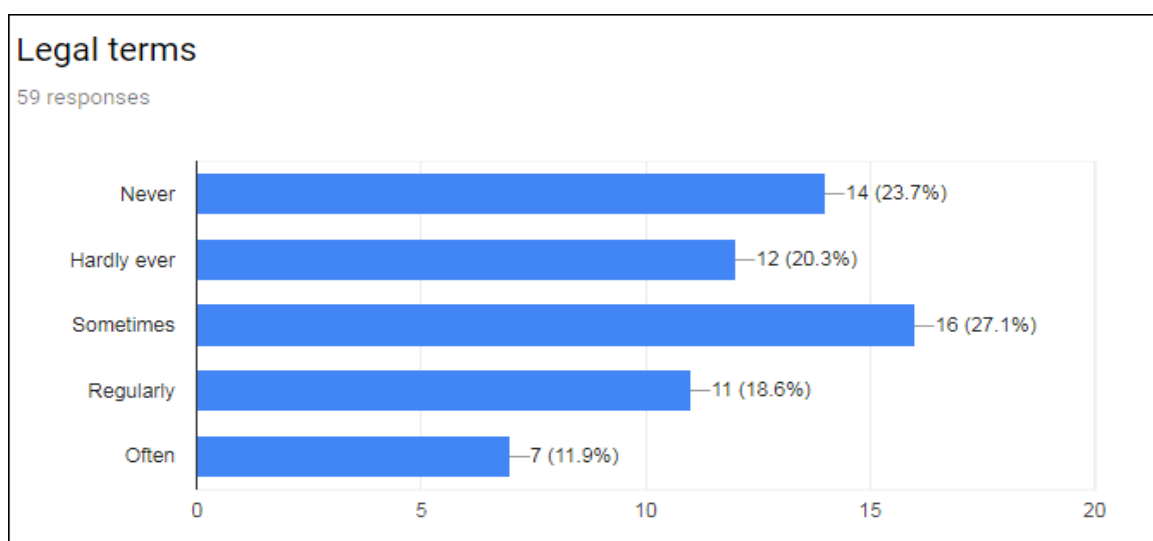
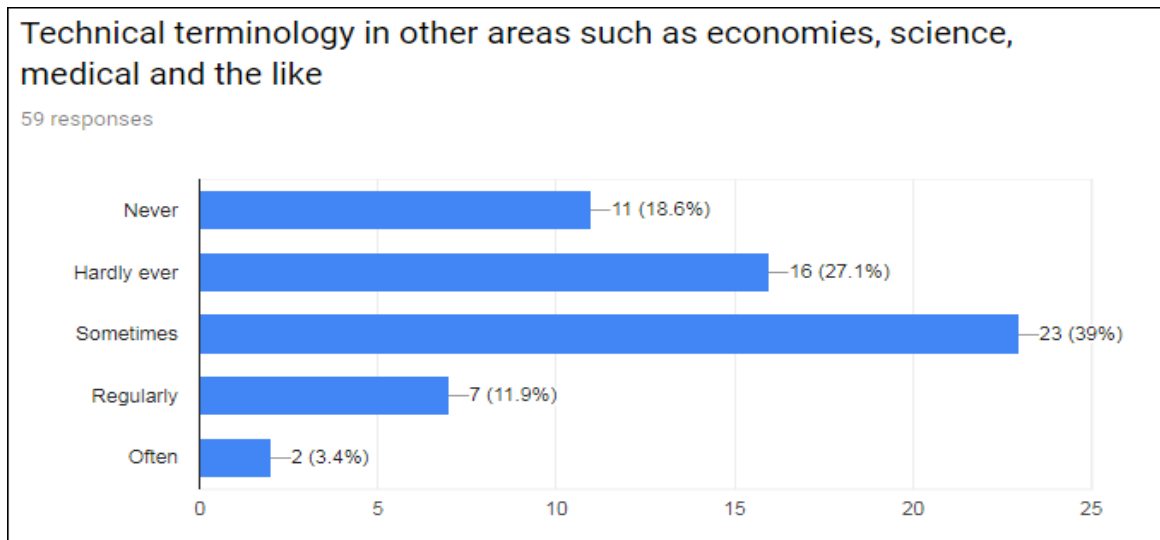


Fig. 2.3

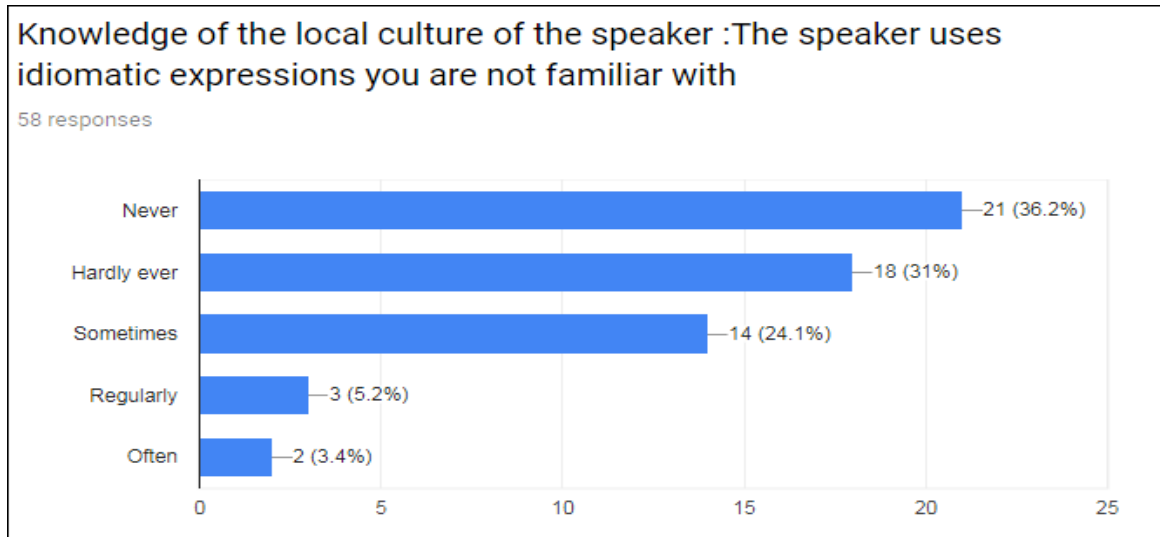
The Figure 2.3 shows variations in replying for this potential suggestion. 27.1% of the participants said that “Sometimes” legal terms hard to interpret, 23.7% believed that they “Never” find difficulty with legal terms. Followed by 20.3% replied for “Hardly ever”. However, the percentage for “Regularly” and “Often” are 18.6% and 11.9% indicating legal terms as a challenging while interpreting. A total of 59 respondents answer this question and one interpreter skipped it.



**Fig. 2.4**

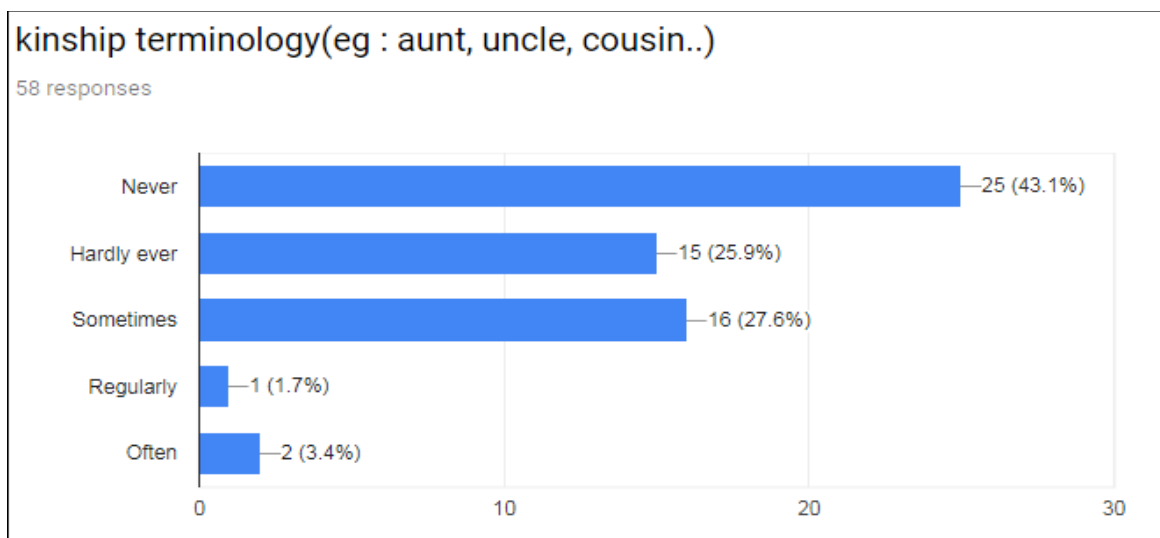
In response to technical terminology, 23 respondents considered terminology in other domains is “Sometimes” challenging. This question has been skipped by 3 respondents. Among those who answered, 27.1% of the respondents along with 18.6% of them said that technical terminology in other areas are “Hardly ever” or “Never” difficult. Seven other interpreters chose “Regularly” to indicate the frequency.





**Fig. 2.5**

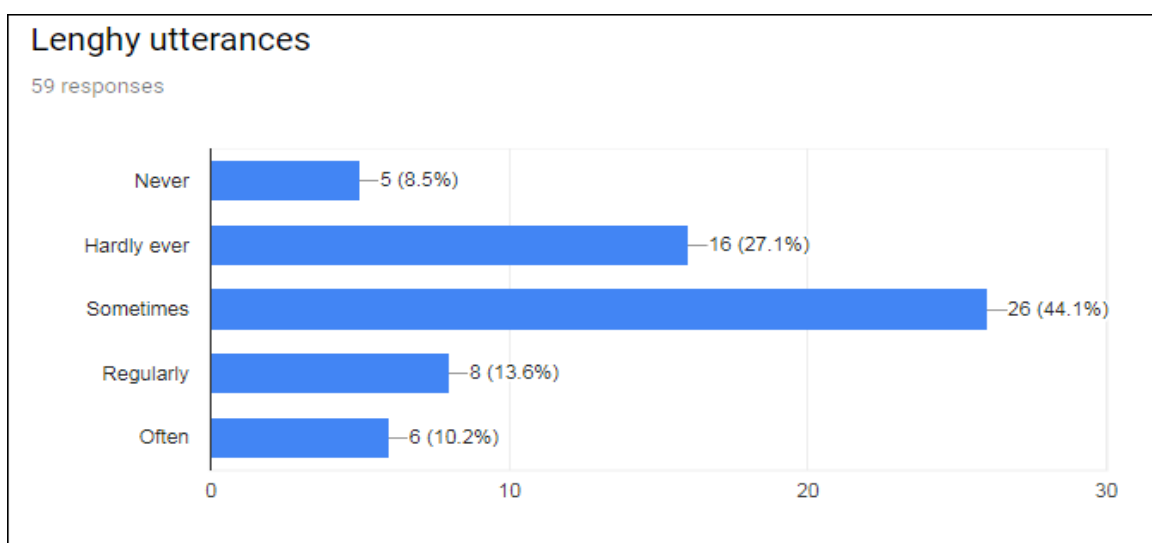
Figure 2.5 clearly shows that knowledge of the local culture were not seen as challenging by most of the interpreters (36.2%), followed by 31% who chose “Hardly ever” for this question. Four respondents did not give their answer and five found idiomatic expressions as “Regularly” or “Often” challenging. On the other hand, 24.1% of the participants said that knowledge of the local culture of the speaker can “Sometimes” be a challenge. Two court interpreters did not answer this question.



**Fig.2.6**

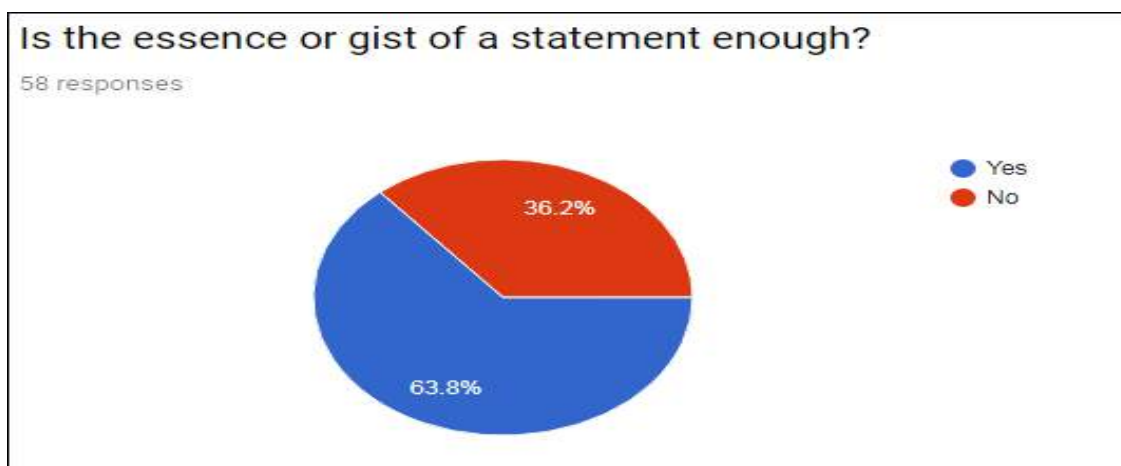
According to the average rating, this was ranked the least difficult issue out of the rest challenges listed in the survey questionnaire. More than 40 percent of the respondents found kinship terminology not hard at all. Furthermore, 25.9% selected “Hardly ever” and 27.6% selected “Sometimes” for their answer. Two interpreters has answered with choosing “Often” and only one interpreter chose “Regularly”. Four interpreters skipped the question.

### Information Processing Challenges



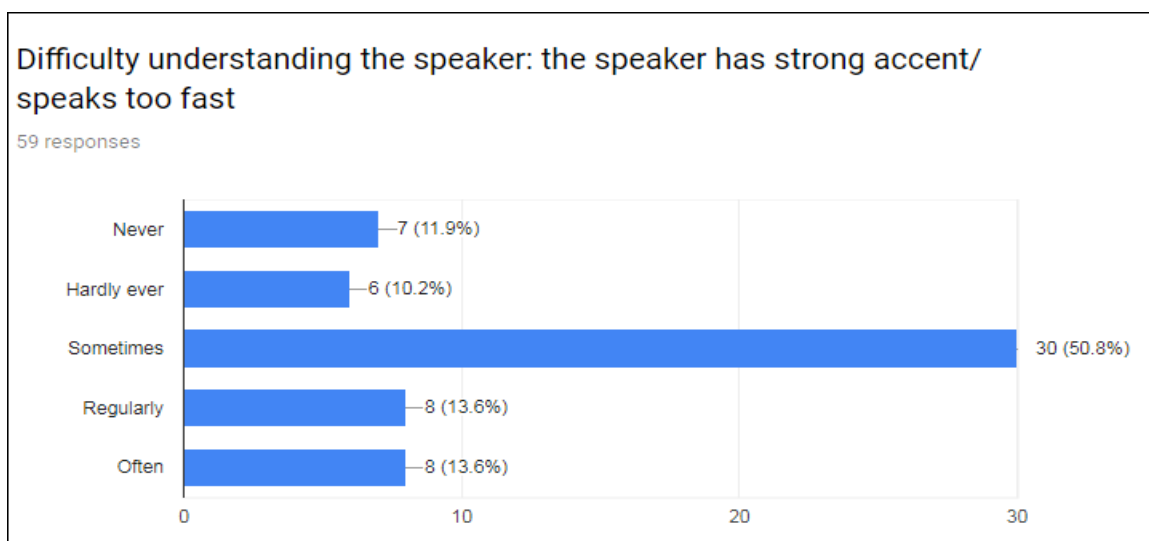
**Fig. 2.7**

Figure.2.7 shows that the majority of the court interpreters find lengthy utterances “Sometimes” challenging (44.1%). A total of 59 respondents answered this question, while one of them skipped it. Among those who answered this question, almost one third of the respondents thought that lengthy utterances are either “Never” or “Hardly ever” difficult to interpret. While 13.6% of the participants indicated that they “Regularly” found lengthy utterances challenging and 10.2 “Often” found challenge with this issue. The survey included a relevant question to see whether the essence or gist of a statement is enough and the chart shows that 63.8% replied affirmatively.



**Fig. 2.8**

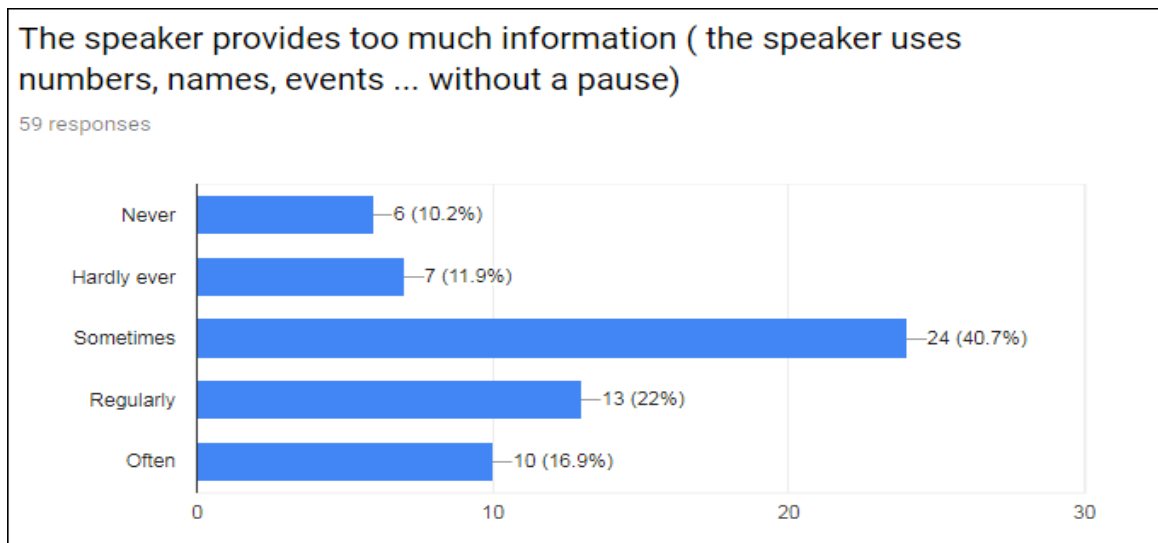
R16 reported that: “sometimes the accused provides a very long answer full of unnecessary details. We are asked in such case to give just the key information; in a recent case I was asked: “follow what he said and find exactly when did he come to Algeria”.



**Fig. 2.9**

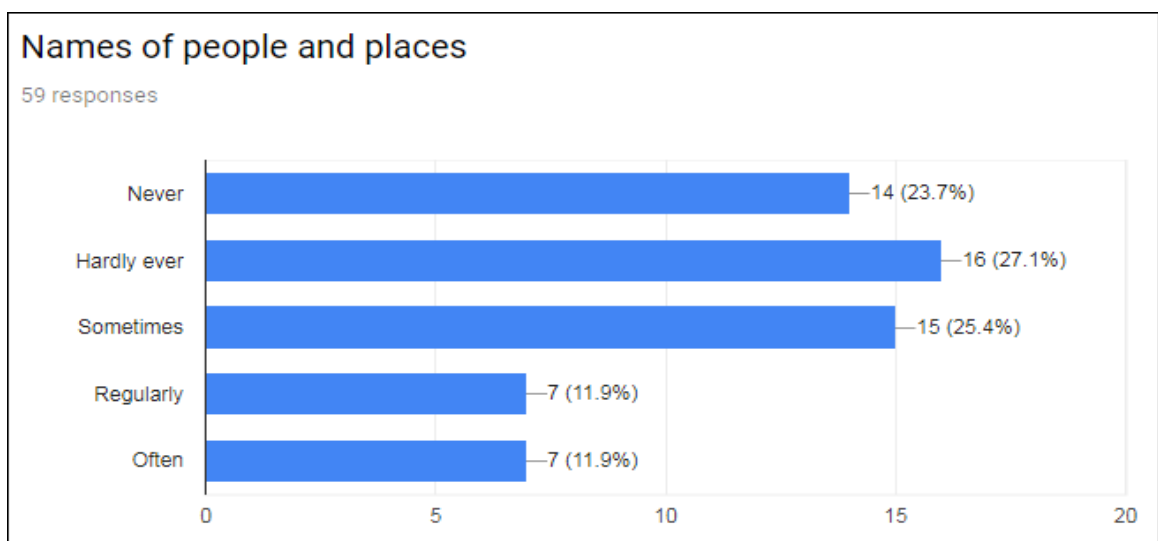
This is ranked the fifth challenging issue. The bar chart shows that most half of the respondents 50.8% found difficulty “Sometimes” understanding the speaker when he has strong accent or speaks too fast. As well as, a total of 16 respondents (27.2%) selected “Regularly” or “Often. the percentage of those “Never” or “Hardly ever” found difficulty in this regard are 11.9% and 10.2%. R6 commented that she sometimes encounter this challenge with those who came from Mali and Chad. According to her, they speak French

in strongly accented and fast way which sometimes makes their statements not clear enough for the listener.



**Fig. 2.10**

Providing too much information without a pause was ranked the third hardest challenge by the questionnaire participants. One third of the respondents marked speaking without a pause as either “Regularly” or “Often” challenging. Meanwhile, 10.2% for “Never” and 11.9% indicated that they hardly ever found a challenge in using too much information by the speaker. Names, numbers and events can be very important in some cases and the interpreter has to be accurate in order not to lose any necessary information.



**Fig. 2.11**

Half of the respondents never or hardly ever found names of people and places hard to interpret. Meanwhile, Quarter of them chose “Sometimes”. The remaining interpreters found this matter “Regularly” or “Often” challenging. One interpreter commented: “I sometimes face difficulty with Chinese proper names. Especially, when the speaker uses more than one name at one segment, I found them similar to each other”.

As it is evident in the following Figure, we wanted to know which types of cases that are more difficult in terms of listening to and finding the adequate equivalence, the data shows that “Murder” and “Rape” cases are the most difficult. 15.5% selected “Fraud”. Other kinds of cases were mentioned by the respondents such as, Illegal Immigration, theft and currency counterfeiting.

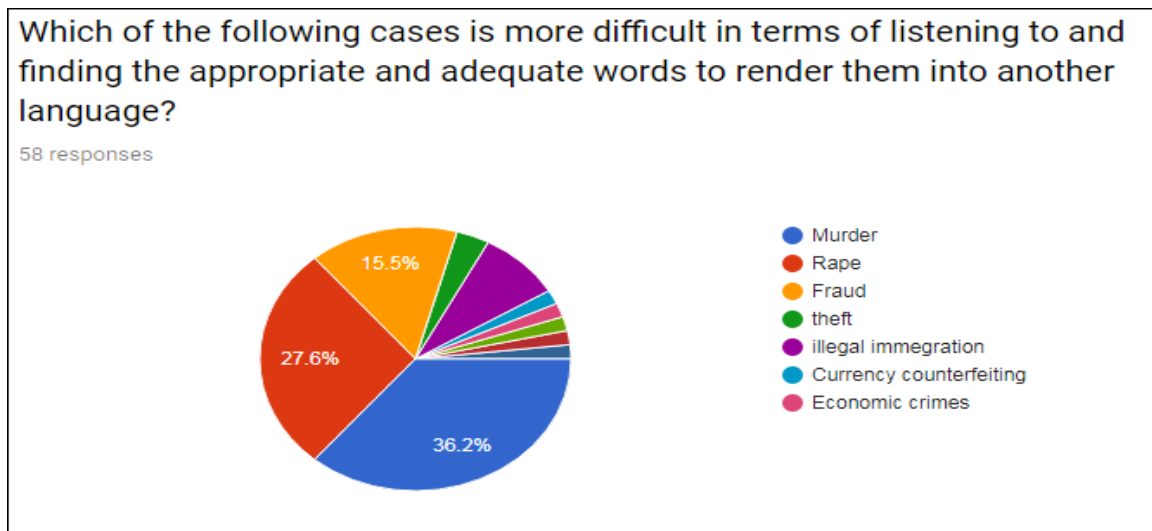
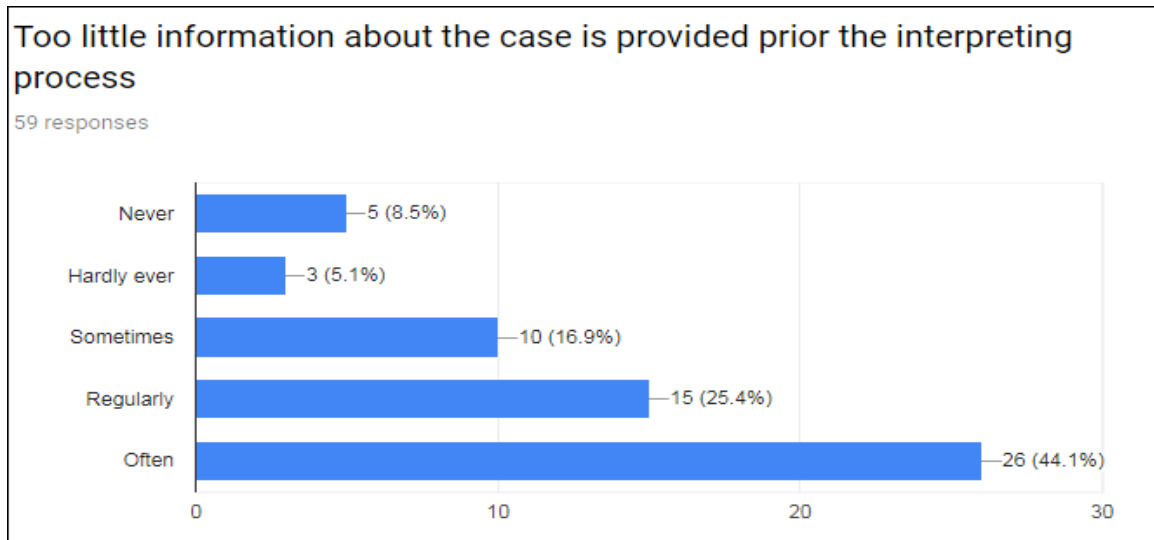
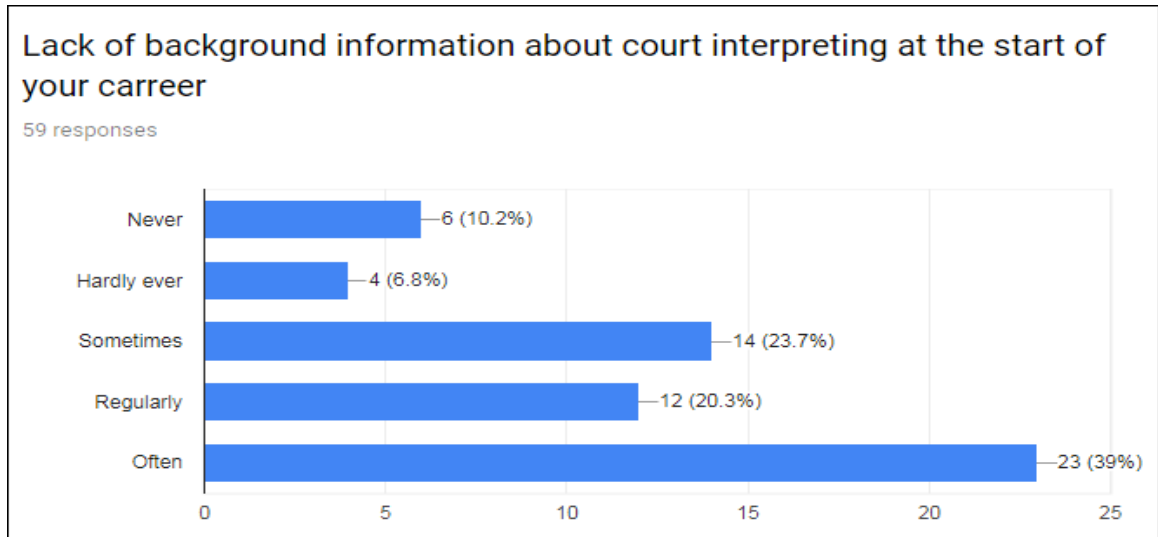


Fig. 12

**Institutional and pedagogical challenges****Fig. 2.13**

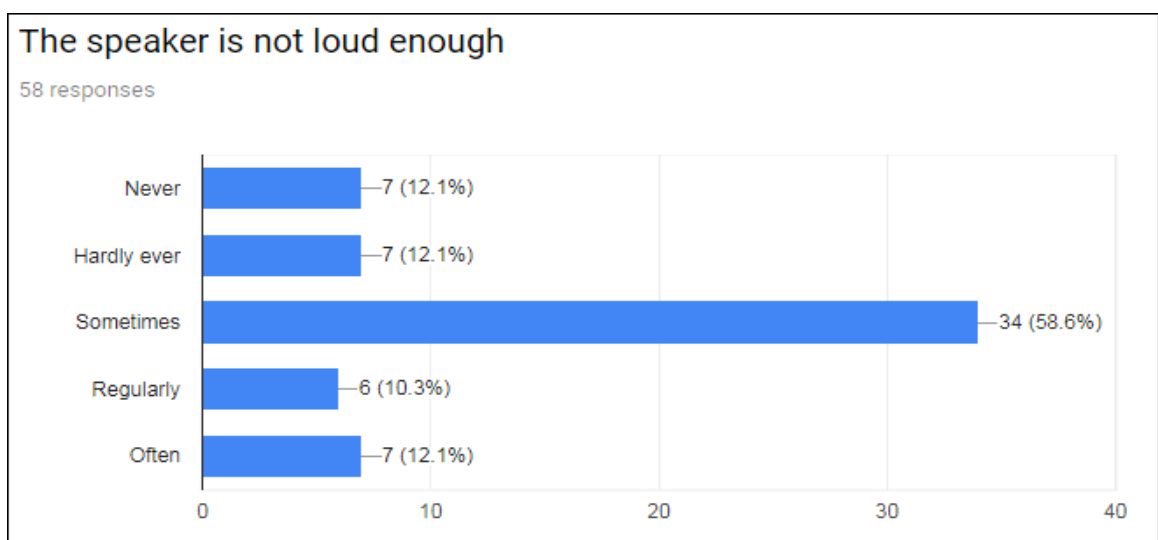
Too little information about the case is provided prior the interpreting process turned out to be the most challenging issue among all the suggested issues. 44.1% of the respondents along with 25.4% of the respondents consider that this issue is “Often” or “Regularly” challenging. In addition, 27.6% answered with “Sometimes”. Only Five interpreters found that this issue is not a difficulty at all. Interpreters highlighted this in their comments. R13 said: “The interpreter is sometimes called at the last minute. He does not have an idea about the subject or the number of persons he would do the interpretation for”. Another interpreter comments: “Courts have to provide access to the case file before working on it”



**Fig. 2.14**

A total of twenty three respondents (39%) rated “Often” for lack of background information about court interpreting at the start of their carrier. The parentages for “Sometimes” and “Regularly” are 23.7% and 20.3% which make this issue the second highest challenge after... Six respondents indicated that they never found this challenging. One respondent skipped rating this challenge. This was the second most challenging issue after the lack of case information.

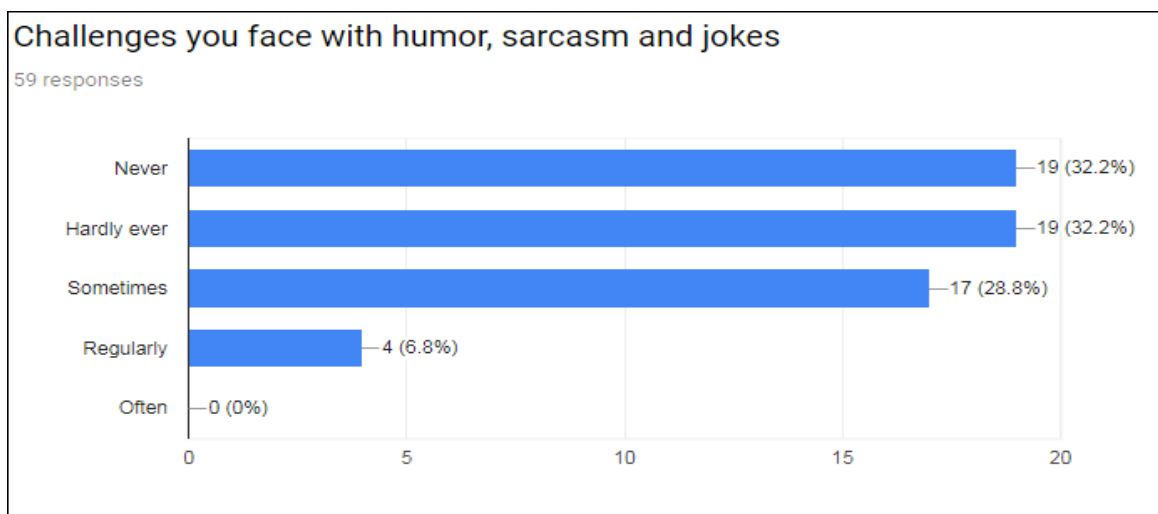
### Acoustic challenges



**Fig. 2.15**

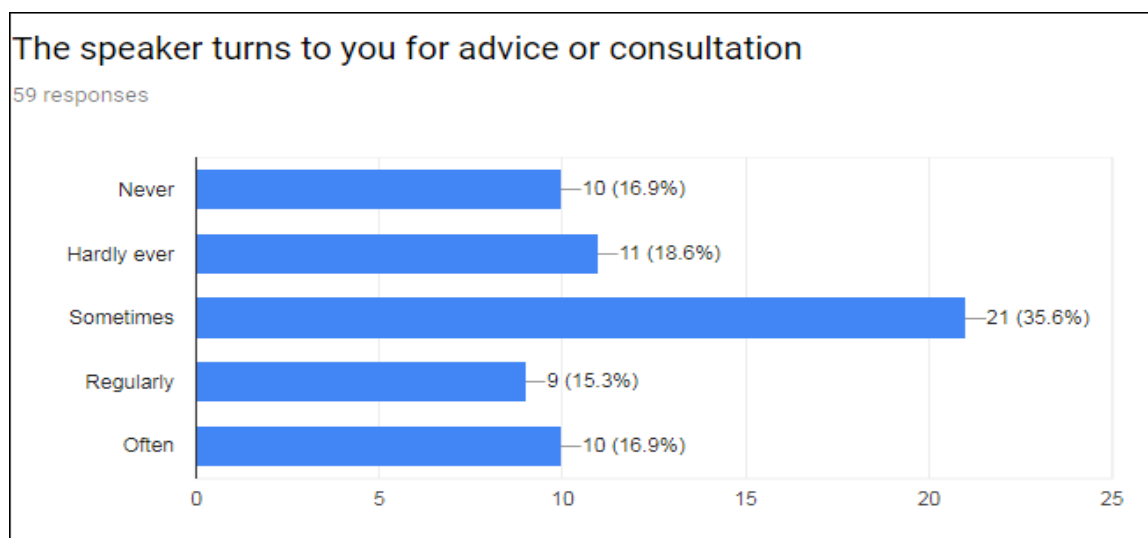
Different from Figure 2.14, Figure 2.15 shows that 58.6% of the participants believed that when the speaker is not loud enough, the interpreter might find a difficult in comprehending and interpreting. In addition, 10.3% and 12.1% of the respondents found this issue “regularly” and “Often” challenging. However, 14 interpreters respectively “Never” and “Hardly ever” found that the speaker was speaking softly. Two of the respondents did not offer a reply. One interpreter gave his comment regarding this issue. He said: “When the speaker’s voice is not clear or loud enough, you exert extra effort trying to listen carefully”.

### Interactional Challenges



This was considered the third least challenging issue by all the respondents for this online survey. While only 4 court interpreters faced challenge with humor, sarcasm and jokes. Most of them stated that they either “Never” or “Hardly ever” encountered this issue. However, one interpreter left a relevant comment in this regard, saying that “when you are inside the court, it’s serious. None of the cases I interpreted included statements of humor or jokes”.





**Fig. 2.17**

This was ranked the fourth most challenging issue out of the thirteen challenges. Figure 2.17 shows that 35.6% of the interpreters surveyed thought that private conversations with the speaker as a problematic issue. 16.9% and 18.6% of this question answers are for “Never” or “Hardly ever”. Ten of the respondents chose “Regularly” and nine chose “Often”.

The third section of the survey included questions related to court interpreting practice. Some of those questions are discussed above and others will be combined with the interview analyses because they tackle similar issues.

## 2.4 Interview Results

In terms of the interview, only 08 interpreters were willing to take part in this study. The interview includes extended questions to gain more understanding of the qualifications, knowledge and skills required, the ethical issues, job satisfaction. The interview questions will shed light on the challenges and problematic issues experienced by Algerian court interpreters, in addition to the changes that should be considered to improve the practice of court interpreting. The researchers had one-to-one interviews with interpreters based in Eloued and Ouargla and an online interview with those based in far regions.

### 2.4.1 Interviewees' Demographics

The demographics of the court interpreters participated in this study are shown in the Table 2.2 below

Interpreter	Gender	Educational level	Years of Experience	Number of cases	Court Name
1	Male	Postgraduate Diploma in Translation Studies	10	About 100	Court of Ouargla
2	Female	Bachelor's Degree in Interpreting and translation	11	+200	Court of Eloued
3	Male	Postgraduate Diploma in Translation Studies	6	4	Court of Tougourt
4	Male	Bachelor's Degree in Interpreting and translation	8	9	Court of Ain Azal
5	Female	Postgraduate Diploma in Translation Studies	20	60	Court of Tizi Ouzou
6	Female	Bachelor's Degree in Interpreting and translation	9	About 1000	Court of Bir Mourad Rais- Court of Sidi Mohamed
7	Female	Bachelor's Degree in Sign Language	11	About 50	Court of Tlemcen
8	Male	Bachelor's Degree in Italian Language	2	2	Court of In Salah

**Table 2.1 Interview Participants' Demographics**

### 2.4.2 Qualifications

The interviewees of this research were asked about the required qualifications for appointments. The official site of the Ministry of Justice is retrieved in this line to obtain the official data. The main requirements for the position of court interpreter are as follows:

1. The interpreter has to hold a BA degree in Translation or an equivalent certificate.
2. Five years of experience either in teaching or in professional practicing (e.g. Public offices of translation)
3. Passing an oral and written exam in the Ministry of the Justice
4. The applicant should have the Algerian Nationality and should be at least 25 years old.
5. Enjoying the civil and political rights and justifying a professional accommodation.
6. The applicant should not have been charged previously with a felony or misdemeanor involving honor and honesty.

### 2.4.3 Skills and Interpreting Strategies

The above requirements are initial and necessary for appointments. Yet, when you start your career, you need to use different skills and competences in order to succeed at your task. The required KSAs from court interpreters and the strategies they use while interpreting are elicited from the interviewees as the following:

#### 2.4.3.1 Skills and knowledge

- ✓ Native-like proficiency in all working languages as R3 reported: “ the interpreter has to be an accredited translator that is he has to be smart competent in languages at the first place”
- ✓ Active listening skills and good memory retention skills.

- ✓ Time management skills, flexibility and adaptability skills. “specially, the interpreter has to adapt his discourse to the audience because from time to time we interpret for the people who don’t know the academic foreign language” R6
- ✓ Be able to transfer the messages between the trial parties
- ✓ Be able to manage work pressure and maintain work confidential
- ✓ Knowledge of cultural differences and regional variations.
- ✓ Knowledge of specialized vocabulary (terminology). Particularly, legal terminology or “the language and terms that are used in the court” R3.
- ✓ Knowledge of the laws and legislation
- ✓ Knowledge of basic court procedures, rules, and policies

#### 2.4.3.2 Interpreting Strategies

As mentioned before court interpreting in Algeria is performed consecutively. The strategies that are used while interpreting according to the study interviewees are:

- ✓ Literal translation
- ✓ Summarizing
- ✓ Taking notes
- ✓ Taking into account the equivalents in other languages either formal or functional equivalence: “we use particularly the formal equivalence when we have numbers, dates, measures, and all the qualities and quantities.” R6. Interviewer R2 added:

*I think when we translate or interpret; it depends on the text or the discourse. You cannot remember strategies to practice it. It depends on the discourse, on the topic and sometimes it depends on the speaker because if he is fast or using difficult language or specialized language, you are going to try to make cognitive abilities to start interpreting without thinking about strategies.*

The participants were asked “if the interpreter fails to hear a word or a phrase or if the witness uses unfamiliar word, what should he do?” They explained that they ask for clarification, repetition or to choose another word. “It’s a big problem, mainly with the Africans. They understand French and English but when they are in the court they act as if they know nothing; ‘I don’t understand English’, ‘I don’t understand French’ and you have to manage” R2. However, R1 said that when she faces such issue she asks the speaker to repeat over and over and sometimes she asks him to draw or even to act until she reaches her goal. Another interpreter reported that “I sometimes guess the meaning from the general context if I fail; I ask for clarification using gestures and face expressions”. R5 added that if she uses the previous strategies and yet she doesn’t get it she address the judge “if I can’t get it I can tell the judge: “Your Honor, the interpreter doesn’t know such word or term’, but we should never guess the meaning.”

#### 2.4.4 Ethical Issues

To understand better the court interpreting ethical standards and the professional responsibilities, the interviewees were asked about what do they know about these ethics and standards and how did they learn them. The data shows that there is no code of ethics or code of conduct for Algerian court interpreters. The majority of the participants highlighted fidelity, Accuracy, respect of the other parties and being professional and trust worthy. In his response to this question, interpreter R2 pointed out that:

*I think we don’t learn ethics, ethics depends on the person. For example, if the case is engagement, it is responsibility. Here we don’t think about his religion or his race. So you need to say the truth. You transfer the information as it is. These are the ethics of our job. When you are in the court, forget that you are Muslim, that you are Algerian...you have to try to focus on your task.*

Interpreter R3 stressed the criterion of being faithful and legally responsible and explained the consequences of being unfaithful and not accurate. He reported that:

*In reality we learned ethics through practice. When we talk about ethics, the interpreter has to be faithful and he is sworn translator, it means there is an oath and he has to swear. This entails a legal responsibility that he bears. So*

*he has to take into account that he is personally civil or judiciary –if I can say-responsible...he has to remind himself that maybe without his legal interpretation, the case maybe despond and either parties, the lawyer or the defendant or the accused will found themselves in not comfortable situation or in a way that doesn't help the justice or the court in order to take a convenient decision regarding the discussed case.*

Furthermore, when the participants were asked about how to deal with swearing, taboo words, curses and pleading, they clarified that they try not to interpret such statements literally but at the same time they don't ignore or skip them. They would inform the judge. For example: "Your Honor, the accused/ the witness...is pleading/ is swearing/ is cursing..."

A following question was raised during an interview with interpreter R4. The question was: could there be feelings of empathy, envy, admiration and expectation that place the interpreter in an entirely different position from a simple one a linguistic facilitating communication. He answered as the following:

*This can happen, we are humans, but neutrality prevails. I mean this doesn't prevent you from being faithful and legal, from being not in the majority of cases, because this is a risky profession that entails great responsibility either personal or professional.*

Others have concerns about the way speakers express themselves. Interpreter R6 noted that:

*The main challenge with those who deal with the interpreter, they have to know how interpreting works, they take a lot of time to express themselves, when they plead they take a lot of time, the interpreter lacks concentration. He cannot render it faithfully.*

#### **2.4.5 Professional Challenges**

As for the most frequently challenges in the work environment, most of the participants agreed on the following challenges:

### 2.4.5.1 Discourse Issues

Maintaining the register and the degree of formality used by the speaker and trying at the same time to adapt the discourse so it can be understood by the audience can be challenging in some cases. One interpreter said that

*You have to expect that your clients may have different levels of education; you interpret for doctors, for lawyers and for laymen. You have to convey the formal degree and the kind of jargon they use but also you have to simplify or to clarify some to facilitate communication... some of those terms are difficult even for the interpreter.*

Interpreter R3 shared a similar point of view concerning language register. Moreover, he highlighted the importance of being faithful and not to step out of your role as a court interpreter. He said:

*Sometimes we do interpretation for lawyers. Lawyers often use a high register level and very specialized terminology... legal language... This thing requires additional tasks for the interpreter as to explain and to clarify while interpreting to the client, the challenge is, in addition to this, you know you have also to be faithful as not to go away with your explanation. You have to remind yourself of your role as a court interpreter.*

As for the language of the client, four interpreters pointed out that they sometimes found difficulty communicating with the speaker because of his strong accent or grammatically incorrect sentences. For example, interpreter R8 said that:

*You are invited to interpret to a person who is supposed to speak English. But you find out that he doesn't speak very well, he uses wrong structure, wrong verb tense for example he would say: 'I am call in the morning', or 'I know not he come' as for 'I didn't know he was there'. The interpreter has to concentrate very well and sometimes he even may ask the same question in a different way in order to get the meaning.*

### 2.4.5.2 Lack of case information

Almost all the interviewees have raised the issue of lack of case information. They indicated that they often have no prior access to their assigned legal case and know nothing about the subject matter, which makes it hard for them to interpret accurately. Interpreters R1, R4, R6, R7 stated that they most of the time perform their work having no clue about the case content and details. As in interpreter R4 words:

*When we talk about cases, we talk about secret information, from time to time the interpreter faces the case and he is supposed to interpret events or a discourse about events that he ignores totally. He hasn't this prior idea that can help him in order to do the interpreting task conveniently.*

Interpreter R8 indicated the same problem. He said: “The interpreter is sometimes called at the last minute. He does not have an idea about the subjective or the number of persons he would do the interpretation.”

### 2.4.5.3 Underestimation of the interpreter's role

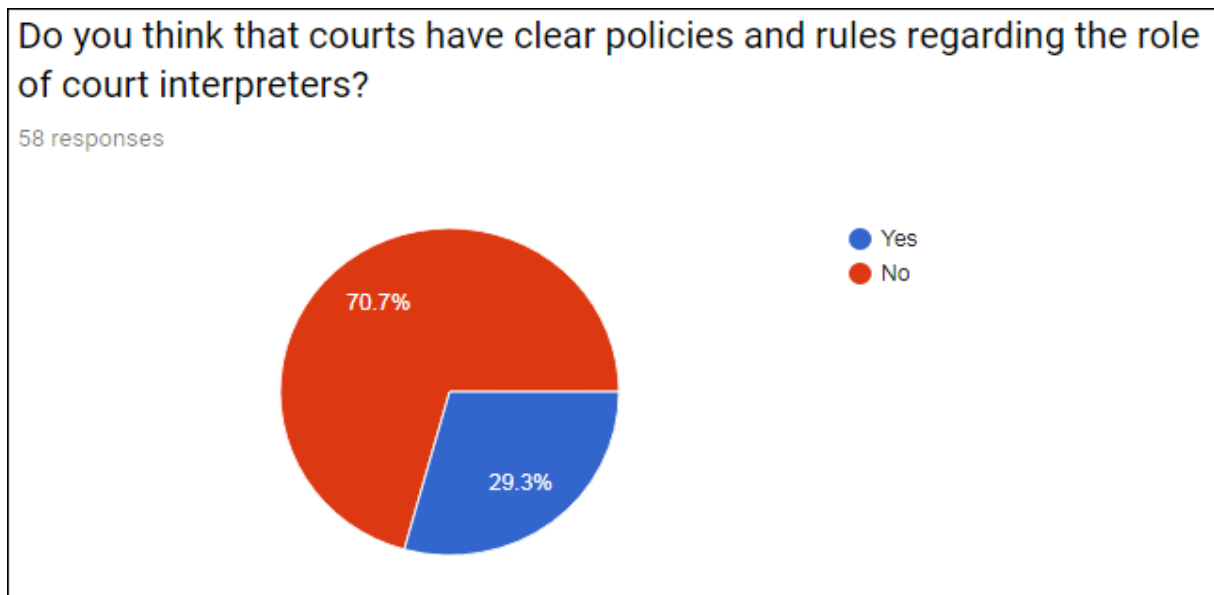
The issue of being not respected in terms of the date given to do the assigned service, the time given for interpreting, and the ignorance of legal representatives of how interpreting functions. “Sometimes the interpreter is misunderstood as if he is not good at his job while is trying to get the required information from the accused who is manipulating his statements.”R1. Interpreter R7 shares a similar point of view. He described that:

*Sometimes we find ourselves attacked by lawyers as they doubt about our translation, some terms are also hard to translate because they may have many possible alternatives to translate and we are bound to choose the right one while sometimes we do not know which one fits.*

As it is evident in Figure.18, We asked our participants whether they think that courts have clear policies and rules regarding the role of court interpreters. Almost 70% of the respondents thought that courts have no clear regulations and policies. The remaining participants replied affirmatively. This was reflected in a comment made by participant R18: “the court should adopt clear rules concerning interpreting services. Many times it



would happen that courts do without the official interpreter and use any one who is bilingual or who knows the languages needed to serve a case.”



**Fig. 18**

Concerning the time management, interpreters have expressed their dissatisfaction with the poor scheduling of the court. R5 reported that: “very often, I leave my office and I leave my work and go to the court on time to realize that the assignment has been delayed.” The same interpreter added:

*As a first procedure, you attend the police interview with the accused. Sometimes they call you in the week-end or at night. Then if it's a criminal or a fraud case, you are going to spend the following day waiting the investigating judge. The next day, the hearing session in the court may took you a whole day because they may tell you it's at 9:00 am and it starts at 3:00 pm... so I waste three days doing one task where I'm supposed to have other commitments done.. We have our office, our work... Promises given to people... And that reflects negatively on our reputation as official translators. (R5)*

Interpreter R6 noted that the time devoted to the interpreter during the interpreting process is not enough to render all the information that has been said. He explained:

*Time is not enough, the reason why sometimes the interpreter fails or doesn't perform in a way that service the case. You are being selective in selecting the main ideas and the key information that have to be told to the person who is a lawyer or a member of the jury or the judge himself.*

#### **2.4.5.4 Lack of training**

Lack of training has received much attention from the interview participants who indicated that there are no training programs in Algeria for court interpreters. The training which should support students and those willing to work in the court with the court rules, procedures, responsibilities, and court interpreting as theory and as practice. Furthermore, the training should update interpreters with the new regulations or modification of existing laws. The survey questionnaire includes a question about whether is it important to have a training program for court interpreters. 86.4% of the respondents answered affirmatively. A following question was what would be the ideal training program in your opinion. The respondents commented with some useful suggestions. Their comments will be presented in the recommendations section at the end of this chapter.

#### **2.4.5.5 Remuneration**

The interview data reveals that almost all interviewees were not satisfied about their remuneration. As one interpreter reported, “there is no strict rule for fees. For me, I did not get money for my interpreting because it depends on the law of 1996. I think 200 DA for interpreting is not fair!” Interpreter R2 pointed out: “all my interpreting was for free.” He added: “sometimes when I receive a call from the court I don't reply because I did not benefit anything from going there...multi tasks for nothing.”

We asked the survey participants: do you think that court interpreters are fairly paid. The figure shows that almost all respondents thought that interpreters are not getting a fair remuneration (96.6%). According to interpreter R13, “the Algerian interpreter is not remunerated for his services inside the court. There is a huge legal vacuum on this point.”

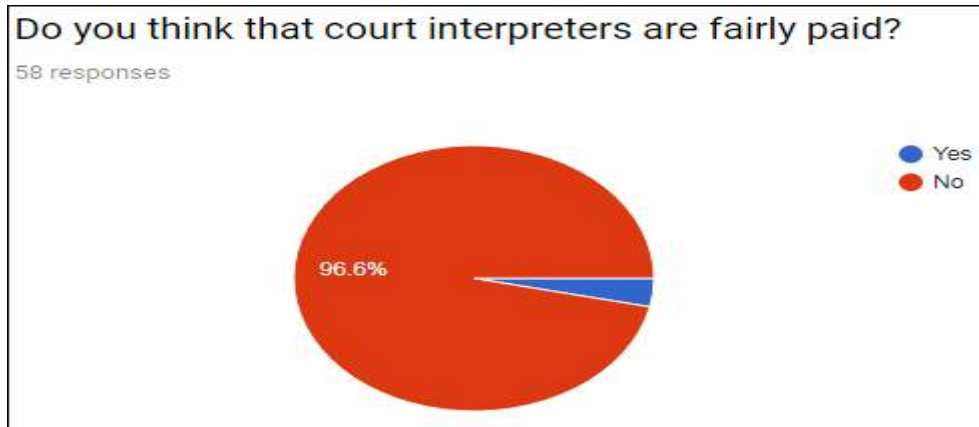


Fig. 19

#### 2.4.5.6 Professional risks

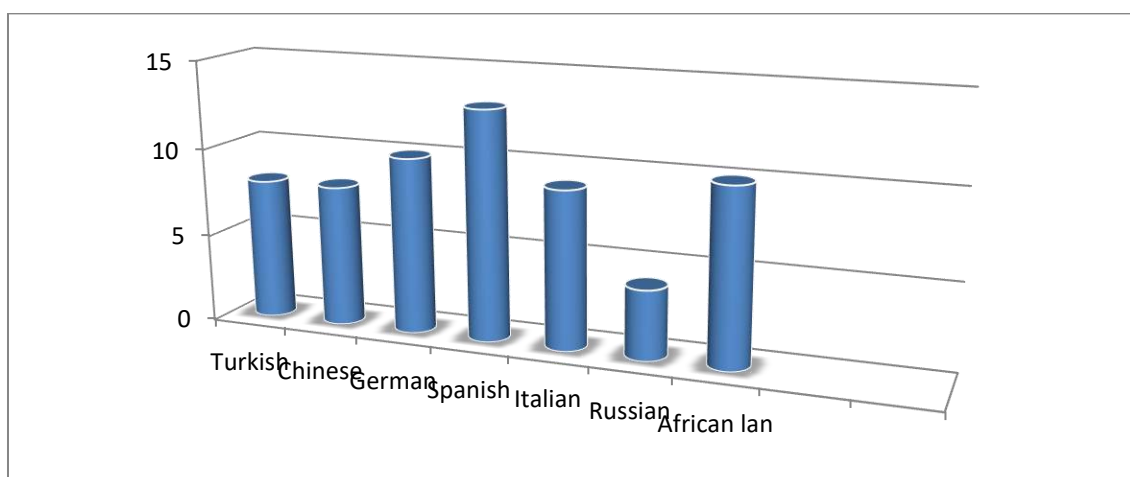
Three interviewees raised the issue of professional risks which can be summarized in the risk of the accused being aggressive and the possibility of infectious disease transmission. R1 reported that: “You have to stand next to the witness or the accused when interpreting. At previous times, there were refugees from countries that were known at that time of the spread of serious diseases and the court seemed not to consider this matter.” Some interviewees have shown their concern about the protection rights. The same interpreter added: “There is no protection for the court interpreter.” R6 said that: “the interpreter should never be interrupted or investigated by other legal practitioners while he is doing his task. There should be defined rules in this regard.”

An important point should be mentioned here. Some interpreters working in the South of Algeria face huge challenges in many areas. Interpreter R8 described the challenges he encountered when he was working in In Salah. He stated that: “

*The minimum requirements of life are not available. I am talking about the transportation and the accommodation. There is no housing. I put up at a hotel for almost one year until I found a provisional housing which is so far from the court and you have to know there is no compensation for the economic losses we get. In addition, we are invited for court proceedings once a year or even once every two years. So no work and as result no salary*

### 2.4.5.7 Variation in dialects

Two interpreters (R3, R6) emphasized on variation in dialects either in the source language or the target language. Algerian dialect alone vary from one region to another such as; Standard Arabic, Algerian Saharan Spoken Arabic, Algerian Spoken Arabic, Tachawit, Hassaniyya, Tamahaq-Tahaggart, and Tamazight. For them, it is necessary to pay attention to and consider these dialects. As for Tamazight, interviewer R7 stated that: “Tamazight is recently regarded as official language and it is going to be accredited in courts and in coming translators-interpreters exam.” Moreover, the survey respondents indicated that there is a shortage of some languages, particularly, Spanish, German, Turkish, Chinese, Italian, Russian and some African languages like Hawsa and Sawahili.



**Fig.20**

### 2.4.6 Job Satisfaction

In response to a question about court interpreters' job satisfaction. Six of The participants were satisfied about their work. They express their feelings as:

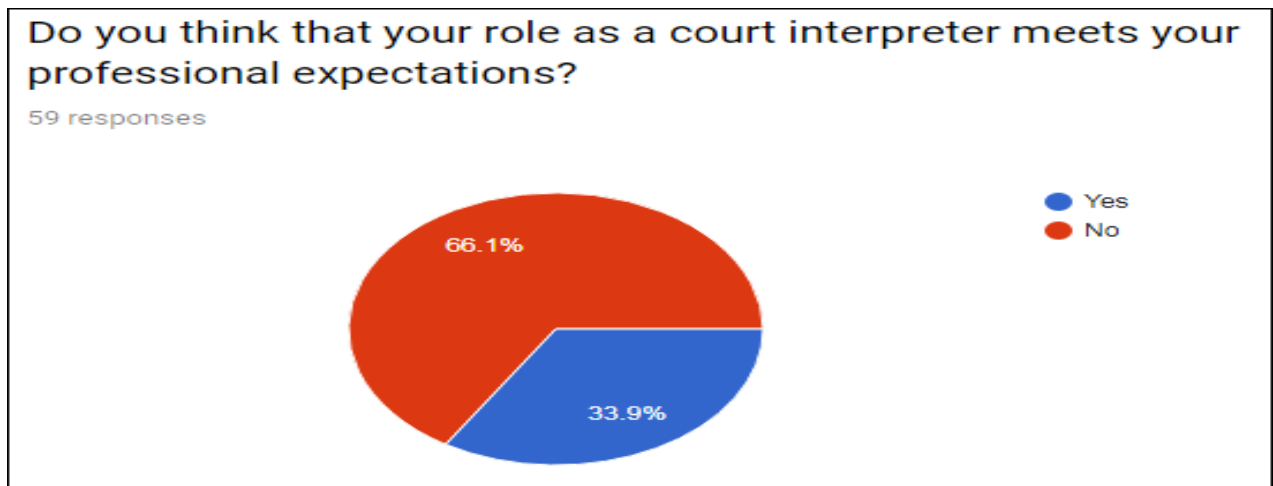
- *Yes, I love my job.*
- *Although there are some difficulties. I find my job interesting and exciting.*
- *I like it so much. The work of the court interpreter is humanitarian.*
- *Our assistance is very important. It saves human rights and it helps achieving justice.*

- *I find pleasure in being the voice of that person who don't know the court language. You know, you are the only one who understands him so he is seeing you as the savior of his life.*

However, interpreter R2 expressed his dissatisfaction with the job. He explained:

*All praise be to Allah. It is good job, but I am not satisfied. First because of the responsibility, because they call you without... I mean sometimes you are far from your office. Besides, as I told you there is no strict rule for fees.*

To gather more information about job satisfaction we asked the participants of the survey questionnaire whether their roles as court interpreters met their professional expectations. As shown in the figure below, only 33.9% answered affirmatively.



**Fig. 20**

The higher percentage of the participants (66.1%) replied with “No”. Four comments were made regarding this issue:

- *Court interpreter in Algeria is a victim, and humiliated regarding to colleagues such as: court bailiff and notary.*
- *Interpreter's work is not legally organized enough to ensure its efficiency, translation quote have been fixed since 90s and it was the last time it has been revised, this is just unbelievable to fit 2018!*

- *A lot of work and efforts are to be made to improve court interpreting in Algeria.*
- *In Algeria there is a big question mark for interpreting. Translation in general doesn't have the value it deserves.*

#### **2.4.7 Recommendations and Perspectives**

The current study attempted to suggest resolutions to improve court interpreting in Algeria. The main recommendations were concerning the possible resolutions to the challenges discussed above were:

- ✓ Intensifying a legal frame which should give much importance to court interpreting as a profession and to the conditions in which the interpreters practice.
- ✓ Making people who work in the court system aware of the profession specificities and how interpreting functions with the hope to bring an elevated level of respect to this profession.
- ✓ Giving opportunity to the interpreter to have an overview about cases beforehand.
- ✓ The court should do better in terms of time management.
- ✓ Giving opportunity to students to attend interpreting sessions in the court.
- ✓ There needs to be a drafted law to guarantee the court interpreter rights.
- ✓ Adopting new fee schedule for interpreting services.
- ✓ The Ministry should adopt the basic law of the official translators as soon as possible.
- ✓ The official media channels should give the opportunity to the representatives of translators and interpreters to communicate with the officials and address their concerns.
- ✓ Scheduling a reasonable period of time for an interpreting assignment.
- ✓ The most important is to get expatriate trust between all legal parties.

Furthermore, when the participants were asked whether they had training in court interpreting, they explained that there is no training for court interpreting in Algeria as interpreter R2 stated that:

*Here, no, you pass the exam, now you are sworn, you choose three tribunals to work in, and then they send you to one of them. And then you are obliged... You have your own office, but you are obliged to do interpreting in courts and tribunals. You don't choose methodology. You don't have training courses. You found yourself pushed to interpret.*

The respondents highlighted the importance of having a training program to provide court interpreters with a lifelong learning mindset. It is suggested that the ideal training program for court interpreting would be:

- ✓ Organizing fora with legal institution administrators like lawyers, prosecutor, judges to exchange knowledge and have more information about procedure and legal terminology, of course in a friendly atmosphere.
- ✓ To provide special training for beginner interpreters in administrative, judicial, and legal language.
- ✓ Theoretical and technical training at courts.
- ✓ Training on simultaneous interpreting, legal translation and legislation. Legal translation is very important in our profession.
- ✓ Put the interpreters in educational situations to get closer to the profession reality and to keep them up to date with new terminology and new laws.
- ✓ Attending trials and court hearings in various sections of the court.
- ✓ Training on verbal skills and interpreting issues at the discourse level.
- ✓ Language of specialization and techniques of editing abbreviations.
- ✓ A program is attended by experienced translators and jurists.
- ✓ Training on Trados.

In sum, the main findings of the study indicate that court interpreting profession in Algeria lacks in many areas. Much attention should be paid to time management, training, organization, and strict rules of payment. Court interpreters working conditions are quite challenging. There is a need to bring forth necessary changes and resolutions. The participants of this study suggested some recommendations which can enhance the improvement of the current situation in the country.



## Conclusion and Future Orientation

This study has contributed to investigate the different challenges existing in court interpreting in Algeria. The main findings of the study indicate that Algeria continues to lag behind in terms of interpreter training, underestimation of the interpreter's role, low remuneration, and effective professional organizations. As there are still the non-existence of accredited professional associations for practising interpreters to voice their concerns, present their interests and provide them with the adequate on-going training programs as well as to organize and systemize the issues related to court interpreters. Due to the lack of such association, it was difficult for the researchers to motivate court interpreters to share their experience or even to find the basic information to contact some of them.

Compared with other countries, the development of court interpreting in Algeria still has a long way to go. It should be a shared responsibility of multiple parties, including educational institutions, the court system, and court interpreters themselves have to work together as a team to make sure that the rights of the linguistically handicapped are handled cautiously and to improve the practice of court interpreting in general.

Future studies may consider a larger scale survey including the perspectives of court staff involved in the interpreting process. Their opinions could have provided a more comprehensive insight into how to deal with these challenges faced by court interpreters. Furthermore, a study maybe conducted to focus on interlingual communicative challenges in court interpreting. Observation could be an effective instrument to gather the relative data. It is hoped that this thesis provided a further knowledge regarding the requirements of court interpreting. 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 in order to bring forth an elevated level of respect to this profession and to effect social change.

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## APPENDIX A

# *Participant Information Sheet*

**Research title:** A Field Study of Court Interpreting in Algeria (Difficulties, Challenges and Perspectives)

### **Investigators**

Ammari Nadjoua & Ammari Hadjer

Students working on our MA thesis at the University of Ouargla, major: Translation Studies.

In this study, we are interested in understanding the court interpreting fundamental requirements and most of all, to identify what challenges you, court interpreters, face in Algeria courtroom settings along with the practical recommendations and resolutions which may contribute to a fair trial.

### **An invitation**

First of all, I would like to thank you for volunteering to take part in this research.

You are being invited to participate in a research study. This information sheet will provide you with the topic and the purpose of our research, what you need to do and the benefits of the project.

### **The purpose of this research**

This study aims to shed some light on the challenges faced by interpreters working in Algeria courtrooms with the aim to make recommendations to improve on the courtroom interpreting service in Algeria.

## **Procedures**

### **The Online Survey Questionnaire:**

The procedure involves is an online survey: (a) you will be asked to know more about your job profile, including your gender, age, years of experience and certifications (b) you will answer a questionnaire on the professional challenges encountered in your work (c) you will also share some of your perceptions about court interpreting practice and work conditions.

### **The Interview**

The interview questions are designed to gain more understanding of the qualifications, knowledge and skills required, the ethical issues, job satisfaction. Moreover, the questions will shed light on the challenges and problematic issues experienced by Algerian court interpreters, in addition to the changes that should be considered to improve the practice of court interpreting. The researchers will have face to face interviews for approximately 45 minutes with interpreters based in Eloued and Ouargla and an online interview with those based in far regions. The questions are open-ended to collect detailed views and opinions from you

### **Participants and privacy**

Interpreters working in Algeria courtroom settings will be chosen to participate in this study and answer the online survey. All names and other personal details will be anonymized to ensure confidentiality. You will not be identified. The researcher will use codes instead of the participants' names to link the obtained data such as, R1, R2, R3, and so on.

### **The benefits of the study**

This study will help us to better understand court interpreting as practice and as a profession

The suggestions and recommendations offered by legal interpreters will alert students, teachers, interpreters and court staff members to these challenges, to lead them to better on-going self-development, and to contribute –once implemented- to the development of the court interpreting profession.

### Discomforts

You have the right to skip any question that makes you uncomfortable.

### Voluntary participation

Taking part in this research study is entirely up to you. You may choose not to participate or you may discontinue your participation at any time.

### Will I receive a feedback on the results of this research?

A summary of the finding will be send to you in your e-mail

### Researchers contact details

If you have any questions or concerns of this research, you may contact the investigators or the supervisor of this project:

Ammari Hadjer Email: Hadjerarab39@gmail.com

Ammari Nadjoua E-mail: thousand1000miles@gmail.com

### Supervisor contact details

Leila Yahiaoui E-mail: Leila\_yahiaoui\_dz@hotmail.fr

### Consent Statement

I have read and understood this information sheet and have had the opportunity to have my questions answered to my satisfaction. I voluntarily agree to take part in this study.

### **Consent signature**

.....

Date: .....



# **APPENDIX B**

# A field Study of Court Interpreting in Algeria: Difficulties, challenges, and perspectives

You are being invited to participate in a research study. In this study, the purpose of the current research is to provide a better understanding of the court interpreting practice and fundamental requirements, and most of all, to identify what challenges you, court interpreters, face in Algeria courtroom settings.

The information and recommendations offered by legal interpreters will alert students, teachers, interpreters and court staff members to these challenges, to lead them to better on-going self-development, and to contribute –once implemented- to the development of the court interpreting profession.

هذا الاستبيان يحتوي على نسخة مترجمة باللغة العربية , يمكنك الاجابة على الاسئلة باللغة التي تراها مناسبة لك  
رابط الاستبيان باللغة العربية:

<https://docs.google.com/forms/d/1qc2z4LcHJf1JjR559RvLqTYwBcOw8V0i8eJJ0ad6z9w/edit>

Thanks in advance

Gender:

- Male
- Female

Age :

- 20-29
- 30-39
- 40-50
- +50

Name of the court

Your answer



## Working languages:

Your answer

---

## Level of education:

- Bachelor's Degree in Interpreting and translation
- Graduate Diploma in Arts
- Master's Degree in Translation Studies
- Postgraduate Diploma in Translation Studies

## Contact information:

Your answer

---

## Years of experience:

Your answer

---

## Number of cases you interpreted:

Your answer

---

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# A field Study of Court Interpreting in Algeria: Difficulties, challenges, and perspectives

**What challenges have you ever encountered in courtroom interpreting?**

Legal terms

- Never
- Hardly ever
- Sometimes
- Regularly
- Often

Technical terminology in other areas such as economies, science, medical and the like

- Never



Never Hardly ever Sometimes Regularly Often

Knowledge of the local culture of the speaker :The speaker uses idiomatic expressions you are not familiar with

 Never Hardly ever Sometimes Regularly Often

kinship terminology(eg : aunt, uncle, cousin..)

 Never Hardly ever Sometimes Regularly Often

Lenghy utterances

 Never

- Hardly ever
- Sometimes
- Regularly
- Often

Difficulty understanding the speaker: the speaker has strong accent/ speaks too fast

- Never
- Hardly ever
- Sometimes
- Regularly
- Often

The speaker provides too much information ( the speaker uses numbers, names, events ... without a pause)

- Never
- Hardly ever
- Sometimes
- Regularly
- Often

Names of people and places

- Never

Hardly ever Sometimes Regularly Often

Lack of background information about court interpreting at the start of your career

 Never Hardly ever Sometimes Regularly Often

The speaker is not loud enough

 Never Hardly ever Sometimes Regularly Often

Challenges you face with humor, sarcasm and jokes

 Never

- Hardly ever
- Sometimes
- Regularly
- Often

The speaker turns to you for advice or consultation

- Never
- Hardly ever
- Sometimes
- Regularly
- Often

Too little information about the case is provided prior the interpreting process

- Never
- Hardly ever
- Sometimes
- Regularly
- Often

Other( please explain):

Your answer

---

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# A field Study of Court Interpreting in Algeria: Difficulties, challenges, and perspectives

## Questions related to the practice of court interpreting

Is the essence or the gist of the statement enough

- Yes
- No

which of the following cases is more difficult in terms of listening to and finding the appropriate and adequate words to render them into another language?

- Murder
- Fraud
- Rape
- Theft
- Illegal immigration
- Other: \_\_\_\_\_

Do you think that courts have clear policies and rules regarding the role of the court interpreter?

- Yes

Yes

No

Other: \_\_\_\_\_

Is there training programs for court interpreters in Algeria?

Yes

No

What would be -in your opinion- the ideal training program?

Your answer \_\_\_\_\_

Do you think that court interpreters are fairly paid?

Option 1

No

Is there a shortage in some languages

Yes

No

If yes, what are those languages?

Your answer \_\_\_\_\_

Do you think that your role as a court interpreter meets your professional expectation?

Yes

Yes

No

Other: \_\_\_\_\_

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## APPENDIX C

### The Interview Questions:

- ✚ What are the qualifications required for court interpreters? (i.e., educational prerequisites, licenses and certification)
- ✚ What are the necessary skills for court interpreters?
- ✚ Do you use specific strategies while interpreting? Please explain.
- ✚ What should the interpreter do if he fails to hear a word or a phrase, or if the witness uses an unfamiliar term?
- ✚ What do you know about the ethical standards and professional responsibilities of court interpreters and how did you learn about them?
- ✚ How to deal with swearing, taboo words, curses and pleading?
- ✚ What challenges do Algerian Court interpreters encounter at the work?
- ✚ How do you feel about your job as a court interpreter?
- ✚ What do you suggest/recommend to further improve the practice of the court interpreting profession in Algeria?

### Appendix D

Age	Gender	Educational level	Years of experience	Number of cases	Court Name
20_29	Female (2R)	Bachelor's Degree in Interpreting and translation	4-5	15-70	<b>Court of :</b> Ouargla Relizane Oum-bouaghi
	Male (1R)	Graduate Diploma in Arts  Master's Degree in Translation Studies			
30-39	Female (17R)	Bachelor's Degree in Interpreting and translation (11R)  Graduate Diploma in Arts (8R)  -Master's Degree in Translation Studies (8R)	4-15	2-250	Ferdjioua Hassi Messaoud Touggourt Ain Azel Berrouaghia Lakhdaria Tipaza Ain mlila El oued Azzaba Skikda El-kala Annaba In Salah Annaba Ouargla (2) Tebassa Mascara Bordg-bouaririj (2) khanchla Tiaret Harash Gardaia Dar elbaida- Algiers Setif Chlef Mila Constantine Mansoura Boumrda Bijaia (2)
	Male (21R)	Postgraduate Diploma in Translation Studies (11R)			

40-50	Female (5R)	Bachelor's Degree in Interpreting and translation (2R)  Graduate Diploma in Arts (1R) Master's  Degree in Translation Studies (5R)	8-20	2-100	Constantine Chelghoum- laid Ilizi Jijel (2) Oran Annaba (2) Sour El Ghozlane Bordjbouarreridj (2) Khroub Bejaïa
	Male (9R)	Postgraduate Diploma in Translation Studies (6R)			
+50	Female (1R)	Bachelor's Degree in Interpreting and translation  Graduate Diploma in Arts	14-26	40-60	Batna Tizi Ouzou Setif
	Male (2R)	Master's Degree in Translation Studies			

**Table 2.1 Questionnaire Participants' Demographics**

## APPENDIX E



**The Official Attire of the Court Interpreter**



جامعة قاصدي مرباح-ورقلة

كلية الآداب و اللغات

قسم اللغة الانجليزية و آدابها



ميدان: الآداب و اللغات الأجنبية

مجال: الترجمة و علم الترجمة

تخصص: انجليزي-عربي

مذكرة مقدمة لاستكمال متطلبات نيل شهادة الماستر

بعنوان:

دراسة ميدانية حول الترجمة الشفهية في المحاكم الجزائرية  
التحديات و الآفاق

نوقشت علنيا

يوم: 2018/05/15

أمام أعضاء اللجنة:

جامعة قاصدي مرباح - ورقلة

رئيساً

أ. مسلوب دلييلة

جامعة قاصدي مرباح - ورقلة

مشرفاً ومقرراً

أ. يحيياوي ليلى

جامعة قاصدي مرباح - ورقلة

مناقشاً

د. كوداد محمد

من إعداد الطالبتين : عماري هاجر

عماري نجوى

السنة الدراسية: 2018/2017

## ملخص البحث

# دراسة ميدانية حول الترجمة الشفهية في المحاكم الجزائرية: التحديات و الآفاق.

و لابد للترجمان من أن يكون  
بيانه في نفس الترجمة، في وزن علمه  
في نفس المعرفة، وينبغي أن يكون اعلم  
الناس باللغة المنقولة والمنقول إليها،  
حتى يكون فيهما سواء وغاية  
الجاحظ

## مقدمة:

لقد صرنا اليوم نعيش في قرية واحدة لا تحدها حدود، مبنية على أسس الانفتاح على الآخر و في شتى المجالات؛ انفتاح لا سبيل إليه إلا بتذليل الصعوبات التي قد تطرأ على المستوى اللغوي على اعتبار أن اللغة هي الأداة الفاعلة التي تتيح للإنسان بناء جسر التواصل مع الغير فيفهم و يُفهم.

و لقد لعبت الترجمة دورًا لا يستهان به في تحقيق ذلك باعتبارها ضرورة حضارية و نشاط فكري و عملية لغوية يفرضها الاحتكاك بين الشعوب ذات الألسنة المتباينة، من سياح و لاجئين و عمالة أجنبية و مغتربين و مبعثين و غيرهم عبر ما تنقله من علوم و المعارف من جهة و عن طريق ما تسديه من خدمات و ما تحققه من مصالح الأفراد من ناحية أخرى من خلال الترجمة المتخصصة بأنواعها: التجارية و الاقتصادية القانونية...إلخ، و التي تشمل بدورها عديد الميادين و القطاعات في مختلف مؤسسات الدولة و الدوائر الحكومية كالمستشفيات و السفارات و المحاكم.

و من ثمّ فقد أضحت الترجمة و ممارستها محط اهتمام متزايد في العقدين الأخيرين مواكبة للتغيرات المتسارعة في العالم و سداً لهذه المتطلبات و الحاجات الحساسة، خاصة إذا تعلق الأمر بحقوق الأفراد و ربما بأرواحهم و دمائهم و ذلك إما بترجمة تحريرية لوثائق و ملفات قانونية أو بأخرى شفوية بحضور محاكمات لا يسمح فيها بالخطأ أو التأويل فتزداد في مثل هذه المواقف حساسية هذه المهنة و مشاقها ما يجعل المترجم أمام مسؤولية جسيمة ليتمكن من أداء الدور المنوط به على أكمل وجه بصرف النظر عما قد يعترض سبيله من صعوبات جمّة في عملية الفهم حيناً و في عملية الترجمة في حد ذاتها أحياناً أخرى.

### 1. إشكالية البحث

لم تكن الترجمة في الجزائر أبداً بمعزل عن الانفتاح الحاصل في العالم ولا عن مقتضياته فسرعان ما ظهرت له آثاره في المحاكم و على نظام التقاضي بشكل جلي، حيث صارت أروقة المحاكم تعج بالمختاصمين و في العديد من القضايا التي تعرض في قاعات المحاكم الجزائرية صار من المحتمل أن يكون أحد طرفي التخاصم من الناطقين بغير اللغة العربية، علماً أنّ القانون الجزائري يقضي بوجوب استخدام اللغة العربية في النظام القضائي و التقاضي وفقاً للمادة رقم 8 من قانون الإجراءات المدنية و الإدارية الصادر سنة 2008 . من هنا تبرز أهمية المترجم و الترجمان و دوره لأنه لم يعد يمثل نفسه فحسب بل صار يمثل صوت العدالة و أدواتها فهو يضطلع بمهمة رسمية الآن و يحمل صفة المترجم الترجمان الرسمي.

ما يستدعي من هذا الأخير أداءً متميزاً و إماماً تاماً بكل جوانب اللغتين المصدر و الهدف و مهارات خاصة على مدار عملية الترجمة، و ظروفها ملائمة من شأنها أن تجعل الترجمة عملية أكثر سلاسة و جودة، و في الواقع فإن أمهر المترجمين إن لم نقل التمرسين منهم أيضاً ربما تعترض سبيلهم تحديات و صعوبات تزيد مهمتهم تعقيداً و صعوبة، لذا فإن تقصي هذه الصعوبات و التحديات و وضع ضوابط لممارسة الترجمة داخل المحكمة تشكل حاجة ملحة .

و تكتسي هذه الدراسة أهمية بالغة أيضاً من ناحية أن الترجمة رغم ما شهدته من اهتمام علمي متزايد خلال السنوات الأخيرة إلا أن الترجمة في المحاكم الجزائرية لم تحظ بالقدر الكافي من التقصي و البحث لتحديد الصعوبات التي تحف هذا الميدان الحساس من العمل .

وهذا ما سنحاول سبر أغواره من خلال هذه الدراسة بإمطة اللثام عن ظروف المهنة و تحدياتها.

## 2. أهداف الدراسة

و لأن الترجمة في المحاكم تختلف عن غيرها من أنواع الترجمة، لأنها تجمع بين كونها ترجمة متخصصة فهي ترجمة قانونية أولاً و ترجمة شفوية ثانياً ، فكان لزاماً على من يطرق بابها تحمّل قدر كبير من المسؤولية و تحلياً بالدقة والأمانة مع القدرة على ضبط النفس و التحكم و إدارة المواقف، ليس فقط عبر نقل أقوال الشهود و المدعي والمدعى عليه وبقية أعضاء هيئة المحكمة كما سمعها بل حتى طريقة الخطاب و أسلوبه و السجل اللغوي و قصد المتكلم و كذا نبرة الصوت و التوقفات و الفواصل و التحفظات و غيرها من العناصر الخارجة عن إطار اللغة، و بعبارة أخرى فإن دور المترجم لا يقتصر على نقل المعنى فقط بل يتعداه إلى الحفاظ على كل العناصر اللغوية و غير اللغوية للخطاب، وكل هذا لا يتأتى إلا في ظل وجود مهارات و قدرات خاصة و تكوين نوعي و عناية مكثفة بالتطوير الذاتي ليتمكن المترجمان من نقل الرسالة بأمانة لأن فشله سينجرُ عنه عواقب وخيمة قد تؤثر بشكل سلبي على سير العدالة.

فكان من الجدير تحديد كل متطلبات المترجم الشفهي في المحاكم و كذا الصعوبات التي قد تظهر داخل المحكمة أثناء عملية الترجمة لمساعدة المترجمان على تقديم أفضل ما عنده بتحقيق مزيد من الفهم و الإدراك لهذه التحديات و إيجاد حلول و تقديم اقتراحات مناسبة لها من خلال هذه الدراسة، إضافة إلى ذلك يهدف هذا البحث إلى زيادة الوعي بمدى جدوى و فعالية برامج التدريب و التأهيل المسبق للمترجمان المتخصص في الترجمة داخل المحاكم الجزائرية والتي من شأنها الإسهام في الوصول إلى محاكمة عادلة.

## 3. أسئلة البحث

و انطلاقاً مما سبق فقد تبلورت إشكالية بحثنا في الأسئلة الآتية و التي نسعى من خلال هذه الدراسة للإجابة عنها:

- ما هي التحديات التي تعترض سبيل المترجمان الرسمي في المحاكم الجزائرية و في الوسط المهني؟
- ما هي أهم التوجيهات والإرشادات المقترحة في سبيل تحسين أداء المترجمان الرسمي في المحاكم الجزائرية؟

## 4. فرضيات البحث

نفترض في بحثنا هذا أن الكفاءة اللغوية للمترجمان الرسمي ليست هي وحدها من تضمن ترجمة صحيحة و مناسبة و ذات جودة لا تحتمل التأويل أو التحريف، فهناك متطلبات خاصة، ومهارات و قدرات ينبغي للمترجمان امتلاك ناصيتها.

و نفترض أيضاً أنّ ظروف العمل و بيئته المحيطة و الأمور التنظيمية و الإدارية المعمول بها و الثقافة الخاصة بكل لغة عوامل تؤثر في جودة الترجمة و عمل المترجمان في المحكمة .

## 5. تصميم البحث

جاءت هذه المذكرة في فصلين ، تضمن الفصل الأول مقدمة البحث و الجانب النظري من الدراسة و الذي يضم لمحة تاريخية عن الترجمة في المحاكم و كل ما يتعلق بها من معلومات و نظريات بصفة عامة و عرض للتحديات التي يواجهها الترجمان في هذا الميدان.

ونتطرق في الفصل الثاني للترجمة في المحاكم الجزائرية و للمنهجية المتبعة في جمع البيانات و كل ما يتعلق بمجتمع البحث و المشاركين و كيفية توجيههم كما نعرض فيه قراءة للنائج وتحليل لها و نختم هذا الفصل بتقديم أهم التوصيات والاقتراحات التي خلصنا إليها من خلال هذه الدراسة في سبيل تحسين أداء الترجمان الرسمي داخل محاكمنا الجزائرية.

## 6. منهجية البحث و جمع البيانات

و تتبنى هذه الدراسة الميدانية المنهج النوعي و المقاربة الوصفية والمناسبة لمثل هذا النوع من الدراسات لتقصي متطلبات الترجمان في الميدان القضائي و التحديات التي قد يواجهها الترجمة الرسميون و المعتمدون من قبل وزارة العدل داخل المحاكم الجزائرية وأثناء أداء مهامهم،

اعتمدنا كأدوات بحثية على أداتين هما: الاستبيان لأنه الأنسب لجمع البيانات الأساسية حول الموضوع وقد تضمن أسئلة تتعلق بالمعلومات التعريفية بالترجمين المشاركين و بطبيعة الشهادات و المستوى التعليمي، وكذا أسئلة تتعلق بالتدريب و التطوير الذاتي و معايير الرضا عن العمل و قضايا مهنية أخرى، وسيدخل هذا الاستبيان بجزء يتم تخصيصه لتقديم تعليقات و إضافات من قبل المشاركين .

و الأداة الثانية هي المقابلة النصف مقننة (منظمة) وهذا النوع من المقابلة يفتح المجال أمام أي إضافات وإثراءات قد تنشأ في غضون الحوار بين الباحث و المحاور المشارك و كلا الأدوات ترجمتا للغتين العربية و الإنجليزية.

كما استعنا ببرنامج Google forms لإظهار نتائج الاستبيان و المقابلة في شكل أعمدة بيانية و دوائر نسبية لمزيد من التوضيح للنائج وتسهيلاً لقراءتها.

و قد رجعنا في هذه الدراسة لمعلومات رسمية منشورة على موقع وزارة العدل الجزائرية للإطلاع على معلومات تخص المترجم الرسمي و قوانينه و ضوابطه، إضافة إلى معلومات أخرى حصلنا عليها من موقع الغرفة الجهوية للمترجمين و الترجمة الرسميين ناحية الشرق حيث زدتنا بالقائمة الإسمية للمترجمين و معلومات الإتصال و لغات الترجمة. و معلومات أخرى تتعلق بناحية الوسط و الغرب تم تجميعها بناءً على مقابلات شخصية مع مترجمين أعضاء في الغرفة الوطنية للمترجمين و الترجمة الرسميين و غرفة الغرب.

أما المشاركين في الدراسة فقد تم التركيز على مترجمين رسميين معتمدين من قبل وزارة العدل وتركت لهم حرية إختيار اللغة المناسبة لهم للإجابة ، و قد تنوعت الفئات المستهدفة من حيث الجنس بين ذكر/أنثى و من حيث المران بين متدرب /غير متدرب بمشاركة مترجمين من مناطق مختلفة و محاكم متعددة عبر الوطن.

و ستم الإشارة للمترجمين المشاركين ب: ... R1 و R2 حماية لهويتهم و خصوصياتهم،

و قد أجاب عن أسئلة الاستبيان عبر الأنترنت 60 ستون مترجما و ترجمان رسمي ، أما المقابلة فقد أجريت مع 8 ثمانية مترجمين.

## الفصل الأول:

### 1. لمحة تاريخية عن الترجمة في المحاكم

لقد حظي الترجمة على مر التاريخ بمكانة مرموقة فلطالما كانوا المرافقين للفراعنة و لملوك الفرس، واستعان بهم الإغريق و الرومان؛ و لم يكن الترجمان آنذاك مجرد وسيط لغوي لإتمام الصفقات التجارية فحسب، وإنما شُبه بالآلهة لتعدد مواهبه اللسانية.

وفي القرون الوسطى تعزز دورهم و برز بشكل أكبر بتحولهم إلى محترفين ذوو مهارات فذة و رغم هذا التاريخ الحافل للترجمان إلا أن ارتباط ذكره بالقضاء و المحاكمات يكاد يندر في تلك الفترات.

أما عند العرب فالناظر في كتب الفقهاء السابقين يجد عنايتهم الكبيرة بموضوع الخبراء، لإدراكهم أهمية وخطورة هذا العمل. فما من كتاب فقه تناول أحكام القضاء إلا وتعرض لأحكام ترجمان القاضي وشروطه وأهميته، والرقابة التي يجب أن يبسطها القاضي على ترجمانه صيانة للحقوق والحريات.<sup>1</sup>

<sup>1</sup> جاء في كتاب أدب القاضي لابن القاص:ص112باب: ترجمان القاضي(66) قال: أجمع الكوفي والشافعي ومالك بن أنس، وابن أبي ليلى: لا تُقبل الترجمة إلا من عدل، ثقة، حر، بالغ. (67) واختلفوا في عدده. فقال الشافعي ومالك بن أنس لا أُقبل الترجمة إلا من شاعدي عدل. يعرفان لسانه قال: الكوفي وابن أبي ليلى: أُقبل شاهداً واحداً إذا كان حرّاً مسلماً، ثقةً. ولا أُقبل عبداً ولا ...الخ

أما في العصر الحديث فإن الترجمة الشفوية في المحكمة على صورتها المعروفة بها اليوم تاريخها ليس بالطويل فأولى بواكبرها ظهرت مع ظهور أهم الهيئات الدولية مما أوجب استحداث مصالِح للترجمة بمختلف اللغات و من ثمة باتت الترجمة الشفهية حرفة و مهنة مستقلة بذاتها، كان هذا بمثابة ميلاد نمط جديد تحكمه مجموعة القواعد الذهنية و الآليات الفكرية، ولقد اقترن ميلاد الترجمة في المحاكم باسم محاكمات نورنبيرغ Nuremberg trail والتي تناولت محاكمات مجرمي حرب القيادة النازية بعد سقوط ألمانيا و الأطباء الذين أجروا التجارب الطبية على البشر بين 1945 و1946، و في طوكيو بين يونيو 1946 و 1948، كأول نموذج تطبق فيه الترجمة في المحاكم، فقد نجحت في إعطاء مكانة و رفعة للترجمة الشفهية في المحكمة.

ولقد تقدمت ترجمة المحكمة الحديثة تقدماً محدوداً رغم ما عرفته دراسات الترجمة من تطور سريع، وهذا بسبب الطبيعة المعقدة للترجمة الشفوية القانونية.

و هذه الخطوات في مجال الترجمة في المحاكم وإن كانت بطيئة إلا أنها أثمرت باعتماد توفير الترجمة الشفوية في المحكمة كحق قانوني لتحقيق العدالة و لاقت عناية كبيرة فعلى المستوى الدولي نص الميثاق الدولي لحقوق الإنسان المدنية و السياسية على حق المترجم، و كذلك الاتفاقية الأوروبية لحقوق الإنسان، و على المستوى الوطني فإن عددا من الدول و الانظمة القانونية إن كانت قليلة ضمنت هذا الحق و سنت قوانين منظمة لعمل المترجم الرسمي.

وإذ أن الحضور القانوني للمتهم أثناء المحاكمة من أهم أسس العدالة، و الذي يتضمن حضورا لغويا له داخل المحكمة قونزالز (1994) بأن يكون قادرا على سماع و فهم ما يقوله الشهود والقاضي والمحامي و غيرهم، و على متابعة سير وإجراءات المحاكمة، و عليه فأى شخص في بلاد أجنبية ليس لديه معرفة كافية باللغة الرسمية للمحكمة إضافة إلى الأشخاص ضعيفي السمع و النطق يجب أن يكون لهم الحق قانونيا أن يخولوا مترجما شفويا بالنيابة عنهم.

## 2. مفهوم الترجمة في المحاكم

قبل أن نعوص بعمق في مفهوم الترجمة في المحاكم يجدر بنا التنبيه قبلا إلى أن مصطلح الترجمة في المحاكم غالبا ما يكثر استعماله للإشارة إلى الترجمة القانونية أو القضائية أو الشرعية، و لكن الترجمة في قاعة المحكمة ما هي في الحقيقة لإشكال واحد من الأشكال العديدة التي تحدث فيها الترجمة الشفوية القانونية، و من بين هذه الأشكال التي تحدث خارج قاعة المحكمة: المقابلات في أقسام الشرطة ومكاتب الجمارك وسلطات ومراكز الهجرة ومكاتب المحامين، في حين أظهرت دراسات عدد من المهتمين بهذا المجال و المتخصصين في الترجمة أن الترجمة في قاعة المحكمة هي الأكثر شيوعاً و رواجاً مقارنة بالأنواع الأخرى من الترجمة الشفوية القانونية.

والمقصود بالترجمة في المحكمة هي ترجمة خطاب شفهي من لغة إلى أخرى في السياقات القانونية و الإجراءات المرتبطة بها، و لكن هذه الترجمة تعود أحيانا إلى مفهوم أوسع بوصفها ترجمة اجتماعية (وبرنز 1997)، كما يراها بوشاكر (1999) تخصصاً مستقلاً إذ هي نشاط اجتماعي معقد لا يقتصر على

المهارات اللغوية و المعرفية وحدها و لكن أيضا الاجتماعية والثقافية والتنظيمية و المهنية لأن النظر إلى الترجمة فقط من الناحية اللغوية أو المعرفية هي نظرة قاصرة لا تزودنا إلا بفهم جزئي لعملية الترجمة كما نبه إليه ماتزر 1991.

ولقد شهدت دراسات الترجمة الشفهية بداية من القرن العشرين تطورا ملحوظا و كان التركيز في بادئ الأمر على المستويين المعرفي والسياقي فقد كان تحليل الخطاب هو الوسيلة الأمثل لمعاينة و تقييم المنتج المترجم و آثاره، و على المستوى السياقي تم تطوير نماذج مختلفة من قبل جارتر 1976 و جيل 1985 و ساتون 1999 كما أن دراسات عديدة استطردت في ذلك منهم حاتم ومايسون ، و على المستوى التفاعلي فقد طور النموذج التواصلي من قبل كيرشوف 1979 و كذا ستانزل 1983، و قد كان لنوع الترجمة الشفهية نموذج أيضا والذي تبناه البعض ولقي قبولا على أوسع مدى، ولكن هذه النماذج الثلاثة السالفة الذكر من تقسيم للترجمة الشفهية على الأساس المعرفي و السياقي وبناء على النوع سرعانا بدأت تعرف تراجعاً و تفقد فعاليتها في أواخر القرن العشرين تماشياً مع ما تقتضيه الضرورات الاجتماعية و الثقافية والإدارية التنظيمية و كذا المهنية، لذا صارت الترجمة في المحاكم يشار بها إلى كل النشاطات التي تكون فيها اللغة واسطة بين المتحدثين الذين لا يتكلمون اللغة ذاتها تسهيلاً و تيسيراً لسير المحاكمات.

و قد عرّف رويس 2000 ترجمة المحاكم على أنها فعل لغوي واجتماعي تواصلي و المترجم مشارك و موجه من خلال معارفه وفهمه للموقف التواصلي ككل و هذا ما تضمنه الطلاقة في اللغة .

و بالمجمل فإن الترجمة في المحاكم في حد ذاتها تقع تحت تأثير عوامل لغوية و أخرى ثقافية و اجتماعية وتنظيمية و مهنية ولن نركز خلال هذه الدراسة على الجانب اللغوي فحسب بل سيشمل بحثنا تلك الجوانب الخارج لغوية أيضاً، لتتوج هذا العمل بمزيد من التبصر حول التحديات التي يواجهها الترجمان في المحاكم الجزائرية.

### 3. مقاربات نحو الترجمة في المحاكم

اهتمت العديد من المدارس الفكرية بدراسة الترجمة في المحاكم، و يمكن أن نميز بين مقاربتين الأولى اعتمد فيها أصحابها على البعد اللغوي لعملية الترجمة، بينما ركز أصحاب النظرية الثانية على أبعادها غير اللغوية، فكان تحليل الخطاب هو المرتكز الذي أسس عليه أصحاب التوجه اللساني أو اللغوي و تأثيره داخل المحكمة على كل من أداء الترجمان وسير المحاكمة.

وأهم الاسهامات في هذا الصدد كانت تلك التي قدمها كل من (بيرك سيلينغسون 1996/2002 وهايل 2004 بإنتاج الكتابين الرئيسيين اللذين اعتمدا كأساس نظري الترجمة في المحكمة، وفي كتابها *The Bilingual Courtroom*، Berk-Seligson (1990)، انطلقت سيلينغسون من أفكار تحليل الخطاب و تعدد الألسن والأساليب البراغماتية للغة و حتى مناهج علم النفس التجريبي ، حيث أكدت على أن المحاكم ثنائية اللغة لطالما كانت مثار قلق بالنظر لسوء الفهم الذي قد يقع فيه المترجم إذ لاحظت أن المترجمين غالباً ما يعيدون صياغة الأسئلة الموجهة للمتهم أو الشهود أو يوجهون المحامين إلى الصياغة الانسب مما يؤدي إلى تحريف في القصد و بالتالي في الأثر الوظيفي للأسئلة والأجوبة الأصلية أيضاً مما قد يؤثر في حكم هيئة المحلفين، و يطعن في مصداقية الشهود، كما أظهرت هذه الدراسات اللسانية أن السجل اللغوي المستعمل من



قبل المتهم و بالتالي المترجمان يلعب دورا هاما في التأثير على القاضي، و بينت هایل أهمية استيعاب اللغة القضائية في تحقيق الأثر الوظيفي المكافئ للخطاب، و لاحظت نقصا في فهم أنواع معينة من الأسئلة بما في ذلك استخدام الايماءات و الإشارات و غيرها من استراتيجيات الاستجواب التي يغفلها معظم المترجمون و أكدت الباحثتان على ضرورة تلقي الترجمة في المحاكم للتدريب المناسب.

وقد اعتمدت النظريات غير اللغوية على دراسات علم الاجتماع عن طريق الاستطلاعات و المقابلات و المجموعات، و قد ركزت دراسات أقل على الجوانب الأخرى للترجمة القانونية، مثل الترجمة في أقسام الشرطة، و جلسات الاستماع.

#### 4. أنماط الترجمة الشفهية المعمول بها في المحاكم

بشكل عام تهتم الترجمة في المحكمة بتمكين طرفي التقاضي ( سواء منهم، أو شاهد، أو مشارك آخر ) من فهم ماذا يجري في قاعة المحكمة لذا فقد تستعمل الأشكال المختلفة للترجمة الشفهية، تحقيقا لهذه الغاية فقد يطلب من المترجم الشفهي أن يقوم بالترجمة التتبعية (تعاقبية)، أو بالترجمة الفورية عندما يستمع الشاهد أو المتهم إلى شهادة شخص آخر أو بعد أحداث أخرى في قاعة المحكمة، أو بالترجمة بالاتصال خارج قاعة المحكمة مع هيئة أو شخص يخدم القضاء عبر الهاتف أو وسائل سمعية بصرية، و قد يحتاج إلى الترجمة المهموسة في بعض الحالات، و يتضمن عمل المحكمة أيضاً الترجمة المنظورة للوثائق المحررة في المحكمة، أو التي تساعد القاضي و المحامين في المحاكمة، كما أنه من غير الشائع أن تسأل هيئة المحكمة المترجم الشفهي خلال وقفة قصيرة، أن يكتب ترجمة مكتوبة لخطاب، أو نسخة من مكالمة هاتفية أو ترجمة لتسجيل فيديو و غير ذلك مما تختص به الترجمة التحريرية

#### 5. نماذج تفسيرية للترجمة الشفهية

حاول عدة متخصصون في الترجمة الشفهية و الترجمة في المحاكم تقديم نماذج لتفسير العمليات الذهنية التي تحدث على مستوى العقل في أثناء عملية الترجمة، و هذه النماذج لها أهميتها أيضا من حيث التدريب و توجيهه التدريس مثل: نموذج جيرفيرير gever و ركز على الوصف النفسي لعملية الترجمة، و نموذج جيل gile الذي قسم الترجمة إلى ثلاثة جهود: جهد الاستماع و جهد التحليل و جهد الانتاج و نموذج سيليسكوفيتش و ليدرير seleskovitch & lederer من خلال نظرية المعنى أو النظرية التأويلية التي ركزت على ترجمة المؤتمرات و الترجمة الفورية و هي من أنماط الترجمة التي قد يستعملها المترجم داخل المحكمة وفق ذات العمليات الذهنية و سنكتفي بتفصيلها هنا دوناً عن بقية النماذج.

إذ تمر الترجمة الفورية حسب سيليسكوفيتش و ليدرير بمراحل عديدة و مهمة و متعاقبة و يأتي **الإصغاء** على رأس قائمة هذه المراحل فالمترجم يعدّ مستمعا مهنياً و منتبهاً و بهذا المعنى يصغي بهمة عالية و نشاطاً باحثاً عن الأفكار و تسلسلها و يكتشف من خلالها نوايا المتحدث و مقاصده و يقوده الإصغاء إلى السماع الجيد إذ لا يمكن السماع دون الإصغاء ، فالإصغاء يسبق السماع هنا ربما يواجه المترجم الفوري مشكلة في الإصغاء إذا ما رافق العمل ظروفاً سيئة أي من الناحية الفنية و الميكانيكية و أجهزة الصوت و غيرها، أما المرحلة الثانية تتمثل في **التحليل** إذ أن المترجم الفوري يحاول و بالسرعة التي تفرضها الترجمة الفورية تحليل الخطاب الذي أصغى إليه و يقوم التحليل على الفهم إذ لا يمكن ان يحلّل خطاباً دون فهمه و تعرف هذه المرحلة بـ (verbalization) و هي المرحلة التي تقع بين الإصغاء و استلام الرسالة من اللغة الاصل و ترجمتها

ويختلف تحليل الخطاب باختلاف الموضوع وطبيعة اللغة المستخدمة ومستواها ونوع الخطاب فإذا تضمن الخطاب الترحيب والشكر والتقدير سوف يكون التركيز هنا على الشكل ، أما إذا كان الخطاب علمياً وفنياً سوف يكون التركيز على المضمون المعلوماتي، وبعدها ينتقل إلى مرحلة الترجمة و**إعادة الصياغة** التي تعرف بـ (reverbalisation) فالمترجم الشفهي الناجح هو الذي يمتلك القدرة على تقديم تراكيب لغوية صحيحة وسليمة ورصينة ولا يتأتى ذلك بصورة اعتباطية وإنما يتأتى ذلك من كثرة ممارسة الترجمة الفورية وقدرته على إعطاء المستمع لغة سليمة تركيبياً ودلالياً . ونجد هنا ان مهارة المترجم تكمن في قدرته على توزيع طاقاته بين ثلاثة اتجاهات أساسية وهي الإصغاء والتحليل وعمل الذاكرة، و تتطلب جهداً فكرياً وعصبياً كبيراً ولا بد من ان يكون في حالة استنفار قصوى ويكون تركيزه محصوراً على الخطاب، وكل هذا يمر به المترجمان أيضاً داخل قاعات المحاكم.

## 6. أهم تحديات الترجمة في المحاكم

إن الترجمة في قاعات المحاكم تكتنفها الكثير من الصعوبات والعقبات التي تعيق العمل المترجم، منها ما يتعلق بشخصية المترجم ونفسيته ووضعه اثناء العمل ومنها ما يتعلق بالعوامل الواجب توافرها لنجاح المترجم ونجاح عملية الترجمة هذا من جهة ومن جهة أخرى مجموعة عقبات تعترض عملية الترجمة بذاتها أي أن هناك صعوبات تتعلق بالترجمة نفسها أي بالمصطلحات والمعنى السياقي والاقْتباس والقرض اللغوي والقرض الدلالي وطبيعة اللغة المستخدمة ومستوى أسلوبها ومستوى أسلوب المتحدث ومستوى الخطاب وثمة صعوبات أخرى تتعلق بظروف العمل و فيما يلي أهم هذه الصعوبات:

**1-المصطلحات القانونية:**هو ما اتفق عليه أهل الاختصاص، للدلالة على مفاهيم ودلالات قانونية تميزه عن بقية أنواع النصوص الأخرى. ويشكل المصطلح عائقاً بالنسبة إلى المترجم، فيتعين عليه أن يكون ملماً قدر الإمكان بالمصطلحات القانونية ومعانيها في اللغة الأصل، و بالترجمة المعتمدة و المتفق عليها في اللغة الهدف، غير أن ما يحدث في الغالب هو العكس تماماً، إذ نجد عدداً كبيراً من المترجمين لا يجيدون تكيف المصطلح القانوني حسب السياق الذي ورد فيه، بل يعتمدون إلى الرجوع مباشرة إلى أي قاموس من القواميس العامة غير المتخصصة، و يأخذون أول مصطلح يقابلهم دون بحث أو تمحيص، مما يؤدي إلى تحريف للمعنى، فقد لا يجد المترجم أحياناً مكافئاً للمصطلح القانوني في اللغة الهدف بسبب اختلاف الثقافتين (الأصل و الهدف)، و لا تعد هذه الظاهرة حكراً على اللغة القانونية فحسب، و إنما تمس كذلك بقية لغات الاختصاص، و تطلق عليها تسمية الفراغ المعجمي.

**2. نقل معلومات منقوصة:** في هذه الحالة نجد انه طالما استلم المترجم الشفهي رسالة منقوصة فإنه من الناحيتين المنطقية والعلمية سوف يعكس رسالة منقوصة وهذا بدوره يؤثر سلباً على المترجمان والترجمة على حدّ السواء.

**3. مشاكل في السمع:**ربما يشكّل التركيز المتزايد في الإصغاء إلى إجهاد كبير للمترجم لأنّه بصدد النقاط الخطاب أولاً ومن ثم فهمه وتحليله وأخيراً نقله بكل أمانة إلى مستمعيه ولكن بشكل متكامل لذلك سوف يؤثر الإصغاء المتزايد وغير المجدي على عملية الترجمة الشفهية.

**4. سوء في تحليل الخطاب:** من الطبيعي ان ما ساء سماعه ساء فهمه وساء تحليله وسوف نتضح نتائجه السلبية في عملية الترجمة برمتها . وسوف ينجم عن ذلك صعوبة في إيصال الرسالة بسبب وجود فجوة في الذاكرة وربما تجاهل أو نسيان المصطلح المقابل و التوقفات والفجوات التي تحصل في الترجمة يضاف إلى ذلك مسألة التداخل اللغوي وأخيراً التعب و الأعياء الذي يصاب بهما المترجمان .

**الأمانة:** قد تم طرحها في كثير من الأحيان، ويجد المترجمون في المحكمة أحياناً صعوبة حقيقية في الالتزام بالدقة و كذا النزاهة

### **المعارف، القدرات، والمهارات**

و يمكن للمعارف و المهارات و القدرات ان تشكل تحدياً حقيقياً للمترجمان في بداية مشواره مع الترجمة في المحكمة .

**القدرة اللغوية:** القدرة إذ يطلب منه أن يكون مؤهلاً و ذو كفاءة في لغات العمل، كما يتعين على المترجم الشفوي للمحكمة ان يكون على دراية كبيرة بثقافة البلدان المختلفة؛ الدلالات الثقافية للكلمات المنطوقة و استخدام الفوارق الثقافية و التعبيرات الاصطلاحية . معرفة و استخدام المفردات، بما في ذلك المصطلحات القانونية، و المصطلحات الخاصة بمواضيع محددة الشروط المتعلقة بإجراءات المحاكم و الجلسات القضائية و تشير مهارات الترجمة إلى المهارات المهنية داخل قاعة المحكمة مثل:

**الاستماع:** و يجب ان يكون المترجم الشفوي قادراً على الاستماع بفعالية.

**التنبؤ:** هو عامل مهم في الترجمة الدقيقة.

**الذاكرة:** وتؤدي الذاكرة دوراً رئيسياً في تقديم الرسالة المنقولة بدقة و الحفاظ على جميع العناصر اللغوية و شبه اللغوية و القانونية.

**تدوين الملاحظات:** ويستعمل المترجم هذه المهارة معاً لأرقام و الأسماء و البيانات الاحصائية لدعم الذاكرة للتذكير بالمعلومات المطلوبة. كما يساعد في التحليل و استحضار المعلومات و استرجاعها ، الا ان المترجمين الشفويين الآخرين يفضلون عدم استخدام هذه المهارة لأنها تتداخل مع لفهم و الاستماع.

**ضبط النفس:**

وجود المهارات المذكورة أعلاه أمر ضروري و يمكن ان يكون الدعم الحقيقي للمترجمان من خلال امتلاك مهارة التحكم في الذات و ضبط النفس و حسن إدارة المواقف المختلفة التي قد يقع فيها داخل المحكمة في الوقت الذي يحاول فيها الترجمة في المحاكم بأقصى ما في استطاعتهم أداء مهمتهم بالطريقة الملائمة ، فإنه يجدر بنا التصدي للتحديات التي يواجهونها في عملهم.

وقد وفر هذا الفصل لمحة عامة عن الأدبيات المتعلقة بدراستنا. سيحدد الفصل التالي منهجية جمع البيانات المستخدمة في هذه الدراسة، يليه التحليل والنتائج التي توصلت إليها أبحاثنا.

## الفصل الثاني

### 1- نظرة عامة عن الترجمة في المحاكم الجزائرية

يكتسب قسم الترجمة في المحاكم أهمية بالغة في العمل القضائي، فكفاءة المترجم عامل شديد التأثير، فهو همزة الوصل والوسيط "الوحيد" بين أطراف الدعاوى "غير الناطقين بالعربية" والقضاة، لذا فقد نظم الدستور الجزائري عمل الترجمة في المحكمة عن طريق سنّ قوانين تحدد وتبين شروط الالتحاق بمهنة مترجم ترجمان رسمي و ممارستها ونظامها الانضباطي كما يحدد قواعد سير المهنة وسير أجهزتها و عمل المترجم بعد أن يحمل صفة المترجم والترجمان الرسمي، حيث جاء في الجريدة الرسمية طبقاً للأمر رقم 95-ض13 المؤرخ في: 1995/03/11 أن الترجمان هو "ضابط عمومي، حيث يمارس مهنته لحسابه الخاص وتحت مسؤوليته و يسأل الترجمة الرسميون عن المسائل الخاصة بتسيير مكاتبهم."

و يزاول المترجم الترجمان الرسمي عمله ومهامه بعد تعيينه بقرار من وزارة العدل بعد اجتياز مسابقة وأداء اليمين أمام المجلس القضائي التابع له و يرتدي الترجمان داخل قاعة المحكمة لباساً مخصصاً للترجمة، و يقدر عدد المترجمين و الترجمة في الجزائر بحوالي 1000 مترجم و لغات الإختصاص المتوفرة هي: اللغة العربية، الفرنسية، الإنجليزية، الألمانية، الإيطالية، الإسبانية، الصينية. إلا أن ثمة تحديات وعقبات أمام عمل المترجمين لا يخلو الأمر منها، في ظل ما يفرضه اختلاف الثقافات وظروف العمل.

### 2- نتائج الدراسة الاستطلاعية وتحليلها

يتضمن هذا الجزء من البحث المراحل التي مرّت بها الدراسة الاستطلاعية للحصول علي البيانات المطلوبة، وتنقسم أسئلة الاستبيان إلى ثلاثة أقسام: ويتضمن الفرع الأول وصفاً موجزاً للدراسة والأسئلة المتعلقة بالمعلومات الديموغرافية لمعرفة المزيد عن الترجمان في المحكمة و مهنته ومستواه العلمي و شهادته العلمية، ويطرح القسم الثاني أمام المشاركين مجموعة من الخيارات فيما يتعلق بمختلف التحديات في هذه المهنة فالإجابة على الأسئلة يكون بالاختيار بين خمس مقترحات تتراوح بين "أبداً" و "غالباً" لكل سؤال، حيث يمثل 1 "أبداً" و 5 يمثل "غالباً".

ويشمل الفرع الأخير المسائل المتعلقة بممارسة الترجمة في المحاكم ويتمّ عرض هذا النوع من الأسئلة بنسق متعدد الإجابات أيضاً عن طريق اختيار إما "نعم" أو "لا" أو "أحياناً" وبعضها يتطلب شيئاً من التفصيل بجمل أو فقرة قصيرة.

### 1.2. عينة الدراسة:

المجموعة المستهدفة في هذه الدراسة هم المترجمة الرسميون المحلفون، وهذه الدراسة هي الأولى من نوعها في الجزائر، وقد شملت ترجمة من كل القطر الوطني، كما أنّ المترجمين و المترجمة و الباحثين في هذا الميدان كانوا جميعهم موضع ترحيب؛ وأرسلت استبيانات استقصائية إلى 295 مترجماً شفهيّاً لدعوتهم إلى المشاركة في هذه الدراسة، و يُذكر أنّ العديد من عناوين البريد الإلكتروني المنشورة على المواقع الرسمية للمجالس القضائية غير متاحة إذ لم يتم تحديثها منذ المرة الأولى التي أنشئت فيها. علاوة على ذلك ، فإنّ هؤلاء المترجمين ليسوا منظمين من قبل هيئة مهنية يمكن أن تعتبر مرجعا و مصدرّاً رسمياً لمعلوماتهم الخاصة، وشارك في الإجابة عن الاستبيان 60 ترجمانا، شملت هذه الردود من الذكور (55%) ومن الإناث (45%) صُمم السؤال الخاص بالسؤال باستخدام خيارات فئوية تتراوح بين 20-29 ، 30-39 ، 40-50 ، +50. ومثل النسبة الأكبر المترجمة الذين هم في سن 30 بنسبة (66.1%) ، تليها الفئة العمرية بين 40 و 50 سنة بنسبة 23.7%. و ثلاثة من المترجمين الشفويين يتعدى سنهم 50 سنة، و ترجمان واحد يبلغ من العمر 27 عاما.

و بشأن المستوى التعليمي للمشاركين، فإن 28.8% من مجموع 60 ترجمانا حاصلون على دبلوم الدراسات العليا في دراسات الترجمة، و 27.1% منهم لديهم درجة الماجستير في دراسات الترجمة. وفيما يتعلق بلغات العمل، كانت جميع الردود تقريبا هي اللغة العربية والفرنسية والإنجليزية، باستثناء ترجمان واحد متخصص في ترجمة لغة الإشارة و ترجمان واحد يترجم بين العربية والإيطالية. و بالنسبة لسنوات الخبرة أظهرت البيانات قدراً معتبراً من سنوات الخبرة لدى المترجمة في المحكمة فحوالي 41% لديهم خبرة بين 5 إلى 10 سنوات، وقد عمل ستة منهم لمدة بين 14-20 سنة و ترجمان واحد لديه خبرة 26 عاما مع خمسة آخرين عملوا لمدة تتراوح بين 15 إلى 29 سنة، ولكن حينما تقصينا عدد القضايا التي ترجمت أظهرت الإجابات قدرا كبيرا من التباين بين سنوات الخبرة وعدد القضايا المترجمة ففي الوقت الذي قدم 23 من المترجمين الشفويين خدمات الترجمة في المحكمة منقضيتين إلى 20 قضية على الرغم و لديهم من الخبرة ما يتراوح بين 5 و 10 سنوات؛ في حين أنّ خمسة آخرون لديهم سنوات الخبرة ذاتها و عدد القضايا التي ترجموها يقدر ب 100 قضية؛ و قدم ترجمان واحد خدماته للمحكمة في 250 قضية و لديه 15 عاما من الخبرة كغيره و امتنع بعض المترجمة عن التصريح بمعلوماتهم الشخصية.

## 2.2- الصعوبات و التحديات

يُعنى هذا الجزء بإظهار نتائج الدراسة الاستقصائية المتعلقة بالتحديات و التي جمعت من خلال البحوث العلمية القليلة حول الإشكالية المطروحة و التي قام بها باحثون في الميدان إلى جانب التحديات التي ذكرها مشاركونا في قسم التعليقات و تلك التي أظهرتها المقابلات.

ويشمل الاستبيان ما مجموعه 13 من الصعوبات المحتملة و يطلب من المترجمة تقديم تعليقات كانت التحديات في الأكثر حدوثاً في نظر المترجمة هي: 9: شح المعلومات التي تقدم حول القضية قبل عملية الترجمة / وعدم امتلاك المعلومات أساسيه و الخلفية اللازمة عن الترجمة في المحكمة / المتحدث يقدم الكثير من المعلومات (المتكلم يستخدم الأرقام والأسماء والاحداث... بدون إتاحة الوقت الكافي) / المتكلم يتوجه إليك لطلب المشورة أو التوجيه / صعوبة فهم المتكلم: المتكلم لديه لهجة صعبة / يتحدث بسرعة كبيره جدا ، وسيتم ادراج النتائج وفقا لطبيعة التحديات و هي : اللغوية ، ومعالجه المعلومات ، و المؤسسية و التربوية و غيرها من التحديات.

## 1.2.2 التحديات اللغوية

تُبين النتائج على المستوى اللغوي أنّ 27.1 % من المشاركين يواجهون "أحيانا" صعوبة في ترجمة المصطلحات القانونية بينما 23.7 % يعتقدون أنهم لا يجدون "أبدا" أي صعوبة في ترجمتها، و 20.3% أجابوا ب"نادرا" و أما "بانتظام" و "غالبا" فهي 18.6 % و 11.9 % على التوالي، وأجاب ما مجموعة 59 مشاركاً على هذا السؤال و تخطاه مترجم شفوي واحد.

ردا على المصطلحات التقنية اعتبر 23 مجيباً أنها تتطوي "أحيانا" على تحديات، وقال 27.1% من المستطلعين إلى جانب 18.6% منهم أن المصطلحات التقنية في مختلف المجالات "نادرا" أو "أبدا" ما تكون صعبه واختار سبعة مترجمين شفويين آخرين "بانتظام"، تخطى هذا السؤال أربعة تراجمة. و ما نسبته (36.2 %) من المترجمين لم يروا بأن الثقافة المحلية تشكل تحديا لديهم؛ و 31 % اختاروا "نادرا" لهذا السؤال، ووجد خمسة منهم أن التعبيرات الاصطلاحية "بانتظام" أو "غالبا" ما تكون صعبة، ومن ناحية أخرى قال 24.1% من المشاركين أنّ الثقافة المحلية للمتكملم يمكن أن تكون "أحيانا" تحديا، ولم يجب اثنان من التراجمة القضائيين عن هذا السؤال.

### 2.2.2. تحديات معالجة المعلومات

تبين النتائج أن غالبية المترجمين الشفويين في المحكمة يجدون طول الخطاب "أحيانا" تحديا بنسبة (44.1%)، و رأى ثلث المجيبين تقريبا أنه لا يمكن الترجمة "أبدا" أو نادرا"، في حين أن 13.6 % من المشاركين أشاروا إلى أنهم "عادة" ما يجدون الخطاب الطويلينطوي علي تحديات، و 10.2% قالوا "غالبا"، وأجاب ما مجموعه 59 ترجمانا مشاركا على هذا السؤال، في حين تخطاه ترجمان واحد.

و حوى الاستبيان سؤالا عن الاكتفاء بترجمة الجوهر في قاعات المحاكم، فردّ 63 % بالإيجاب، وهذه هي المسألة الخامسة التي تشكل تحديا لمعظم المستطلعين 50.8 % يجدون صعوبة "أحيانا" و ما مجموعه 16 مجيبا (27.2 %) "بانتظام" أو "غالبا" و النسبة المئوية من "أبدا" أو "نادرا" ما وجدت صعوبة بهذا الصدد قدرت ب 11.9 % و 10.2 % على التوالي وقد ذكر البعض أنهم يواجهون هذا التحدي في بعض الأحيان مع اللاجئين من مالي وتشاد و غيرها ممن، يتحدثون الفرنسية بصعوبة وبطريقه سريعة و التي تجعل في بعض الأحيان معلوماتهم وتصريحاتهم غير واضحة.

واحتل تقديم الكثير من المعلومات بدون توقف أو فواصل المرتبة الثالثة بين التحديات السبعة الأصعب بالنسبة للترجمة، وكان ثلث الإجابات "بانتظام" أو "غالبا"، ونسبة 10.2 % "أبدا" و 11.9 % أشاروا إلى أنهم "نادرا" ما يجدون تحديا في سرد الكثير من المعلومات والتفاصيل من قبل المتكلم، ويمكن أن تكون الأسماء والأرقام والأحداث مهمة جداً في بعض الحالات ، ويجب أن يكون المترجم الشفوي دقيقا لكي لا يفقد اي معلومات ضرورية، وحوالي نصف التراجمة المشاركين لم يجدوا "أبدا" في أسماء الناس والأماكن صعوبة في ترجمتها، و اختار ربعهم "أحيانا".

و أردنا أن نعرف ما هي أنواع القضايا الأكثر صعوبة من حيث الإصغاء وإيجاد المكافئ اللغوي المناسب وتبين أنّ قضايا "القتل" و "الاغتصاب" هي الأصعب و 15.5 % اختاروا "الاحتيايل"، وذكر المجيبون أنواعا أخرى من القضايا مثل الرشوة والسرقه و التزوير.

### 4.2.2. التحديات التنظيمية و المعرفية

و قلة المعلومات عن القضية التي ستتم ترجمتها هو التحدي الأكبر بين جميع الأسئلة المطروحة حيث 44.1 % من المجيبين يعتبرون أن هذه المسألة "غالبا" تحديا حقيقيا و 25.4% يصادفهم "بانظام" بالإضافة إلى ذلك أجاب 27.6 % ب "أحيانا"، و وجد 5 تراجمة فقط أن هذه المسألة ليست صعبة على الإطلاق.

وبلغ مجموع المجيبين ب غالباً 39% حول مسألة عدم معرفة التراجمة بأساسيات الترجمة في المحاكم وعدم امتلاكهم لأي معلومات خلفية عن العمل في المحكمة، بينما "أحيانا" و "بانظام" بلغت نسبتها 23.7% و 20.3 % على التوالي والتي تجعل هذه المسألة ثاني أكبر تحدي؛ وأشار 6 من المجيبين إلى أنهم لا يواجهون هذا النوع من الصعوبات وقد تخطى أحد المجيبين تصنيف هذا التحدي.

#### 4.2.2. التحديات على مستوى الصوت

تبين النتائج أن 58.6 % من المشاركين يعتقدون أنه عندما لا يكون صوت المتكلم مرتفعاً بالقدر الكافي يجد المترجم صعوبة في الفهم والترجمة، و 10.3% و 12.1 % من المجيبين يواجهون هذه الصعوبة "بانظام" و "غالبا" على التوالي، و وجد 14 ترجمانا أن "أبدا" و "نادرا" ما يكون صوت المتحدث منخفضاً، ولم يقدم اثنان من المجيبين رداً و قدّم أحد المشتركين تعليقه بشأن هذه المسألة وقال: "عندما يكون صوت المتكلم غير واضح أو ليس مرتفعاً بما فيه الكفاية، أبذل جهداً إضافياً في محاولة للاستماع بعناية"، وفي دراستنا الاستقصائية سألنا المشاركين إذا كان المكان المناسب الذي يتموضع فيه المترجم له أهمية في الترجمة المحكمة وأجابت الأغلبية ب نعم.

#### 5.2.2 تحديات ضبط النفس إدارة المواقف.

اعتبرت هذه المسألة ثالث التحديات من حيث الترتيب من جانب جميع المجيبين على هذه الدراسة الاستقصائية، في حين ان أربعة فقط من المترجمين القضائيين واجهوا صعوبة مع ترجمة الفكاهة والسخرية والنكت، وذكر معظمهم أنهم إما "أبدا" أو "نادراً" ما يصادفهم هذا النوع من التحدي. وتبين النتائج أن 35.6% من المستجوبين الذين استطلعت آراؤهم يعتقدون أن المحادثات الخاصة مع المتكلم محل إشكال حيث 16.9 % من هذه الإجابات على هذا السؤال هي "أبدا" و 18.6% "نادراً" واختار عشرة من المجيبين "بانظام" و تسعه منهم "غالبا"، واحتلت هذه المسألة المرتبة الرابعة الأكثر تحدياً لدى التراجمة من بين التحديات الثلاثة عشر

وشمل الجزء الثالث من الاستبيان مسائل تتعلق بممارسة الترجمة في المحاكم و يناقش بعض هذه الأسئلة الواردة أعلاه بمزيد من التفصيل، سيتم الجمع بين بعضها و بين تحليلات المقابلات لأنها تعالج قضايا مماثلة.

### 3- نتائج المقابلات

فيما يتعلق بالمقابلة، فقد شملت 08 تراجمة و الذين أبدوا استعداداً للمشاركة في هذه الدراسة و تضمنت المقابلات أسئلة موسع لمزيد من الفهم للمؤهلات والمعارف والمهارات المطلوبة، والقضايا الاخلاقية، ومدى رضى التراجمة لدى المحاكم عن مهنتهم، و تسلط الضوء أيضاً على التحديات والصعوبات التي يتلقونها أثناء أداء مهامهم، بالإضافة إلى التغييرات و التعديلات التي ينبغي إعادة النظر فيها و الإجراءات الواجب اتخاذها لتحسين أداء الترجمان في قاعات المحاكم، وأجريت المقابلات مع مترجمين شفويين من ولاية الوادي و ورقلة و مع آخرين في مناطق أخرى من الوطن عبر الهاتف و الإنترنت .

### 1.3 .المشاركون

و قد شارك في المقابلات ترجمة من عدة مناطق من الوطن و من كلا الجنسين و تفاوتت سنوات الخبرة و عدد القضايا المترجمة واسم المحكمة التي ينتمي إليها و المؤهلات الحاصلين عليها.

### 2.3 المؤهلات

وسئل المستجوبون في هذا البحث عن المؤهلات المطلوبة للحصول على منصب مترجم ترجمان رسمي، و بالرجوع للموقع الرسمي لوزارة العدل للإطلاع على البيانات الرسمية فيما يلي الشروط الرئيسية لوظيفة مترجم المحكمة وفقا لما جاء في الجريدة الرسمية طبقا للأمر رقم 95-ض13 المؤرخ في 1995/03/11:

التمتع بالجنسية الجزائرية. / بلوغ سن 25 سنة على الأقل. / التمتع بالحقوق المدنية. شهادة في الترجمة من معهد الترجمة أو شهادة معادلة لها. / ممارسة مهنية لمدة لا تقل عن 05 خمس سنوات على مستوى مصلحة الترجمة. / أن تكون له إقامة مهنية في إطار هذا الأمر. / النجاح في المسابقة الخاصة بممارسة مهنة المترجم - الترجمان الرسمي.

### 3.3المهارات والإستراتيجيات

إضافة لتلك الشروط فإن الترجمان في المحكمة بحاجة أيضا إلى مهارات مختلفة والكفاءات من أجل النجاح في مهمته، ويتم التماس ذلك أيضا عن طريق الاستراتيجيات التي يستخدمونها أثناء الترجمة .

#### 1.3.3المهارات والمعارف الضرورية: مثل

- الإتيقان التام للغات العمل.
- التمكن من مهارات الاستماع النشطة ومهارات الحفظ و الذاكرة.
- مهارات إدارة الوقت، والمرونة ومهارات ضبط النفس و القدرة علي التحصيل.
- يكون قادرا على نقل الرسائل بين أطراف المحاكمة.
- يكون قادرا على تحمل ضغط العمل والحفاظ على سرية.
- مراعاة الاختلافات الثقافية.
- معرفه المفردات المتخصصة (المصطلحات) ولا سيما القانونية الخاصة بالمجال القانوني أو "اللغة والمصطلحات المستخدمة في المحكمة"
- الاطلاع على القوانين والتشريعات
- معرفه الإجراءات الأساسية في المحكمة وقواعدها .

#### 2.3.3-استراتيجيات الترجمة

لا يفوتنا أن ننبه على أن نوع الترجمة الشفهية المعمول بها في المحاكم الجزائرية هي الترجمة التعاقبية (التتبعية) وفيما يلي الاستراتيجيات المستخدمة أثناء الترجمة وفقا للمقابلات التي أجريت مع المترجمين المشاركين:

1/الترجمة الحرفية.

2/الاختصار

3/تدوين رؤوس الأقلام والملاحظات.

4./ تحقيق التكافؤ سواء كان تكافؤا شكليا أو وظيفيا.

#### 4.3الإلتزام بأخلاقيات المهنة



هذا و شدد بعض الترجامة علي معيار الأمانة و النزاهة والمسؤولية القانونية و الوعي بعواقب الخيانة و عدم توخي الدقة، و على أن المترجم يجب ان يكون محل ثقة و عليه أن لا ينسأنه قد أدى اليمين و ينجم عن ذلك مسؤولية قانونية ينبغي أن يتحملها.

علاوة علي ذلك، عندما سئل المشاركون عن كيفية التعامل مع الشتائم، والكلمات الغير لائقة أخلاقياً، أوضحوا انهم لا يحاولون ترجمتها حرفياً ولكن في الوقت نفسه لا يتجاهلونها أو يتخطونها بل يبلغون القاضي بها.

### 5.3 التحديات المهنية

#### 5.3.1 أقله المعلومات عن القضية

أثار جميع المستجوبين مسألة عدم وجود معلومات عن القضية وأشاروا إلى أنهم كثيراً ما لا تتاح لهم إمكانية الحصول على المعلومات الكافية حول القضية الموكلة إليهم ولا يعرفون شيئاً عن الموضوع، مما يجعل من الصعب عليهم أن يترجموا بدقة و ذكر المترجمون الشفويون R1، R4، R6، R7 أنهم معظم الوقت يؤدون عملهم دون أدنى فكرة عن محتوى القضية و تفاصيلها ولا عن الأشخاص الذين سيترجمون لهم.

#### 2.5.3 إداره الوقت و إساءة الحكم على الترجمان

اشتكى معظم الترجامة من مشكلة عدم التزام المحاكم بالوقت أو التاريخ المحدد للترجمة، فربما يحضر المترجم و ينتظر مطولاً دون أن يخبر مسبقاً بتأجيل المحاكمة، و أعرب المترجمون الشفويون عن إستيائهم من سوء الجدولة و البرمجة العشوائية في المحكمة.

و في بعض الأحيان يساء الحكم على الترجمان بأنه غير متمكن من عمله أو من اللغة التي يترجم إليها حين يضطر أحياناً إلى طلب بعض التفاصيل من المتهم أو ممن يقوم بالإدلاء بشهادته أو احتاج مزيداً من التوضيح أو الدقة.

وسألنا مشاركين عما إذا كانوا يعتقدون أن المحاكم لديها سياسات وقواعد واضحة فيما يتعلق بدور المترجمين الشفويين في المحاكم، ورأى ما يقرب من 70% من المجيبين أن المحاكم ليست لديها لوائح و سياسات واضحة، ورد المشاركون الباقون بالإيجاب.

#### 3.5.3 نقص التدريب

تضمن الاستبيان الاستقصائي سؤالاً عمّ إذا كان من المهم تلقي برنامج تدريبي للمترجمين الشفويين في المحاكم 86.4% منهم أجابوا بالإيجاب.

وكان السؤال الموالي ما سيكون التدريب المثالي في رأيك؟ و أثنى المجيبون تعليقاتهم ببعض الاقتراحات المفيدة و ستعرض في التوصيات في نهاية هذا الفصل.

وتكشف بيانات المقابلة أنّ جميع المستجوبين تقريباً غير مقتنعين بأجورهم و التي تعتمد علي قانون 1996، وقد طلبنا من المشاركين في الاستبيان إذا ما كانوا يعتقدون أن المترجمين الشفويين في المحكمة يتقاضون أجراً عادلاً، وجميع المجيبين تقريباً أكدوا أن الترجامة في المحكمة لا يحصلون علي أجر عادل بنسبة (96.6%).

#### 4.5.3 المخاطر المهنية

أثار ثلاثة من المستجوبين مسألة المخاطر المهنية التي يمكن أن يتعرض لها المترجمان كأن يكون المتهم عدوانيا أو إمكانية الإصابة بأمراض معدية، خاصة في قضايا لاجئين من بلدان كانت تعرف بانتشار الأمراض الخطيرة ، ويبدو أن المحكمة لم تنظر في هذه المسألة .

وأبدي بعض المستجوبين قلقهم إزاء حقوق الحماية فلا توجد حماية لمترجم المحكمة"، إذ المترجمان القضائي لا ينبغي أن يوقف أو يحقق معه أو يقاطعه ممارسون قانونيون آخرون أثناء قيامه بمهمته. وينبغي وضع قواعد محددة في هذا الصدد وتجدر الإشارة هنا إلى نقطة هامة إذ يواجه بعض المترجمين الشفويين العاملين في جنوب الجزائر تحديات هائلة على العديد من الأصعدة، حيث تحدث المترجمان R8 أن التحديات التي واجهها عندما كان يعمل في مدينة عين صلاح وقال: "إن الحد الأدنى الذي يجب ان تكون عليه الحياة غير متاح أتحدث عن النقل والإقامة، لا يوجد سكن وعليك أن تعرف انه لا يوجد اي تعويض عن الخسائر الاقتصادية كما أنه لا يتم استدعاؤنا للترجمة إلا مرة واحدة في السنة أو حتى مرة كل سنتين.

### 5.5.3. نقص في بعض اللغات و اللهجات:

أكد اثنان من المترجمة ( R3 ، R6 ) على الاختلاف في اللهجات إما في لغة المصدر أو اللغة الهدف. تختلف اللهجة الجزائرية وحدها من منطقة إلى أخرى مثل: العربية المعيارية ، والجزائرية الصحراوية العربية ، والجزائرية المحكية العربية ، والشاوية ، والحسانية ، طاه غارت ، والأمازيغية. فالبلاد من إيلاء الاهتمام لهذه اللهجات ، قال المشارك R7: "صارت الأمازيغية مؤخراً لغة رسمية وسيتم اعتمادها في المحاكم وفي امتحانات المترجمين الفوريين المترجمين". وعلاوة على ذلك ، أشار المشاركون في الاستطلاع إلى وجود نقص في بعض اللغات ، خاصة ، الإسبانية ، الألمانية ، التركية ، الصينية ، الإيطالية ، الروسية وبعض اللغات الأفريقية مثل Haw

### 6.5.3 الرضا عن العمل

أعرب 6 من المشاركين عن ارتياحهم في عملهم رداً على سؤال الرضا المهني للمترجمين الشفويين في المحاكم، ولجمع مزيد من المعلومات حول الرضا عن العمل فقد سألنا المشاركين في الاستبيان ما إذا كان عملهم كمترجمين شفويين في المحاكم يرضي طموحاتهم المهنية، فأجاب فقط 33.9% بالإيجاب بينما وردت النسبة المئوية الأعلى من المشاركين (66.1%) بكلمة "لا".

### 7.3 التوصيات

حاولت الدراسة الحالية تفصي جل الصعوبات التي يواجهها المترجمة في قاعات المحاكم و تقديم اقتراحاتهم لتحسين هذا النوع من الترجمة وتمثلت أهم التوصيات المقترحة لمواجهة التحديات المشار إليها أعلاه في:

✓ توفير إطار قانوني يمنح للترجمة في المحاكم مكانة و قيمة كمهنة و ينظم الظروف التي تمارس فيها.

✓ إعادة الاعتبار لهذه المهنة في نظر

✓ منح المترجمان الفرصة ليطلع على القضايا مسبقا وأخذ لمحة عامة عنها.

✓ الاهتمام أكثر بضبط المواعيد و برمجة القضايا.

✓ منح طلبية الترجمة فرصاً لحضور جلسات الترجمة الشفهية في المحكمة، استكمالاً لتكونهم و كجزء

من التدريب على الترجمة الشفهية في المحاكم.

✓ وضع مشروع قانون لضمان حقوق مترجم المحكمة.

- ✓ ضرورة مراجعة أتعاب المترجمين و اعتماد جدول أتعاب جديد لخدمات الترجمة يتماشى و تطلعاتهم.
- ✓ ضرورة اعتماد القانون الأساسي للمترجمين الرسميين من قبل وزارة العدل في أقرب الآجال
- ✓ فتح القنوات الإعلامية الرسمية لدى الدولة أمام ممثلي المترجمين- الترجمة الرسميين لنقل انشغالاتهم و مقترحاتهم و إبلاغ صوتهم للمسؤولين.
- ✓ جدولة فتره زمنية معقولة لفتح مسابقة التعيين في منصب المترجم الترجمان الرسمي.
- ✓ ضرورة وجود الثقة المتبادلة بين جميع الأطراف.
- ✓ تنظيم دورات تكوينية مشتركة مع الهيئات القانونية و الممارسين مثل المحامين ، والمدعي العام، والقضاة لتبادل المعرفة والحصول علي مزيد من المعلومات حول الإجراءات والمصطلحات القانونية.
- ✓ توفير تدريب خاص للمترجمين الشفويين المبتدئين في اللغة الادارية والقضائية والقانونية و غيرهم.
- ✓ التدريب النظري و العملي في المحاكم.
- ✓ التدريب علي الترجمة الفورية والنصوص القانونية والتشريعات .
- ✓ وضع المترجمين الفوريين في وضعيات تعليمية لتقريب الصورة إلى واقع المهنة.
- ✓ حضور المحاكمات وجلسات المحكمة في مختلف أقسام المحكمة.
- ✓ التدريب علي المهارات اللفظية و الشفهية.
- ✓ التدريب على ترجمة لغات الإختصاص وتقنيات الاختصاصات و التحرير.
- ✓ إشراك المترجمين والممارسين مع رجال القانون.
- ✓ التدريب على برمجيات خاصة بالترجمة مثل: برنامج ترادوس Trados
- ✓ و خلاصة القول أن هذه الدراسة تظهر نقائص عدة تعاني منها الترجمة في المحكمة في الجزائر ، إذ ينبغي أن يقدم مزيد من الدعم لتدريب الطلاب والراغبين في العمل في هذا الميدان مع الإطلاع على قواعد المحكمة وإجراءاتها ومسؤولياتها وترجمة المحاكم بشقيها النظري والعملي الممارساتي.