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Dedication

This work is dedicated to:

My dear parents

All my family members

My teacher: Belarbi Ahmed Nouredine

My Fiance

And all my friends

Roumaïssa

Dedication

To my lovely parents

To my dear sisters and brothers everyone by his name

To all my family

To everyone has taught me one day

To my sweaty buds

Diaaeddine, Yehia, Aicha, Ritadje, Imane, Hanaa,

Noussiba, Safa, Maroua

And

Lidia

To whom we love

Messaouda

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ABSTRACT

Interpreting in general requires high skills, court interpreting in particular requires accuracy at work and competencies that qualify interpreters to perform their task to the fullest in both technical and professional dimensions. Through this study, the job of the interpreter has been discussed whether inside or outside courtrooms, as well as the difficulties they faced and the efforts devoted to overcome these difficulties. Moreover, the study is to clarify the difference between forensic translation, legal translation, and court interpreting. To achieve the intended purpose of this work, a thorough examination was made by using authentic resources, as well; the use of a questionnaire submitted to six official certified interpreters in Ouargla court, and coordinating interviews with the official interpreters, judges, lawyers, and police officers. The results revealed the existence of multiple technical and professional difficulties; the way to overcome them is the development of clear plans and strategies that will contribute to improve court interpreting and the raise of interpreter's competencies. This will be done through an appropriate scheduling of the interpreter's work, as well as; working on advanced and effective training programs to enhance the status of the translation as a whole.

Key words: court interpreting, Ouargla, official certified interpreters, technical and professional difficulties.

الملخص

تتطلب الترجمة الشفهية بشكل عام مهارات عالية والترجمة الشفوية في المحاكم بشكل خاص تتطلب أكثر من ذلك دقة في العمل وكفاءات تؤهل المترجمان لأداء مهمته على أكمل وجه سواء على الصعيد التقني أو المهني. تحاول هذه الدراسة التطرق لمسار عمل المترجمان خارج رواق المحاكم وداخلها وما يتخلل ذلك من صعوبات إضافة إلى الجهود المبذولة لتذليل هاته الصعوبات ثم تحاول أيضا توضيح الاختلاف بين الترجمة القضائية والقانونية والترجمة الشفهية في المحاكم. ولبلوغ الغاية المرجوة من هذا العمل تم البحث مليًا في هذا الصدد من خلال مصادر موثوقة وكذا الاستعانة باستبيان تم تقديمه لستة تراجمه معتمدين في ولاية ورقلة كما تم تنسيق مقابلات مع كل من التراجمة الرسميين وقضاة محامين ورجال شرطة. وأفصحت النتائج عن وجود صعوبات تقنية ومهنية متعددة، أما السبيل لتذليلها فيمكن في وضع خطط واستراتيجيات واضحة من شأنها المساهمة في تحسين الترجمة الشفوية في المحاكم والصعود بكفاءات التراجمة وذلك من خلال تعويد جدولته مناسبة لعمل التراجمة وكذلك العمل على برامج تدريبية متطورة وفعالة لإعلاء مكانة الترجمة ككل.

الكلمات المفتاحية : الترجمة الشفوية في المحاكم، ورقلة، التراجمة الرسميون المعتمدون، الصعوبات التقنية والمهنية.

Résumé

L'interprétation en général nécessite des compétences élevées alors que l'interprétation judiciaire en particulier requiert de la précision au travail et aux compétences qui permettent aux interprètes de s'acquitter au mieux de leur tâche, sur le plan technique que professionnel. Dans cette étude, le travail de l'interprète a été discuté, que ce soit à l'intérieur ou à l'extérieur des salles d'audience, ainsi que les difficultés rencontrées et les efforts déployés pour les surmonter. En outre, l'étude essaye clarifier la différence entre la traduction judiciaire, la traduction juridique et l'interprétation judiciaire. Pour atteindre l'objectif de ce travail, un examen approfondi a été effectué en adoptant également des ressources authentiques; l'utilisation d'un questionnaire adressé à six interprètes officiels agréés du tribunal de Ouargla ainsi que des entretiens avec les interprètes officiels, les juges, les avocats et les officiers de police. Les résultats ont révélé l'existence de multiples difficultés techniques et professionnelles; Pour les surmonter, il faut élaborer des plans et des stratégies clairs qui contribueront à améliorer l'interprétation devant les tribunaux et l'augmentation des compétences de l'interprète. Cela se fera par une planification appropriée du travail de l'interprète, ainsi que travailler sur des programmes de formation avancés et efficaces pour améliorer le statut de la traduction dans son ensemble.

Mots-clés: interprétation judiciaire, Ouargla, interprètes officiels agréés, difficultés techniques et professionnelles.

List of abbreviations

- **CI:** consecutive interpreting
- **ICJ:** International Court of Justice
- **LEP:** Limited English Proficiency
- **PhD:** Doctorate in Philosophy
- **SL:** source language
- **ST:** Sight translation
- **TI:** telephonic interpreting
- **TL:** target language
- **USSR:** Union of Soviet Socialist Republics.

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ملخص الدراسة

Introduction

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2_ Research problem

3_ Purpose of study

4_ Research questions

5_ Hypothesis

6_ Methodology

7_ Structure of study

8_ Limitations of study

introduction

Introduction

In court procedures, fundamental fairness requires the ability of each participant to understand and communicate effectively. The main concern of judges and lawyers and other parties is to ensure that each person within the courtroom is able to communicate fairly, easily, and clearly with others. However, court interpreting enables courts to collect the information accurately and as well help making well informed decisions through ensuring that all participants understand what is happening in courtroom, and as well to make sure that court proceeding is understandable and accessible (director the wisconsin court, 1998).

For court interpreting, the law distinguishes between translation- which is an objective and mechanical process in which interpreter works for being as links between parties that so not speak the same language within the courtroom. In the later case, it is observed that the interpreter plays an active role for delivery which is always a good thing for lawyers and attorneys. The legal situation contradicts the interpreters with current research results communication that values the importance of context in effective exchange for communication. I.e. it doesn't allow interlocutors to use their discretion or to behave as mediators in judicial proceedings. Therefore, interpreting activity which differs from translation is regarded as a desirable and inappropriate for linguists.

Statement of problem

In courts, interpretation has many forms and cases in which everyone has its own importance and effects; besides, court interpreting is one of methods widely adopted interpreters render the speech of one of the parties in judicial council into another language. Usually, this process is more crucial in criminal proceedings where the suspect cannot speak the court's language, so the judge\prosecutor calls for interpreter to listen to defendant's statements, as well as; in the event when the attorney would hear the witness's evidence if they don't speak the court's language. This leads us to think about the reality of court interpreting process and difficulties faced by court interpreters because it is noticed that there are a lot of problems that might be result of an unfair judgment.

Purpose of the study

The aim of this study is to highlight on the reality of interpreting inside courtroom during trial in addition to figure out the difficulties and lacks of interpreting and looking for perspectives for successful future interpretation.

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Rationale

The main reasons behind our choice to this topic are our passion to interpreting and law in addition to other subjective reasons like:

- The importance of court interpreting in contributing to justice achievement.
- The lack of interest by some interpreters and linguists to the domain in Algeria.
- Our desire to shed light on court interpreting especially in Ouargla courts.

Research questions

1- What are the technical and professional difficulties the interpreters encounter in courtrooms?

2 - What are the plans needed to improve the interpreter's work?

3- Is there any difference between court interpreting, forensic translation, and legal translation?

Hypotheses

2- It is assumed that the interpreters are faced by number of technical and professional difficulties that limit the quality of their work.

3- It is hypothesized that interpreter's participation to establish judicial system related to court interpreting may reduce the lacks and difficulties faced inside courtroom.

4- We assume that court interpreting and legal translation are complementary ,but cannot be interchangeable and all that is linked to judicial cases starting from the police station to the courtroom is related to the field of court interpreting

Methodology

To achieve the research goals, we have followed descriptive method to conduct our research. We rely on questionnaire, interview, and observation as data collection instruments, these data are gathered from judges, lawyers, police officers, and interpreters of Ouargla court.

In fact, the questionnaire is divided into five parts. The first part is about personnel information. The second part is about interpreter qualification. The linguistic difficulties

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encountered by interpreter in courtroom are mentioned in the third part. While the fourth part highlights the profession ethics. While the final part estate court procedure. However, in the interview; we have arranged meetings with lawyers, interpreters, judges, and police officers through asking a bunch of questions differ from one sample to another, this is to collect both qualitative and quantitative data to discuss. Finally, descriptive method is adopted for observation as an instrument to collect data in order to observe what is going on in courtroom, for instance; in interpreter's behavior.

Structure of research

This research is divided to two chapters, the first chapter is theoretical and the second one is practical. The first chapter of the theoretical part contains three parts; the first part deals with forensic linguistics; then we have discussed interpreting methods focusing on interpreting modes; the second part is on legal interpreting-translation ...; while the third part we shed light on the main elements of court during trial sessions.

The second chapter is devoted to provide explanations about methodology, population, data collection, and instruments used to analyze the finding with discussion. This part is followed by general conclusion and recommendations.

Limitation of study

This research deals with the study of interpretation in several ways, such as the work of the interpreters and the difficulties faced by them as well what is needed to overcome these difficulties and within a specific framework within the geographical area, which includes the Ouargla province and the administrative district of Touggourt also through the number of available interpreters and judges who allowed us to interview them, as well as the lawyers' offices and the police stations of both Ouargla and Hassi Messaoud where we were welcomed and allowed to conduct the interview.

Literature review

When tackling this type of research some difficulties are faced due to the lack of references and the rarity of the previous studies. The present work is considered the second one in Algeria and at the University of Kasdi Merbah in Ouargla after the one done by Ammari Hadjer and Ammari Nadjoua entitled Court Interpreting In Algeria difficulties and challenges.



Part one

Theoretical part

Chapter one: Origins of court interpreting

Introduction

1.1. Forensic linguistics

1.1.1. An overview about forensic linguistics

1.1.2. History and development of forensic linguistics

1.2. Forensic translation

1.3. Court interpreting

1.3.1. History of court interpreting

1.3.2. The role of court interpreting

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1.3.3.1. Simultaneous interpreting

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1.1. Forensic linguistics

1.1.1. An overview on forensic linguistics

Linguistics has been defined as the scientific study of language (Balthazar Bickel, Mathias Jenny, & Steven Moran, p1), which aim to illustrate and analyze the structure of language. Though linguistics is a science that searches for proofs for assumptions about the structure of language, linguists are more concerned with formatting general forms of linguistic structure (Raymond, nd, p03).

Rui and Malcolm (2016) divided the concept of linguistics into two main branches that have been developed, which are descriptive and applied linguistics, the first one studies language structure and features of speaker's language while the second is related to dealing with real-life problems. However, forensic linguistics (FL) is a branch related to applied linguistics which studies the relation between language and contexts of either legal cases or proceeding (lawyers, judges, etc...). In the same source, John Olsson pointed out that this legal proceeding is manifested in three stages which are: the investigative stage, **the trial stage** and **the appeal stage**. At the investigative stage, it is important to collect all the information of the accused though cannot be wholly used in court, so linguists must give linguistic proofs in this stage and give their view about it, or personal disputes between people which may need legal procedures later on. This is to convey the real intention of message of one party to another participated in legal process being fair while proceeding (Maite Correa, 2013) as cited in the same source_ The term "forensic" is derived from legal forum, and denotes sciences relate to psychology, medicine, law, linguistics, and translation...etc).

1.1.2. History and development of forensic linguistics

Abdelmajid (1429 A.H) mentioned the whole history of forensic linguistics summarized as follows; Western linguists believe that the first emergence of forensic linguistics is in Genesis when Isaac's youngest son, Jacob, had had the right of the older son, that is to say when Primogeniture imitated the sound of his elder brother to take his right. So the westerners estimated that the sound is an important tool to distinguish people from one another. While Cotteril (2003) stressed that the origin of forensic linguistics referred to the era of the Greeks and Romans when people were preoccupied with the differences

about proving the origin author of some literary and dramatic works. In other side, Islamic civilization, Muslim scholars are the first who used this method precisely to prove the authenticity of prophet Mohammad traditions. Recently, in the same source Roger Shuy and his colleagues stated the main principles and studies of forensic linguistics which deal with criminal and civil disputes in which the language itself as a part or whole of existing data. In Australia, this science firstly appeared in the mid1990s when researchers initiated using theories of forensic linguistics concerned with crime and civil disputes in the intention of keeping individual's rights in legal investigating and proceeding.

Thus, departments of justice in some countries like US, German, Australia...etc recognize this science. Moreover, criminal language laboratory stated a group of professional linguists in those countries to work in this field.

1.2. Forensic translation

Sidding and Mohamed have defined forensic translation is a branch of translation studies which is very significant in translation analysis in legal context, criminal investigation for the reason of justice, that is to say translators_ interpreters can help judges giving the right intention of the defendants concerning their language related to crime.

It is essential to have a forensic translator as a right-medium part for just trial. However, each person charged with something has the right to have an interpreter when cannot understand the court language.

According to the same source, the interpreter enjoys a basic role in courtroom as a medium connecting bridge between different members in the courtroom. There are many basic requirements that should be acknowledged by forensic interpreters to convey and represent the true fact in **legal systems**. The linguistic role is about dealing with language in order to turn blaming and moving words to formal ones if necessary, in contrast to other cases that need some kind of expressive words. Furthermore, forensic interpreter attend the whole legal case to ensure justice for those who cannot understand the language, culture, and legal systems (Sidding& Mohamed, p.171-180).

1.3. Court interpreting

Interpreting is the verbal translation of a spoken text from one language to another. Usually, interpreters interpret from a foreign language to their mother tongue, only in some cases happens the back process(Gemino, 2015, p-02).Pöchhacker (2004) suggests the following definition:

"Interpreting is a form of Translation in which a first and final rendition in another language is produced on the basis of a one-time presentation of an utterance in a source language".

(p11)

The term" court interpreting" is referred to legal, judiciary, and forensic interpreting in a particular situation called" **court of law**", but it is no only so, court interpreting can be carried out I judiciary institutions like interviews in police stations (Mikkelson, 2000, p-01) as cited in (Bente Jacobson, p-03).

In the same source,Samuel (2015) estates that usually in courtroom sitting, it happens that participants inside courtroom cannot understand each other so they cannot interact with one another because of **language barriers**. Consequently, there is a need for an interpreter to facilitate communication between those participants, so the court can understand the issues precisely. During court proceedings, the adversarial parties may agree or not on shared information, in this case, it is necessary to ask one another directly or through legal representatives .Ad hence, they need an interpreter to make mutual clarity (p-63).

1.3.1. History of court interpreting

History of court interpreting is extremely short although it begins firstly with the famous war's trial which took place in Nuremberg between November 1945 and October 1946, as well as in Tokyo between June 1946 and November 1948. This experiment gave to court interpreting a great value and development. Theoretically, witness's evidence should be kept, not only the words uttered while interpreting but also eyewitness's evidence.(word).

1.3.2. The role of court interpreting

Holly (2017) gathered the roles of court interpreting stated by different scholars saying that most countries don't have always about determining the person who is the interpreter in courtroom during trial, while in some countries, they look for a lawyer who speaks

the **litigant's** language, for instance when a German tourist was joined with an incident in Denmark, it is necessary to bring a lawyer who can speak German language, but recently, it becomes mandatory for immigrants, refugees,..etc to understand different languages, so professional interpreters are required because of language divergence, but it is not the most interesting issue in **legal sitting** because nowadays, interpretation theory is more interested in writers who stressed about interpreting is not only transferring words from one language to another, but rather transferring of **social** and **linguistic aspects** specially for court interpreters on account of legal system of different countries. According to Holly (2017), "in many societies, lawyers are reviled for their tendency to **obfuscate** and manipulate by using arcane language ". So the role of court interpreter is to overcome language barriers, not only making the participant understand.

Jarmila(2013) as cited in the same source had distinguished different roles of court interpreter, one of them is according to active vs. passive role and the other one is related to visibility vs. invisibility, invisibility and passivity conditions are usually connected together, that is to say that invisible role is related to the passive role and vice versa because there is direct contact between them. In the same source Dueñas González et al (2012) high light that making interpreter as a translating machine only makes him-her invisible in court interpreting, then wrote:

“Professional translators and interpreters assist their clients in overcoming language barriers by successfully converting written or oral messages from one language to another in a seemingly effortless operation. The reader’s or listener’s lack of awareness of the presence of an interpreter is a measure of this success. That is to say that the translator or interpreter does the job so well that the individual becomes invisible” p. 33

In a lot of countries, court interpreter interprets a specific unit differs from country to another for instance in United States interpreters tend to adopt simultaneous interpreting by interpreting each word uttered inside courtroom like jokes while in Japan happens the opposite, interpreters will tends to consecutive interpreting by summarizing the proofs. But, in other countries, interpreters listen to the whole speech of jury, and then they summarize it at the end.

Gonzalez et al (1997) as cited in Holly (2017) states that it is very important for interpreters to take into consideration cultural and social aspects while interpreting like hand gestures and tone. So in this case, they must explain them by multipulating on speaker's opinion. So linguistic aspects are not enough to convey the real fact, this is on one school of thought,

while in the second school it is argued that interpreters must explain shortly legal system of court environment to defendant by their language (Moeketsi, 1999) as cited in (Holly,2017).

1.3.3. Court interpreting by mode

Research related to court interpreting has indicated that interpreters maybe an influential factor on different ways. Nevertheless, this can be occurred according to various factors such as working conditions in addition to competence of interpreters, professional ethics, and specialized training in court's interpretation. There is one confused point about whether using consecutive interpreting vs. simultaneous interpreting which affect on **juror** misunderstanding about the presence of another party or witness (Sandra, Natalie, Uldis & Ludinlar. 2017). The following lines will explain extensive findings from the above studies in different circumstances. Consecutive interpreting is more appropriate than simultaneous interpreting concerning accuser's proofs. Through juror discovered that consecutive interpreting is not valid when prosecution is less convincing compared to other procedures, interpreting does not make any difference in verdict. Modes of interpreting have been developed over time which is recognized through professional interpreting and it is adopted in federal, state statutes, and court rules as follows: simultaneous interpreting, consecutive interpreting, sight translation, and telephonic interpreting. Each mode fits requirements of judicial process (Andrew, 2006).

1.3.3.1.Simultaneous interpreting

As mentioned earlier, court interpreting was established firstly in Nurnberg 1945 for Nurnberg's trials from 1945 to 1946, where there were lawyers from UK, US, and France in 1946 with participation of **USSR** in which most of participations like witness and defendants were their language is German. In that time, it was recommended to use simultaneous mode, this is due to taking a long time for consecutive interpreting that is why they have used simultaneous interpreting (Mutra, 2008).

In this mode, interpreters transmit words in real-time from a soundproof booth,it works better when attendances don't speak like in lectures. In this kind of interpreting, interpreters render speaker's words immediately to another language. Although simultaneous lacks the availability of interpreters and equipment but it can absorb many languages in at once (language access progress).

First of all, simultaneous interpreting is used when participants usually are defendants in where they play as a negative party such as accused, **hearings**, or trials. Second of all, during

proceeding, the **LEP** speaker needs to hear what is said although it is not necessary. Third of all, each word uttered must be interpreted immediately at once, this is to encourage defendant to be present and active through his-her defense (Andrew, 2006).

Keys for proper simultaneous interpreting

In the same source, Andrew (2006) states many things that should be done by interpreters:

- To be a good listener to whatever speaker is.
- To interpret precisely from one language to another
- When another party is involved, interpreter must be ready to alternate the language keeping the same mode of interpreting.

1.3.3.2 Whispering interpreting

At the same source, Wieser & Keber present that whispering interpreting as belongs to simultaneous interpreting, and cannot be carried out only in some situations. In this mode, interpreters stand behind or back to speaker, then whisper near to speaker's ear. It is used for audio reasons and best interest of participants. Dmougui & Mourad () showed that this method cannot be used in long trials because it makes interpreters and audience stressed. Phelan (1989) as cited in the same source viewed that the word " whispering " is not precisely correct because whispering is for a long time and this is not healthy for vocal cords since most interpreters speak quietly and not whispery.

1.3.3.3. Consecutive interpreting

Michael restated that consecutive mode is a multilingual form of interpreting which can be stated with or without taking notes. Interpreters render the message when speaker pauses (Flerov, 2013). Although consecutive interpreting (CI) becomes less significant especially in conferences, but it is required in many other sittings, this is because of less reduction of technological requirements (Baker, 2010).

In the same source, consecutive is often used in the following sittings:

- When parties address the witness or defendant.
- Legal sittings such as in prosecutor interviews and court as in the case of questions and answers session.
- During police interviews with witnesses, victims, and suspects particularly while records.

1.3.3.4 Liaison interpreting

It is a special kind of consecutive interpreting that might be carried out in two language directions by the same person (Gentil et al, 1996). It is usually used in face to face meetings between officials and individuals for a specific purpose like in police office interrogations(Gentile et al, 1996;Wadensjo, 1980). However,Wadensjo, 1998, p.53). As cited in Elaine & Sieh, 2003) added that there are other forms of liaison interpreting that cannot be done face to face as in telephone or in the event of interpreters serve for officials like diplomatic interpreting. There are different types of liaison interpreting such as court and sign language in which most interpreters are not trained well being bilinguals because they think that interpretation is only an occupation that might be practiced only when hearing.

In other hand, liaison interpreting is referred to as" community, ad hoc, three-cornered, dialogue, contract, public service, and cultural interpreting is a form of interpreting enabling people who are not fluent speakers of the official language(s) of the country to communicate with the providers of public services so as to facilitate full and equal access to legal, health, education, government, and social services" (Carre et al, 1997, p.15) as quoted in (Damian, 2014, p.18).

1.3.3.5. Sight interpreting

Generally, it is an oral translation of a written text and is considered whether as a mode of interpreting or translation, more precisely, is a kind of translation given to interpreter-translator for training programs as a training tool (Olga, 2018).Moreover, SI is performed with community interpreting (Ibrahim, 2008. Sofer, 2008). According to Weber (1990), when there is no oral speech by the participant, interpreter-translator shall face different types of speeches, contracts, legal documents...Etc. ST is distinguished to two methods either consecutive ST or simultaneous ST, for the first one, interpreters interpret written message consecutively when after reading every chunk of the text by him\herself. In the second one, is the same as the first method interpreter do, but it differs from being speaker is the one who read the chunks of speech loudly.

Written text is considered as notes of CI which differs from court interpreting to medical interpreting, business interpreting, and diplomatic interpreting (Klaudy&Heltai, 2014). Olga (2018) viewed that it is believed that ST is easier than SI and CI but more difficult than written translation because of taking less time, while Stanfield (2008) contradicted that; he sees that ST is a difficult task for interpreters. The reason behind that is

that source text of CI and SI are spoken orally, and interpreter renders orally too. While in sight translation, interpreters must render very precisely written text into oral one and sometimes without advance preparation through formal written texts usually contain longer and more complex terms than in oral texts. In other side, interpreters must recognize the intention of punctuation marks of written text.

1.3.3.6. Telephonic interpreting

It is included with three way calls between two speakers that speak different languages, and interpreter; they may be in the same place like in a walk-in customer, and a help desk representative, or in different places like a customer and call center representatives. In this mode, interpreters have to use consecutive interpreting to transmit a message from one party to another (lge access program).

In other way Maria (2018) defined TI as a mode of interpreting that occurs through telephone. It is used in both private sector and public services, since TI emerged as an easy method and inexpensive, it has been expanded quickly to assist people who cannot speak the language of host country. She added; the emergence of this mode of interpreting has led to establishing new kind of professional tongue medium with new work conditions and required skills for interpretation.

Note: Vs versus this method, we have interpreting by code; which includes both legal and judicial interpreting closely related to court interpreting out of other codes. The first one is characterized by various kinds of documents like summons, administrative text, corporate statutes, and technical documents as well as minutes of court interpreting(1985), and more details will be set out later on in the next part. While the second it is related to methods of translation in court sitting like letters rogatory, minutes of proceedings, and interrogation sessions...

Chapter two: legal translation and court interpreting

Introduction

2.1. Definition of law

2.2. Definition of legal text

2.2.1. Types of legal texts

2.3. The concept of legal language

2.3.1. The characteristics of legal language

2.4. The definition of legal translation

2.4.1. The characteristics of legal translation

2.4.2. The purpose of legal translation

2.4.3. The difficulties of legal translation

2.4.4. The importance of legal translation

2.5. The difference between legal translation and court interpreting

Introduction

Among the other types of translation, legal translation has a special status because of its role in society and its complex nature. Cao (2007) said that legal translation is a type of technical translation that refers to the rendering of legal texts from the source language (SL) into the target language (TL), and involves language of and related to law and legal process. However court interpreting refers to a type of oral interpretation of speech from one language to another in a legal setting (Edwards, 1995, p.1). In this chapter we will attempt to correct the common misunderstanding and try to make a clear difference between legal translation and court interpreting.

2.1. Definition of law

(As cited in Chouiti, 2017) the law is the system that governs and regulates society. It is a set of rules that regulates the behavior and relations of individuals, by obliging them to follow and respect these rules.

According to (Law.com legal dictionary) “law is any system of regulations to govern the conduct of the people of a community, society or nation, in response to the need for regularity, consistency and justice based upon collective human experience”.

According to (Collins COBUILD dictionary) law is “a system of rules that a society or government develops in order to deal with crime, business governments, and social relations. You can also use the law to refer to the people who work in this system”.

2.2. Definition of Legal Text

As (Tiersma) defined that legal text is something highly different from ordinary speech, that is create, modify, or terminate the rights and obligations of individuals or institutions.

(as cited in Chouiti, 2017) the legal text is a system of legal codes consistent with each other, sent by the legislator who is the custodian of this legal system applied by the judge assigned to protect him on the one hand, and by his execution on the other hand, and is received by those who are addressed to him (thesenders) citizens, who are subject to the textual requirements and legislative articles that do not excuse the ignorant.

2.2.1. Types of legal texts

(As cited in Chouiti, 2017) legal texts are classified by (Bocquet) into three types as follow:

- 1- Normative texts: which include judgments, contracts, and decrees.
- 2- Judicial texts: or texts of decisions which pond the descriptive style.
- 3- Academic texts: or texts of doctrines are texts of legal principles that show the contents of legal rules.

2.3. The concept of legal language

(As cited in Muriçi), legal language usually related to law and to legal process, it is a type of register that is suitable and appropriate for different uses of legal situations.

As (Tiersma) suggests,

*“Legal language has been called an **argot**, a dialect, a register, a style and even a separate language. In fact, it is best described with the relatively new term **sublanguage**, a sublanguage that has its own specialized grammar, a limited subject matter, contains lexical, syntactic and semantic restrictions and allows deviant rules of grammar that are not acceptable in the standard language. However we describe it, legal language is a complex collection of linguistic habits that have developed over many centuries and that jurists have learned to use quite strategically” (1999, p.142).*

2.3.1. The characteristics of legal language

(As cited in Muriçi) linguistic characteristics are manifested in legal language taking into consideration lexicon, syntax, pragmatics, and style in order to cover the demands of law.

First, Legal lexicon is full of **archaic words**, formal and ritualistic usage, word strings, common words with uncommon meanings and words of over-precision.

Second, a common feature of the syntax of legal language is the formal and impersonal written style joined with considerable complexity and length.

Complex structures, passive voice, multiple negations and prepositional phrases are extensively used in legal language.

Third, another pragmatic consideration in legal texts is ambiguity, vagueness and other uncertainties found mainly in statutes and contracts. Legal writing is characterized by an impersonal style, with the extensive use of declarative sentences pronouncing rights and obligations.

2.4. The definition of legal translation

Several authors claimed that it is not an easy task to have a full and limited definition to the legal translation because of its complex nature.

(As cited in Chouiti, 2017), (Bocquet) sees that legal translation is specialized and technical translation that covers all texts related to law ; it requires special skills and high precision, because it is a terminological process.

(Cao,2017) defined it as a type of specialized or technical translation that involves language of and related to law and legal process as well, and it refers to the rendering of legal texts from the source language (SL) to the target language (TL).

2.4.1. The characteristics of legal translation

(As cited in Harvey, 2002), legal translation has different characteristics distinguishing it from other types of translation according to what is mentioned by many translators and theorists

- 1- The nature of legal discourse: many authors see that the special status of legal translation derives from the perspective nature of legal discourse which gives rise to legal effects (Koutsivitis 1988: 44-50, Gémar 1995: 144-5). Because of many reasons like, the target text in legal translation has legal effects, and to convince a common function in professional communication (Gile 1995: 25-26). Then, in legal as in other forms of communication pragmatic considerations are the most reliable way of determining functions.
- 2- A system-bound discipline: as it is known law lacks a common knowledge base such as the laws of mathematics. It is an amalgam of different systems developed separately within national boundaries. So it results the problem of finding equivalents for culture-bound terms. This systematic diversity is another argument for the special status of legal translation. And with given the importance to the European and the international law, it can be anticipated that the law will gradually become more standardized.
- 3- Fidelity:” fidelity in translation return to the days of the Roman empire when it was decreed that formal correspondence between source and target text was essential to preserve the meaning of both Biblical and legal documents (Gémar 1995a: 26-30, Sarcević 1997: 23-48). Specialists in legal translation now define fidelity as achieving an equivalent impact on the target reader, which may justify substantial changes to the original text to respect the stylistic conventions of the target legal culture (Sparer1979:

78-90, Covacs 1982: 95). The translator thus becomes a “text producer” rather than a “bilingual typist” providing simple linguistic equivalence (Hammond 1995:238-9).

- 4- Ambiguity and interpretation: for the lawyer, language is “raw material” to be worked on, and only a medium. Law like in politics and ethics rely on rhetoric, which makes ambiguity (Raymond 2000:313-7). Ambiguity can be officially used in legal documents. In a contract, it can be used to reach a compromise (Doonan 1995: 95-6). The problem of translating ambiguity leads to the question of interpretation. . It is generally emphasized that the translator must avoid "interpreting" ambiguity since this is a task for trained lawyers (Lane, 1982, p.223., Baye r& Conradsen 1995, p.135). If legal translators are truly "text procedures", they will inevitably have to tackle questions of interpretation. The interpretation is not incompatible with the technique of deliberate ambiguity.

2.4.2. The purposes of legal translation

According to what is mentioned in (Kobyakova, 2017) legal translation can be classified into three main purposes such as:

1. **The normative purpose:** this type of translation aims to product equally authentic legal texts in bilingual and multilingual jurisdictions that have the same **legal force**, for instance, the legislation in the bilingual jurisdictions of Canada, the multilingual legal instruments of the UN, and the multilingual laws of the EU.
2. **The informative purpose:** This includes the translation of statutes, court decisions, scholarly works and other types of legal documents if the translation is intended to provide information to the target readers. This is most often found in monolingual jurisdictions. In this category the text in the TL have not an equal legal force with the text in the SL. The objective of this translation is just to inform the target reader more than other objective.
3. **The general legal and judicial purpose:** this type of translation includes pleadings, contracts, and ordinary texts such as certificates and expert reports. This translation is primarily for information and of descriptive nature. This is similar to court interpreting. Court interpreters in most cases interpret oral evidence of witnesses who may be retelling ordinary events.

2.4.3. The difficulties of legal translation

(As cited in Chouiti, 2017), as it is known that legal translation is very technical process like the other disciplines in translation, but what makes legal translation more difficult is its own nature which binds it to a particular legal system, and its complex language. Difficulty in legal translation lies on two types: formal and objective.

1. Formal difficulties

- a. Unification of laws: when the laws are not uniform, the translator is between two options and he either translates according to the SL system to preserve the original document or changes it and translates it according to the TL system.
- b. Differences in laws: there are some agreements and contracts that do not exist mainly in the legal system of the TL such as (Anti commercial concealment committee) adopted by the Gulf Cooperation Council, there is no such law in Algeria.
- c. The changing laws: when the law is in a legal system and no longer exists in the other, such as the requirement for the presence of the tutor in marriage, which was abolished for women of 19 years old, but still in force in several Arab countries.

2. Objective difficulties

- a. The legal term: is what is agreed on by the specialists to indicate the concepts and legal **connotations**, and here the translator must be familiar with the legal terms and meanings in the SL, and be familiar too with the translation adopted in the target language. However, it sometimes happens that the translator cannot find an equivalent of the legal term in the TL because of the difference of the two cultures (origin and target). This is called “lexical lacuna”. In this case, either the translator keeps the term and borrowed as it is, or suggests a translation based on the definition.
- b. Acronyms (abbreviations): among the other difficulties encountered by the translator are the abbreviations; to solve the problem, the translator must use the specialized dictionaries of legal and administrative abbreviations. For example, abbreviations of international organizations like the International Court of Justice (ICJ) in English, and it called in French Court International de Justice (CIJ).

- c. Cultural differences: another problem encountered by the legal translator related to culture. When the translator cannot find meanings or equivalents for certain words that do not exist in the culture of the SL or in the culture of the TL. For instance, terms related to religion like (Idda) in Islam. In order to solve this problem, the translator uses the “**transliteration**” method of writing the word in the target language according to its pronunciation in the source language, with an explanation in the “**translator’s footnote**”.

2.4.4. The importance of legal translation

(Chouiti, 2017) mentioned that, legal translation has a high status and importance at both local and the international levels:

- a) At the local level, translation contributes to the recovery of the rights of others as an important mediator in the resolution of disputes between individuals and bodies, because the translator translates the various documents into the language of the judiciary adopted in that country and any error refer with harm to the owner of the document and with responsibility to the translator.
- b) At the international level, demand has increased because of the international trend of uniformity of laws around the world, so that every country cannot enact its laws in isolation from international laws.

2.5. The difference between legal translation and court interpreting

As (Leal Cano, 2017) stated in her thesis, it is commonly known that legal translation is rendering a text from one type of legal system and language and transferring this text appropriately to fit into another legal system and language. It is important to stress that both linguistic and legal values are pertinent for the making of a successful legal translation (Chromá, 2014). Such translations can also be called official translations since they are (usually) executed by a certified translator and are deemed legally binding within a court of law. These translations are deemed legally valid in the eyes of a “target country” due to their “truth and faithfulness” and is ultimately signed and sealed to authenticate its validity (Washbourne, 2010, p. 197-198). The scope of legal translations can range from standardized birth certificates to more complicated international court cases and their findings. The most

common types of documents that are translated for the layperson or for the courts are birth certificates, marriage licenses, death certificates, divorce decrees, academic transcripts, agreements and guarantees, powers of attorney, wills, adoption requests and applications, rogatory letters, court sentences and resolutions, and documents used for means of identification (Washbourne, 2010).

However, in court interpreting the need for interpreting within a court setting is absolutely essential for defendants or witnesses who are not able to understand the local language. Court interpreting is the oral bridging of two languages within a legal setting (Edwards, 1995). A court interpreter must be fully versed in two languages and be familiar with the corresponding cultures and the law systems to be successful. The court interpreter's role includes eliminating linguistic and cultural barriers within the court setting so that all those present get a clear idea of what is going on throughout a trial (De Jongh, 2012).

Legal translation and court interpreting these two terms should not be confused the first one deals with any legal content or non legal content translated by a sworn translator and certified by the official stamp of the translator. Taking it from this point of view any document translated by a sworn translator deemed to be legal; however, there is a misconception about legal translation limiting it to legal content which is not actually true. Anyone can translate a legal text (something related to law) but which is not considered as legal since it lacks the legal stamp. To sum it up, legal translation has something to do with official documents certified by official stamps. If the sworn translator accidentally translated any text which is actually legal but did not put his/her stamp on it cannot be considered as legal translation.

In the other side, court interpreting deals more with all what is judicial and what is for the sake of court affairs, the interpreter is asked by the judge, the prosecutor, or the police officer to translate or interpret any document of any type regardless its content for a judicial aim; however, all books, references, opinions share the idea that legal translation deals with what is legal text either translated by a sworn translator or any other one with or without the legal stamp.

The above distinction is extracted from the research we have made, which verily makes it clear for as that legal translation and court interpreting are not interchangeable.

It should be mentioned that the term legal its self does not have one unique meaning. Legal may refer to all what is related to law, rules, decrees, books of law, courts, judicial...etc and translated into Arabic to "قانون" and it would be better translated into Arabic to "الترجمة القانونية".

The second meaning is "certified" which means official and approved by the moral authority this authority is given to some people who represent a given authority using "the stamp" and translated into Arabic with "رسمي".

It would be better translated into Arabic with "الترجمة الرسمية".

Chapter three: Elements of court

3.1. Interpreter

3.1.1. International requirements

3.1.2. National requirements

3.2. Court

3.2.1. History of court

3.2.2. Accommodations of court to their interpreters

3.3. Suspect

3.4. The lawyer

3.4.1. Definition

3.4.2. The duties of the lawyer and the conditions of joining the profession

3.5. The judge

3.5.1. The duties of the judge and the conditions of his recruitment

3.1. Interpreter

Generally, interpreters are some ones who relay a message orally with developing different skill sets; they should be incompetent during doing their job immediately as well as rendering spoken words from one language to another in both directions (NHANES, 2006). In particular, court interpreter is anyone who interprets for judicial proceeding during trials to any party of the court who might not understand the work language wholly or partially. Court interpreters must render the individual's words accurately with high level of education of the languages and ahuge number of vocabularies; it can also be for persons of limited language skills too. Court interpreters are sometimes assumed to translate written language like legal documents from the SL to TL or vice versa (...). There are international as well as national requirement to become an official interpreter-translator:

3.1.1. International requirements

Out of profession's system of sworn translator-interpreter, Nour El Houda ben chick (2016) restated conditions for international sworn interpreters summarized as follows:

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

3.1.2. National requirements

Each public office of the official translation shall be assigned to an official translator-interpreter to manage it as a self-employment and under their responsibility as well as

to settle all issues related to running of the office, but it is possible to share two or more official translators-interpreters for running a public office for official translation.

The way of applying this article is determined by the system.

Article 09: the official translators-interpreters are performing the profession for their self-employment and anyone cannot perform it if it does not meet the following conditions:

- 1- To hold an Algerian nationality.
- 2- To be at least 25 years old.
- 3- To enjoy his\her civil and national rights, and to not be convicted of a **misdemeanor** or dishonorable felony.
- 4- To hold diploma in translation from translation institute or an equivalent diploma.
- 5- To have an experience in the profession of official translator-interpreter in a period that is not less than 5 years on translation by judicial body, administration, public or private institution, organization, public office for official translation, or foreign office for translation.
- 6- To have professional **domicile** under this order.
- 7- To pass in the test of official translator-interpreter profession.

The way of applying this article is through regulations. And the **oath minute** shall be made.

Article 10: the official translator-interpreter shall swear before judicial council of their professional domicile before starting doing their jobs as follows:

"I swear to do my best work. Honestly, accurately, and impartially perform my profession, keep it a secret. And I promise to respect its morality, being committed to dues imposed to me".Oath's minute shall be drawn up.

Article 11:the official translator-interpreter must commit the professional secrecy. And to not publish and disseminate the translated or signed documents expect when asking for permission from authors of documents or exemption or approved laws and applicable regulations.

Article 12: within official translators-interpreters competence, they must provide services if asked to do so, unless the documents submitted to their are untranslatable, affected to ethics or public order or breaking the rules as well as applicable regulations. Nevertheless, they shall not invoke to provisions of the preceding paragraph when he\she is required to provide services by judicial authority.

Article 13: within framework of laws and applicable regulations in this area, official translator-interpreter may employ any competent person to run the office under their responsibility.

Where appropriate, conditions of professional competence of persons claiming the assistance of the official translator-interpreter are determined on performing their work by system and after national chamber approval (Elyamine Zirwal, 1995, p 2- 4).

3.2. Court

3.2.1. History of court

The first court around the world has been established in temple of **Dub-Lal-Makh** located in Ur which is the most important Sumerian city, where **ORNMO** code was implemented, it is the most important law enacted through history by judges with proceedings. Ur is one of the cities located in southern Iraq that dates back to 4500 BC, **URBMO** also established **Ziggurat** of Ur. As well as, founding **ORNMO** code which is the oldest law enacted in human history consisting of 32 legal articles. **ORNMO** code differs from **Hammurabi's code** about 350 years, in which **ORNMO** doesn't provide for capital punishment contrary to **Hammurabi's code** which does so, since **ORNMO** considered that the accused is an abnormal person should be fixed until he/she sound good and right to society. In other hand, **ORNMO** has built about 2111 temples (**Dub-Lal-Makh**), which is one of the most important temple around the world in which among other things, there is a code of **ORNMO** enforced in this temple by judges and proceedings, it means that house of justice was used through human history. So the first court through time was created in **Dub-Lal-Makh** temple. In Algeria, **Sidi Mohammed** court is the oldest court since times; it is called also "**RamadhanAbban**". It is a trial court belongs to judicial council of Algeria. This court has been established in 09 September 1830 during French occupation of Algeria in the process of organization judiciary in Algiers.

3.2.2. Accommodations of court to their interpreters

Translation\interpretation section in courts has a great importance through judicial work and competence of staff, because it is only the one as a link and medium between parties to a case who are not Arabic speakers and judges (RamiAich, 2014). So, court must take greatly into consideration accommodations for court interpreters during trial in order to pass the trial so great and rightly. But unfortunately, 90% of interpreters(which is taken from practical part because of lack of references) are complaining about that because courts don't provide any services, accommodations, or tools to help them interpret like microphones.

3.3. Suspect

"The accused is a person or people who may be guilty of a crime and who are being judged in a court of law". (Dictionary of Cambridge)

In Duhaime's law dictionary, "accused is a person to whom formal information containing an **allegation** of a criminal offences has been delivered, or a person arrested for a criminal offence".

Rights and duties are always has been related to persons, the latter intends to persons with legal status in legal contexts, or who is able to acquire rights and to be responsible **of personal and legal obligations**. Person might be a group of persons or moneys like in institutions and assemblies, the so-called juridical person. The law values them economically and socially to give the rights and duties that should be attributed to them, so what's the difference between natural person and juridical person, and what is the characteristics of each of them? (Montada yatadirasa, 11:30).

Merchants as cited in Elvia(2015) has distinguished between natural person and juridical person, the first one denoted to individuals, innately capable of assuming obligations and exercising rights, but the second one is the entities with **legal personhood**, it is also referred to **collective entities or corporations**.

Both natural persons and juridical persons are characterized by the same qualities by name, status, nativity, nationality, and **financial disclosures**.

3.4. The lawyer

3.4.1. Definition

According to Vocabulary.com Dictionary "the lawyer is a professional who is qualified to offer advice about the law or represent someone in legal matters. A lawyer can also be called an attorney, a solicitor, a counselor, a barrister, or — pejoratively — an ambulance chaser.

lawyer is the general term for a person trained in the law and authorized to advise or represent others in legal matters; , counselor and its British equivalent, , barrister, refer to a lawyer who conducts cases in court; , attorney, usually, and its British equivalent, , solicitor, always, refer to a lawyer legally empowered to act for a client, as in drawing up a contract or will, settling property, etc.; , counsel, often equivalent to , counselor, is frequently used collectively for a group of counselors.

3.4.2. The duties of the lawyer and the conditions of joining the profession

Referring to Aljarida Elrasmia law No. 13-07 of Thi-elhidja^{24th}, 1434 of October^{29th}, 2013 on regulating the profession of law , especially the articles 05, 06, 07, and 31, and 35 Article 05: the lawyer represents and assists the parties and provides them with legal advice.

Article 06: unless otherwise provided by the legislation in force, the lawyer may take any action required by the profession.

Article 07: a lawyer of a foreign organization, subject to the provisions of international conventions and the principle of reciprocity, may assist, defend and represent the parties before an Algerian judicial body, after having been licensed by the Regional Bar association, to choose his or her home in the office of a lawyer practicing within the competence of the competent regional judicial authority.

Article 31: subject to the exceptions provided for in Articles 35 and 36 of this law, the profession of law shall be subject to obtaining the certificate of competence for the profession of law and follow-up of the training provided for in this section.

Article 35: subject to the conditions provided in Article 34 above, he shall be exempted from the certificate of competence for the legal profession:

- _ Judges who have at least ten years seniority of practice.
- _ Holders of a doctorate or doctorate degree in law,
- _ Law Faculty professors who hold a Master's Degree in Law or the equivalent (practitioners for at least ten years.

3.5. The judge

According to Oxford Dictionary, the judge is a public officer appointed to decide cases in a law court.

And according to Meriem Webster Dictionary, the judge is a person who has the power to make decisions on cases brought before a court of law.

3.5.1. The duties of the judge and the conditions of his recruitment

According to Organic Law No.04-12, dated 21 Rajab 1425, corresponding to 6 September 2004, concerning the formation, work and powers of the Supreme Judicial Council, and especially the articles 05, 13, 37, 39,

Article 05: judges shall be appointed to their posts during a ceremonial session convened by the judicial branch in which they are appointed.

And the minutes of their inauguration shall be edited.

Article 13: the judge must improve his/ her scientific knowledge, and he is obliged to participate in any training program, and to be careful and serious during training.

Article 37: in the employment of the judges students, mentioned in article 36 above are required to enjoy the original or the acquired Algerian nationality.

Article 39: the judges students who have obtained the certificate of the higher school of the judiciary shall be appointed as judges in accordance with the provisions of Article 3 of this organic law.

Judges shall be subject to continuous formation in accordance with articles 42, 43,

44, and 45.

Judges typically do the following:

- Research legal issues
- Read and evaluate information from documents such as motions, claim applications, or records
- Preside over hearings and listen to or read arguments by opposing parties
- Determine if the information presented supports the charge, claim, or dispute
- Decide if the procedure is being conducted according to the rules and law
- Analyze, research, and apply laws, regulations, or precedents to reach judgments, conclusions, or agreements
- Write opinions, decisions, or instructions regarding the case, claim, or dispute



Part two

Practical part

Chapter four: Data Analysis

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5.2. Analysis of court interpreter's interview

5.3. Analysis of police officer's interview

5.4. Analysis of lawyer's interview

5.5. Analysis of judge's interview

5.6. Description of courtroom observation

5.7. Conclusion

Introduction

The previous chapter presents some relevant literatures about the research in the field of court interpreting, and historical aspects of its relevant information related to court interpreting. In this study, we present the research design and methodology of the current study which focuses on the discussion methodology and details of data collection.

4.1. Research design

According to Jahoda, Deutch&Cook "A research design is the arrangement of conditions for the collection and analysis of data in a manner that aims to combine relevance to the research purpose with procedure" (Md.InaamAkhtar). To answer the questions of research work, this study follows a descriptive research to collect both quantitative and qualitative method; the first one is a simple statistics with description of samples and populations (John, 2015). In the second one, it is noted that qualitative research is primary concerned with understanding other's experiences including analysis of what is said and seen (Ronald L, Jackson II, Darlene, Drummond, and Sakile, 2007).

4.2. Population and sampling

This study is mainly concerned with court interpreters, police officers, lawyers, and judges. In order to focus shortly on statistics get from court interpreters, we used questionnaire, and for more details we have relied on interview with them in other hand, because the questionnaire is only a kind of ticking choices without giving details more than what is asked. Besides, interview method is used to other participants (judges, lawyers, and police officers) in order to explore the views and experiences about their relationships with court interpreters,.Record interview is adopted with some participants under permission so that to allow greater interaction between the interviewer and interviewees. Finally, and since the two latters are not actually sufficient,a courtroom observation was used in order to identify how it goes in reality (courtroom trials).

4.2.1.Interpreter's profile

Target population is constituted firstly for court interpreters of Ouargla province for the purpose ofAbout reality of interpreters inside courtrooms as well as the difficulties faced by them.

4.2.2. Police officer's profile

It is selected from Ouargla police offices in order to deeply check the process going on between interpreters, police officers, and foreign nationals through the first convening.

4.2.3. Lawyer's Profile

Lawyers are selected from Hassi Massoud, Tougourt, and Ouargla districts to figure out if there is a direct relation with court interpreters whether during trial or in their offices.

4.2.4. Judge's profile

The population consists of judges from Ouargla and Tougourt departments to see their relation to court interpreters during trial.

4.3. Data collection

Descriptive analytic method is chosen in the present study to describe firstly answers of 29 questions classified into 5 sections in a kind of questionnaire, and then analyzed and discussed to try getting accurate results in order to organize our work. Secondly, after dealing with the first research instrument, we had the interviews with 4 judges, 6 interpreters, and 6 lawyers, and as well 2 police officers in Ouargla through face to face meetings. Descriptive and analytic method allows us to describe and clarify the situation in accordance with interpreters during court trial or out of it. Finally, courtroom observation was done since the latest months Ouargla court about 4 trials were all in French language that consists of foreign nationals with their interpreters.

5.1. Analysis of interpreter's questionnaire

29 questions are asked to six court interpreters classified to background information, the interpreter qualifications, the linguistic difficulties encountered by interpreter in courtroom, the profession ethics, and court procedures.

5.1.1. Background information

I_Gender

Table 1: interpreter's gender

Gender	Females	Males	Total
Numbers	01	05	06

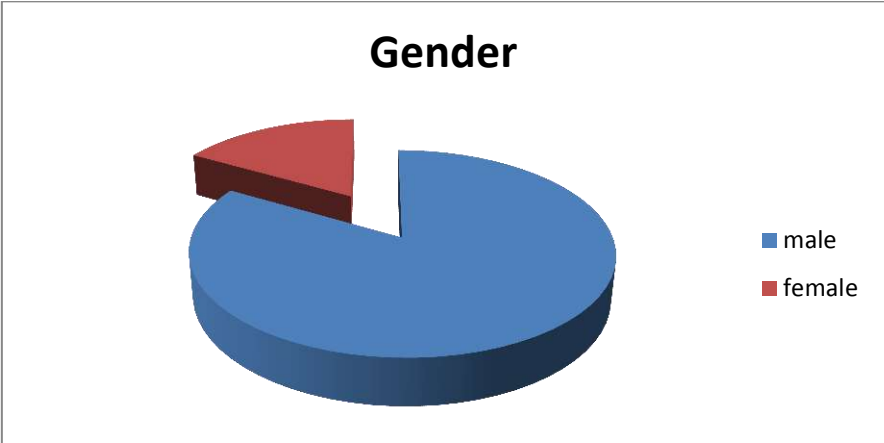


Figure01: interpreter's gender

Through the figure 1 above, we can notice that male court interpreters are more numerous than females. 05 participants in this study are males making up 83% of the whole sample (06) court interpreters. Whereas, 01 female making up 17% of the whole sample. This can explore that both males and female can work in this field of official interpreter, but males have the tendency to commit to this profession more than females. Because it is challenged profession that require more efforts.

II_ Age

Table2: interpreter's age

Years	20-29	30-39	40-50	+50
Numbers	00	02	03	01

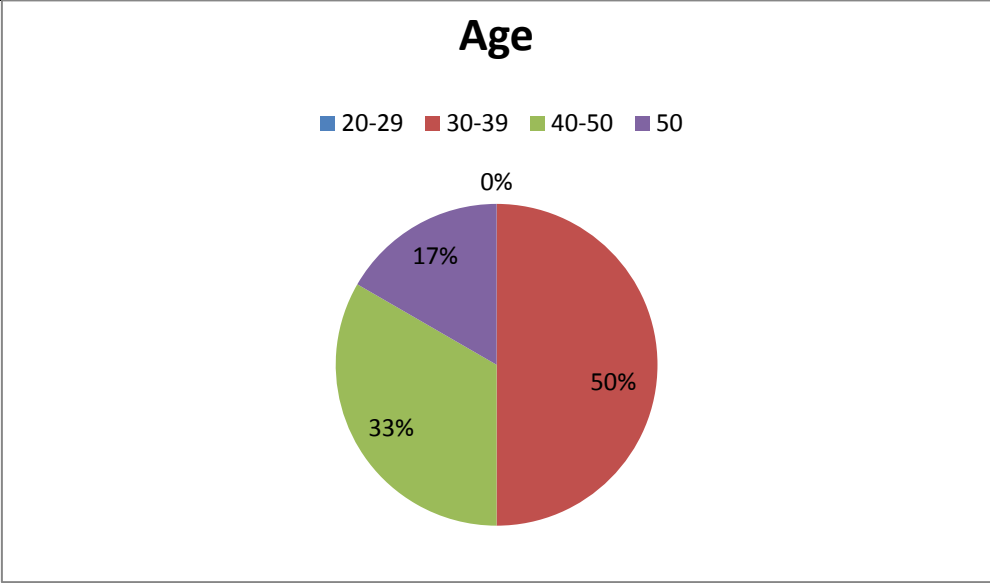


Figure 2: interpreter's age

From table 2 and pie chart 2, it can be seen that most of court interpreter's are between 40 and 50 years old, 33% of them are between 30 and 39, and 17% of them are more than 50 years old, while we can notice a 0% for the category between 20 and 29 years old. Generally, we view that court interpreters are mostly more than 30 years old, that's mean that being a sworn translator requires more time and more experience which cannot be acquired but after years of work.

III_Working languages

100% of the whole court interpreters are working on Arabic, French, and English languages. It is conducted that the majority of court interpreters in Ouargla are dealing with Arabic, French, and English languages, i.e that the languages mostly used during trials in Ouargla court are the latest mentioned languages. In the case where there defendants of theses languages, it is necessary to call for a medium interpreter to mediate the foreign

defendant language of non-English- French tongue, and the interpreter of French, English, and Arabic languages.

IV_Level of education

Level of education	Bachelor's Degree in Interpreting and translation	Graduate Diploma in Arts	Master's Degree in Translation	Postgraduate Diploma in Translation (PhD)
Interpreter's numbers	02	00	02	02

Table 3: Interpreter's level of education

We notice that 33.33% of the whole interpreters have the Bachelor's Degree in Interpreting and Translation, also, 33.33% of them hold Master's Degree in Translation, besides, 33.33% have Postgraduate Diploma in Translation (PhD), while no one (0%) has Graduate Diploma in Arts. i.e. all court interpreters of Ouargla province were studying in the classical system of education and some of them tend to peruse their studies in translation's Master, mostly to participate in the Doctorate test to have Postgraduate Diploma in Translation.

Working years

We asked court interpreters about the years they have worked, the answer of the six interpreters were from 10 to 15 years. It can be seen that most of court interpreters of Ouargla have a long-standing experience in their work, so to be an official interpreter at court requires long experience in their profession.

Number of interpreted cases

We asked interpreters about the number of cases they interpreted. Three (03) interpreters responded by more than 100 cases. One interpreter has replied that he had about 40 cases through his profession. While other interpreter answered inaccurately that he has started interpreting since 2005. The final interpreter didn't answer for this question. So, we can assume that 50% of court interpreters in Ouargla have interpreted more than 100 cases.

5.1.2. The interpreter qualifications

Q 01: How do you become a court interpreter?

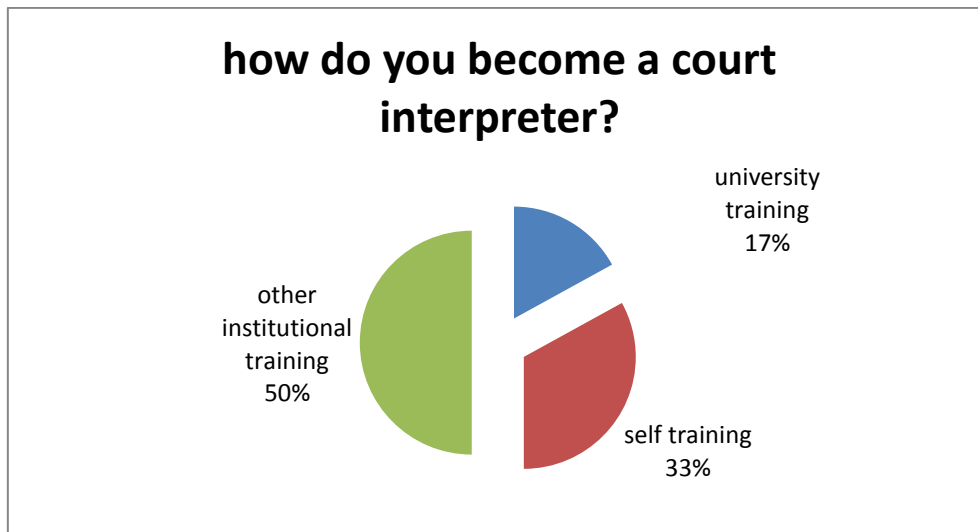


Figure 03: becoming a court interpreter

These results show that half of participants had become court interpreters by different institutional training. I.e. we can assume that university training and self training are not enough to be competent in your profession as a court interpreter.

Q 02: if it is university training, what "modules" closely related to legal translation was taken?

One interpreter has responded that he had university training by practical translation. The other interpreter answered that they had law's module. Separately, another interpreted added that he trained by work. We find out that there are modules in the classical system of education help students to improve their efficiencies.

Question 03: have you ever had legal translation courses at university?

Table 4: having a legal translation courses at university

	Number	Percentage
Yes	01	17%
No	05	83%
Total	06	100%

Studying the findings of table 5 it is observed that the majority of interpreters hadn't legal translation courses at university. We might say that the lack of studying legal courses lead to some shortcomings of them, that's why they have relied on institution training.

Question 04: do you think that what you had as university training reliably benefits you at your work?

Table 5: the benefit of university training for work

	Number	Percentage
Yes	01	17%
No	01	17%
Somewhat	04	66%
Total	06	100%

The results show that one out of six interpreters (17%) university training are reliable to benefit him at his work, while another interpreter (17%) sees the opposite. 04 interpreters which make up 66% of the whole interpreters considered that university training is somehow benefit them.

Question 05: if not, why?

The one interpreter who sees that university training is not reliable justified that no relation between theoretical aspects studied at university and practical aspects carried at in his work.

Question 06: are you satisfied with the university training preparing for legal court interpreter?

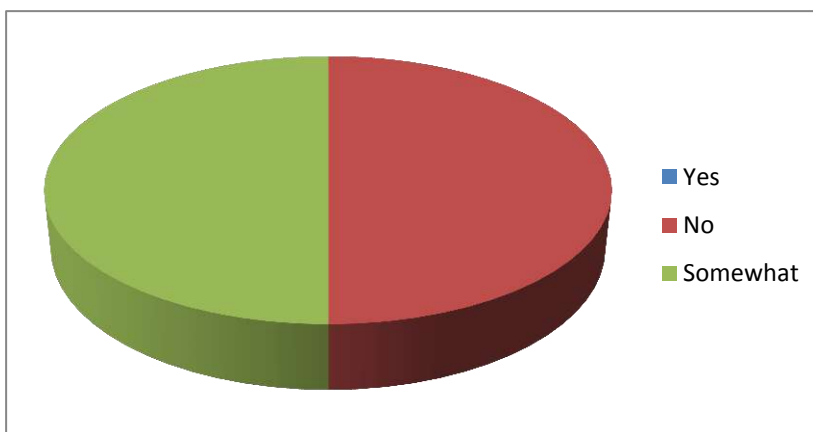


Figure 3: satisfaction of interpreters in university training to become legal court interpreter.

Half of participants (50%) confirm that they are not satisfied with university training to help them become court interpreters. 50% of the rest declared that they are somewhat satisfied with it. But no one reveal his\her satisfaction.

Question 07: Have you had some self or institution training to cover up the lacks?

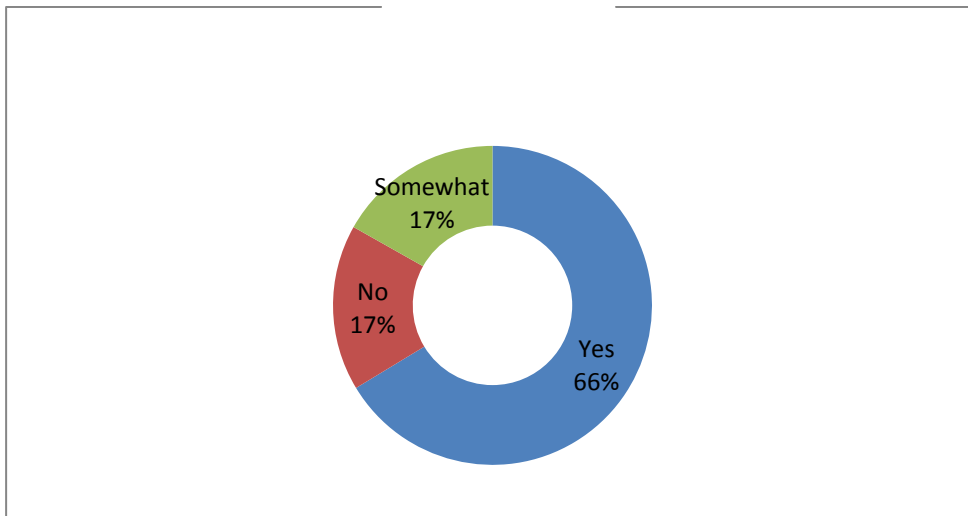


Figure 4: having institutional training to cover up interpreter's lacks

The results reveal that the majority of interpreters (66%) had touched on self and institution training in order to conceal the lacks. However, the half of the rest answered that they had not other training ways; they may think that university training is sufficient. Accordingly, the other half considered that they had a little bit training ways to get rid of their lacks.

Based on the results obtained from this section, we can draw a conclusion that the majority of interpreters of Ouargla courts are not satisfied with university training; they see that it is not sufficient to be a competent interpreter, so they need some other ways of training like self training and institution training.

5.1.3. The linguistic difficulties encountered by interpreter in courtroom

Question 01: how do you deal with legal terms used by the judge, attorney, or advocate when translating to the witness?

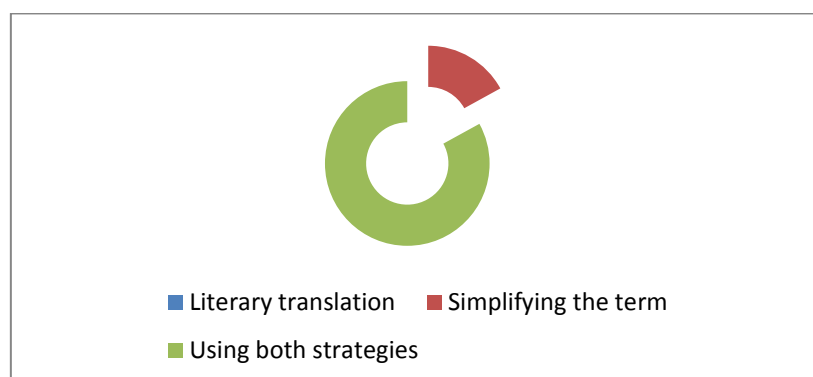


Figure 5: dealing with legal terms when translating to the witness

Table 05 states that the majority of participants (83%) use both literary translation and simplifying the term when they face legal terms by the basic parties of court through trial session. 17% of them would only simplify terms, while no one translate them literary. So, to get rid of difficulties especially legal terms, you have to use different ways and methods rather than one method.

Question 02: have you faced any difficulties in dealing with technical terminology which you might rarely deal with?

Table 6: dealing with difficulties of technical terminology

Options	Numbers	Percentage
Never	01	17%
Sometimes	04	66%
Always	01	17%
Total	06	100%

The data provided show that (66%) of the interpreters are sometimes faced by difficulties of technical terms and (17%) of them always face them. However, (17%) of interpreters are never faced by those difficulties. This may prove that some court interpreters find problems with technical terms whereas other don't; which due to getting familiar with them.

Question 03: The witness is obviously not very articulate and has difficulties expressing him or herself, his or her speech is very repetitive, incoherent, hesitant and very colloquial, how do you interpret his or her answer?

Table 7: the way of interpreting the answer of witness when he\she has difficulty in expressing him\herself or any other problem

	Number	Percentage
Asking the witness to repeat again.	00	00%
Concentrate on the meaning of answer.	06	100%
Polish the answer to make it more relevant and coherent.	00	00%

Maintain the same style as the original.	00	00%
Improve the style but tell the court that the witness has difficulties expressing him\herself.	00	00%
Others.	00	00%
Total	06	100%

Table 07 shows that all interpreters (100%) prefer to concentrate on the meaning rather than words. Therefore, 2 interpreters added that sometimes they ask the witness to repeat again; polish the answer to make it more relevant and coherent; and improve the style but telling to court that the witness has difficulties when expressing him\herself. We can find out that the majority of interpreters focus on general idea of speaker during trial session.

Question 04: In case that polysemy occurs in the witness's / defendant's speech, what would you do?

In this question, some participants choose more than option. Four interpreters (04) prefer to choose one meaning which is more relevant to context. Whereas three (03) declared that sometimes they inform the judge that the expression has more meanings.

Question 05: Once the attorney's questions are confusing and ambiguous and the witness does not grasp the meaning, In that case what is the procedure taken?

In this question, some participants ticked on more than option too. 04 interpreters said that they clarify their interpretation so the witness understands. As well 03 participants prefer to ask the lawyer to clarify the question before they interpret.

We can sum up this section saying that every interpreter has his\her difficulties that might be faced during trial, and each one of them has his\her own way to get rid of mistakes and cover up the difficulties.

5.1.4. The profession ethics

Question 01: Do the defendant or the witness expect you to advocate for them, speak on their behalf, simply out-be on their side?

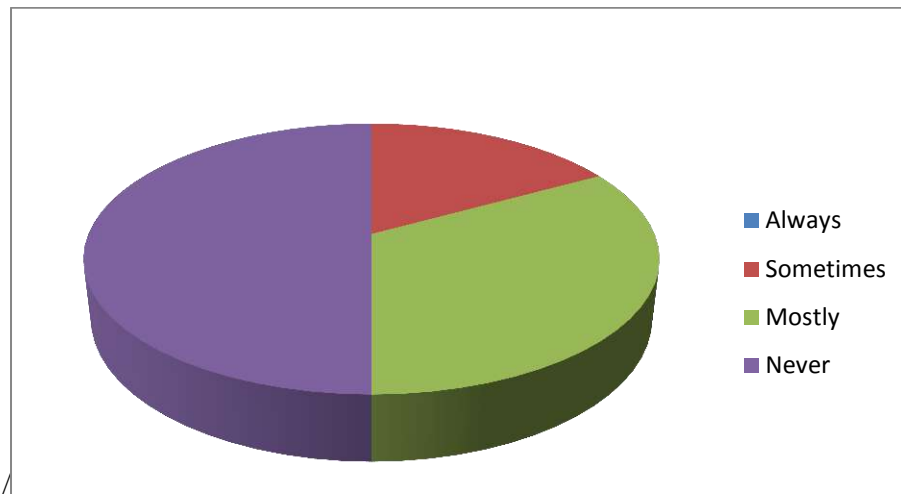


Figure 6: the extent of expecting defendant\witness to be the interpreter on their side

The collected answers reveal that half of interpreters (50%) are never thinking that the litigants expect them to advocate for them. Moreover, 33% of participants believed that defendant or witness is mostly waiting for interpreters to out-be on their side. One interpreter making up (17%) of the whole participants said that he sometimes feels that. But no one supposes that.

Question 02: Do you interpret faithfully for someone whom you are sure is guilty?

Table 8: faithfulness of court interpreters to interpret for someone is guilty

	Number	%
Yes	05	83%
No	01	17%
Total	06	100%

As can be seen in the table above, the majority of interpreters (05) confirmed that they interpret faithfully in all cases whatever the defendant is guilty or not. While one interpret contradicted that. We can say that interpreters must render the message honestly without change either someone is guilty or not; which is one of professional ethics of the interpreter.

Question 03: When the accent of the witness is too difficult, the witness him/herself cannot express in English or French, how do you deal with the case?

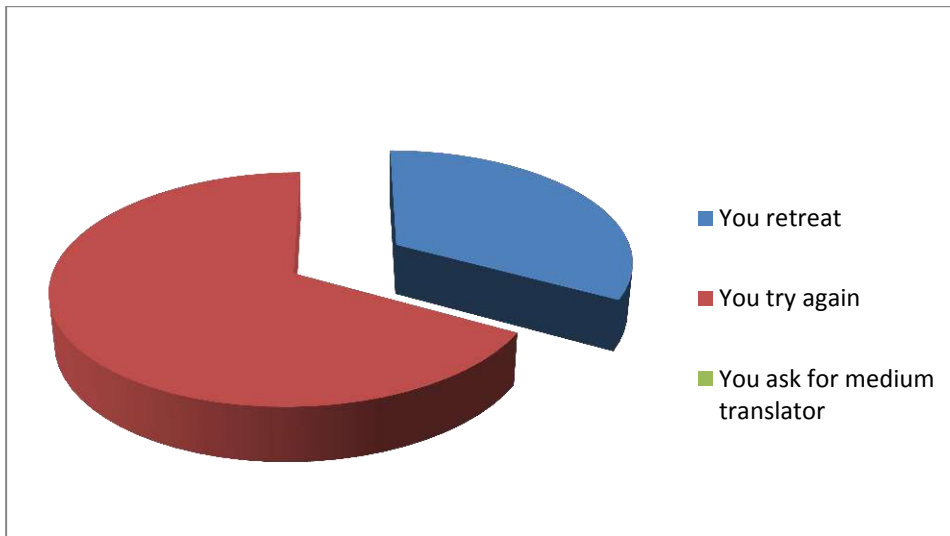


Figure 7: dealing with witness's accent when it is difficult

In table 8, interpreters asserted that they try again when they face difficult with accent of defendant\ witness (67%). But the others (33%) see that they should retreat.

3.2.5 Court procedure

Question 01: What kind of process of interpreting is applied in your court?

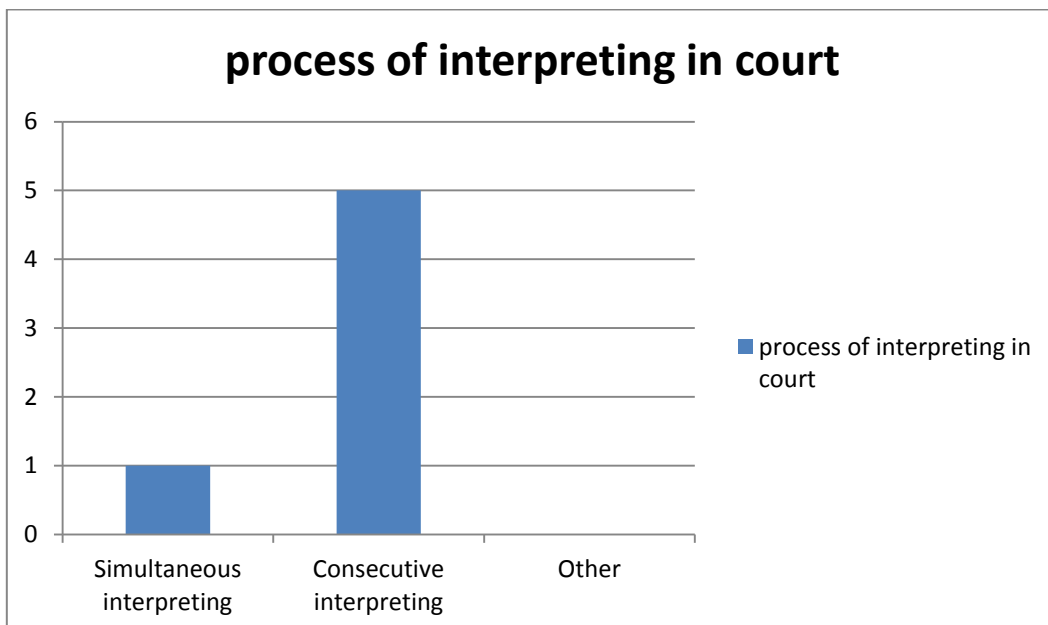


Figure 8: the method of interpreting applied in courts

83% of respondents have declared that consecutive interpreting is method applied in court. While the rest (17%) states that both simultaneous and consecutive interpreting are used in court.

Question 02: what do you yourself prefer?

Table 9: method of interpretation preferred by court interpreters

	Numbers	Percentage
Simultaneous interpreting	02	33%
Consecutive interpreting	04	67%
Other	00	00%
Total	06	100%

The results show that most of court interpreters (67%) prefer to use consecutive interpreting, while the others (33%) are in favor of simultaneous interpreting.

Question 03: Are you given enough time to fully understand the case before you are asked to interpret?

Table 10: allowance of court for interpreter to understand case object before trial session starts

	Number	%
Yes	02	33%
No	04	67%
Total	06	100%

This table clarifies that most of court interpreters (67%) haven't the chance to have a general idea about the case will be presented before interpreting, but 33% of them answered that they are given enough time to understand the case before trial starts. So, we can say that court interpreters may have the chance to ask for case topic according to allowance of judge or lawyer.

Question 04: Are you allowed to talk to the witness before court hearing?

Table 11: allow interpreter to speak with the witness before court hearing

	Number	Percentage
Yes	01	17%
No	03	50%
According to	02	33%
Total	06	100%

17% of respondents asserted that they are allowed to talk with the witness before court hearing. 33% of them argued that it can be according to context or the nature of case. While the half of interpreters told that they are not allowed to do so.

Question 05: Is there any maximum allotted time for court interpreters?

Table 12: the maximum allotted time given to court interpreter

	Number	%
Yes	00	00%
No	05	83%
I don't know	01	17%
Total	06	100%

The majority of participants (83%) declared that there is not limited time for court interpreters. While the rest (17%) said that they have no idea about that, however; no one declared that there is allotted time for him\her.

Question 06: If yes how many hours?

No one though that there is an allotted time for court interpreter, but one interpreter guess that it is less than one hour.and other one said that it seponds on the case.

Question 9: when do you ask for a break?

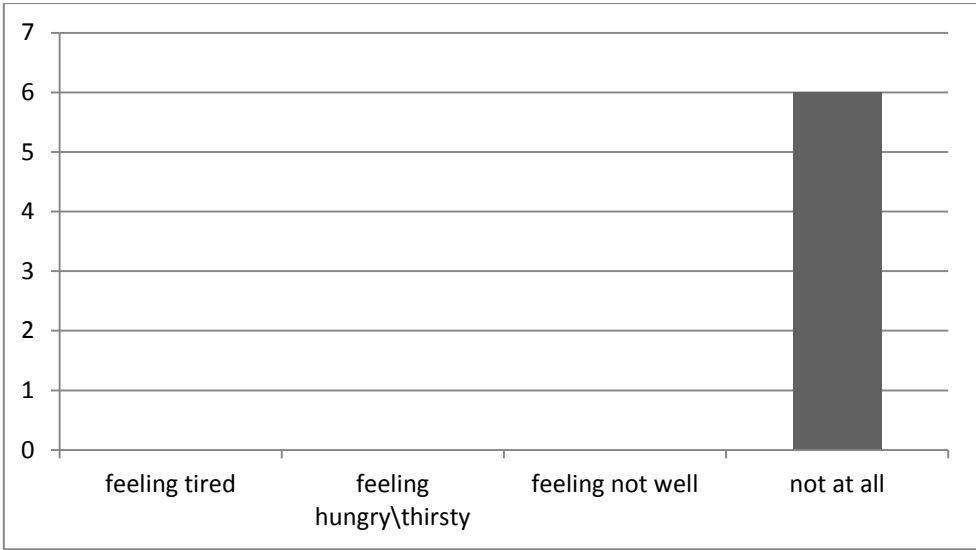


Figure 9: asking for a break

All court interpreters asserted that they never ask for break whatever the circumstances is.

Question 08: Are you satisfied with the remuneration you get for your services?

Table 13: how court interpreters are satisfied with the remuneration they got for their services

	Number	%
Yes	00	00%
No	06	100%
Total	06	100%

From table 09, we can figure out that court interpreters of Ouargla province are not paid.

5.2. Analysis of court interpreter's interview

An unstructured interview was addressed to five certified court interpreters. It provides the researcher with data about their work experience in courts with more focus on interpreting through trial.

Question 01:

What do you see as the biggest problem of the profession?

Three interpreters have claimed that there is no paid after they have finished their work as well as lack of training. One has determined number of problems like time management, linguistic competence of English and French, dealing with translation with judge like clarifying the case, and dealing with context for instance noise, stress, different tones, and perception of understanding's way. The other one stated that there are only difficulties they cannot see it as problems like grammatical and ungrammatical problems, but sometimes he faces some obstacles of hearing, misunderstanding of question, judge's intention, and sometimes the accused pretends that interpreter's question is misunderstood. So we figure out that problems of the profession differ from interpreter to another through trial. I.e. court interpreter has some personal and impersonal deficiencies inside courtroom they see it problems.

Question 02:

How do you deal with witness\ accused when they speak rapidly and you cannot catch each word they say?

Both interpreters have claimed that he ask for repetition slowly. While the three others have stressed that they do great effort to catch the meaning, but sometimes they cannot catch proper names and numbers. So, each interpreter has his own way to pass the situation well without mistakes.

Question 03:

How you can take notes during trial?

One interpreter has declared that he takes notes in notebook concerning proper names, numbers, and dates. Other one opposed that and said that it isn't allowed. Whereas the others have stated relying on fresh memory because judge's speech doesn't need taking notes, that it is just kind of simple questions. From this answers, we figure out that some judges allow interpreters to take notes during trial whereas others do not.

Question 04:

What happens if you make a mistake while you interpret inside courtroom?

Two interpreters asserted that they haven't made a mistake through their profession, but if it will happen; they clarify the intention keeping the same meaning. The two others see that it isn't allowed to make such mistakes, because a professional interpreter has to really concentrate to avoid such mistakes. While the other interpreter argued that he should apologize for that then rephrasing the speech\question as it should be.

Question 05:

Does the court apply to you such rules?

The all court interpreters agreed that the court imposed to them in uniform of the official interpreter, some added other rules such as preceding the cases where there is an interpreter, because these cases are under security guard to get rid of it, as well as; standing up in the first row. So, the basic rule stated by courts is wearing the interpreter uniform.

Question 06:

What is the most important thing for new court interpreter to know?

The five interpreters gave different recommendations for new court interpreter. The first one stated three points; language proficiency, to not be absent-minded, and professional secrecy. The second stressed on knowing the function of each present party during trial like lawyer, plaintiff, and defendant; as well taking into consideration that court interpreting is selective rather than objective. For the third, though that it is important to be aware of language aspects and legal aspects. While the two other interpreters recommend making training in order to improve his\himself be in connection with other colleagues in order to learn from them and update their knowledge in terms of legal translation-interpreting.

Question 07:

Do you feel pressure being like a machine translation in courtroom?

Two interpreters answered that they have never felt pressure even they do not think being machine translation; they go with pride and self-respect because interpreter is a valued member in court. Whereas the others have confirmed that they feel so; two said that they are

used to this, while the other one declared that lawyers don't pay attention to interpreter's role because they care only to get acquitted. So, it is very important to give themselves self-respect in order to get rid of such pressure.

Question 08:

What are difficulties you face when there is not enough information about subject issue when you are notified in a very short time?

All court interpreters stated that the cases usually became familiar to them, and they may come to terms with it.

Question 09:

What are the most difficult issues in accordance with listening?

Three interpreters reclaimed that the problem is on language rather than issue itself like litigant's pronunciation. While the three others have stated that some court cases need competency such as custom's issues.

Question 10:

How do you deal with unethical words of the speaker?

The six court interpreters stressed that they never render unethical words to judge.

Question 11:

Does the court provide you with all the necessary conditions for a full trial?

All interpreters have asserted that court doesn't provide them with anything.

Question 12:

Are there special training programs for court interpreters?

The six interpreters mentioned that there are not training programs for them in all provinces; there is no legal training on rendering the legal terms.

Question 13:

What do you want the public to know about court interpreting?

We collect data of the six interpreters for this question as follows:

- To know that court interpreting is a requirement among other conditions insuring the right of defendants and plenty of guaranties.
- Court interpreting is no more than facilitating and simplifying part from one another.
- There is no suitable charge for the effort.
- It is an official task which is designated by the investigation judge which is assigned to legally to perform a given task in different cases concerning crimes for instance or other different cases.

5.3. Analysis of police officer's interview

An interview of ten (10) questions was addressed to two (02) police officers, the first one is from police office of Ouargla province, and the second one is from police office of Hassi Messaoud province, in the sake of answering a set of questions in accordance with the relation between interpreters and police. The interview was in about thirty (30) minutes in two separate days. The audio record was not allowed from police officers for security reasons, so the answers were handwriting. Each one of the two officers has had its own answers, but the answers were similar to some extent. The police officer who is from Ouargla office will be referred to as (OPO), and the police officer who is from Hassi Messaoud office will be referred as (HPO)

Question 01:

- When someone cannot understand the local language comes to your office, how do you deal with him at first glance?

(OPO) said that they try communicating with him and knowing his identity either speaking to him personally if someone in the office could understand the speaker's language or they call for someone else outside the office who can understand the speaker's language, however, (HPO) said that they already have their own interpreter, but he is not certified at the police office, he is considered as an employer in the office.

Question 02:

- In the case of you call for an interpreter, is he a certified one or an interpreter contracted with the police office or anyone know the language?

Both officers answered that there is no article in the Algerian Code of Criminal Procedures that provides for a certified interpreter at the police office, so, the interpreter is summoned by the police either from inside or outside the office.

Question 03:

- To which extent you trust in the non certified interpreter abilities?

Both officers agreed on the confidence issue, they said they are initially confident in the interpreter's abilities. Because, he will take the oath, and they mostly deal with non certified interpreter in simple issues, but if it is a complicated issue they take other procedures, either they call for a certified interpreter or they deport the foreign person.

Question 04:

- Do you need for a mediator interpreter sometimes?

(OPO) answered that sometimes they need for a mediator interpreter if someone does not understand the local language, French, or English. For example African refugees who speak African languages only, so the police call for an African refugee who can speak and understand African and Arabic, or French, or English. And these are the common issues at Ouargla police office, while (HPO) answered that they also need for a mediator interpreter, but most of the time the mediator interpreter is sent by the foreign companies if the person works in a foreign company because Hassi Messaoud is considered as an industrial and petroleum zone of national and foreign companies, and this is what is mostly common at their office.

Question 05:

- What is the mode of interpreting usually used?

Both police officers (OPO) and (HPO) agreed on the consecutive mode of interpreting, in order to give more time for interpreters to understand the issue, also because of the lack of interpreting kit like headphones and microphones.

Question 06:

- Do you provide the interpreter with previous information about the issue before interpreting?

Both police officers (OPO) and (HPO) answered that they do not mostly provide the interpreter with previous information and he is notified in a brief time, especially in case of “instant appearance” of the defendant, but sometimes the interpreter is provided with previous information in case of the issue is a complicated one like state security, drugs, or sexual abuse.

Question 07:

- How do you record the statements of the defendant/witness/victim, and its interpretation?

(HPO) answered that they record the defendant/witness statements and its interpretation scripturally and shall be recorded in a hearing record and signed by the interpreter who took the oath, whereas, (OPO) clarified some other cases of recording the statements of the defendant/witness. In case he is mature his statements shall be recorded scripturally, in other case when the victim is minored and he is exposed to a sexual abuse, so the recording shall be an audio-visual recording according to article No 46 from Child Protection Law.

Question 08:

- When the investigation extends for long hours is it enough to work with one single interpreter or you call for other one?

Both officers (OPO) and (HPO) said that when the investigation extend for long hours they still work with the same interpreter in order to keep the same process of the issue and because it is difficult somehow to call for another interpreter during the investigation.

Question 09:

- How do you deal in case of the absence of the interpreter?

Both officers (OPO) and (HPO) stated that in case the interpreter is absent there are other solutions. For instance, they call for the public prosecutor to provide an interpreter, or they

would seek the help of a sign language interpreter, if all what is mentioned is not possible to be provided the case shall be reopened.

Question 10:

- How do you estimate the interpreter's fees?

Both officers (OPO) and (HPO) answered that it is the responsibility of the police to pay for the interpreter's fees because there is no law providing that the police have their own official interpreter and this is done by the so-called "harness".

3.5 Analysis of lawyer's interview

An unstructured interview of five (05) questions was presented to four (04) attorneys work in Ouargla court, in order to answer a set of questions in accordance with the relation between interpreters and attorneys in court. The interview was in about thirty (20) minutes in separate days. The answers were handwriting. Each one of the four attorneys has had its own answers, but the answers were closely similar. The attorneys will be referred to as (A), (B), (C), and (D) respectively.

Question 01:

- Through your career as an attorney, have you needed for an interpreter in your office or in court?

The attorneys (A), (B), and (D) answered that they try to talk to the person who does not understand the Arabic language by themselves at first time in their office, but if they could not understand the speaker's language they ask him to call an interpreter in order to better understand the issue, while the attorney (C) answered that he have not met before someone does not understand Arabic language. But in court, it is the court that provide the interpreter, according to article No (08) of the Code of Civil Procedures

Question 02:

- At your office, you call for the interpreter or the defendant/victim who call the interpreter?

The attorneys (B) and (D) said that the defendant/victim who call the interpreter, the attorney (A) said that he call the interpreter but the defendant/victim pay for the interpreter, while the attorney (C) said that he have not dealt with a case of non Arabic speaker at his office.

Question 03:

- To which extent you trust in interpreter abilities especially in interpreting booby-trapped questions?

All the attorneys agreed that they trust in official sworn interpreters appointed by court because he is certified so he should be very competent.

Question 04:

- Through your career as an attorney, does the court provide a mediator interpreter when it is needed?

All the attorneys agreed that the court mostly provide a mediator interpreter, and sometimes the defendant/victim bring an interpreter with him.

Question 05:

- Do you have any relation with the interpreter inside the court and during the trial?

All the attorneys agreed that they do not have any direct relation with the interpreter during the trial. If the attorney wants to ask the interpreter or correct him in case he made a mistake, he will ask the judge to do so.

Note: the attorney (B) said that happened to him once when the interpreter was absent, he wore the interpreter uniform and interpreted on his behalf because he was fluent enough in the speaker's language.

5.4. Analysis of judges' interview

An unstructured interview of eight (08) questions was presented to four (04) judges, one is from the court of Touggourt province, and the three others are from the court of Ouargla province, in order to answer a set of questions in accordance with the relation between interpreters and judges in court. The interview was in about thirty (20) minutes in separate days. The answers were handwriting. Each one of the four judges has had its own answers, but the answers were approximately similar. The judge who is from Touggourt court will be

referred to as (A), and the three others who are from Ouargla court will be referred as (B), (C), and (D) respectively.

Question 01:

- How long do you work as a judge?

The judge (A) answered that he had five (05) years of work, while the judge (B) answered that he had eleven (11) years of work, the judge (C) answered that he had twelve (12) years of work, and the judge (D) answered that he had fourteen (14) years of work.

Question 02:

- Through your career, how often have you needed an interpreter?

All the judges agreed on that they have needed several times for interpreters in several different cases.

Question 03:

- Do you provide the interpreter with previous information about the case before interpreting?

All the judges agreed that they do not provide the interpreter with previous information about the case because the interpreter should be competent enough to interpret in all types of issues without any prior knowledge about it, only in case of translation of some reports or in heavy cases the interpreter could see some information and statistics because the interpreter's function is just to interpret and explain what is said.

Question 04:

- Is it enough to work with one single interpreter in long trial sessions or you call for other one?

The judge (A) said that they do not call for another interpreter even in long trial sessions, while the judge (B) answered that in some cases the interpreter himself call for his colleague to act on his behalf, whereas the judge (C) stated that in case the interpreter told as that he has some health problems prevent him to work for long hours we call for other interpreter to assist him, the judge (D) answered that in case the interpreter is not competent enough we replace him with other interpreter.

Question 05:

- In case of the absence of the interpreter, do you reopen the case or you call the interpreter on phone, or you use someone else from inside or outside the court?

The judges (A), (B), and (C) answered that in case the interpreter is absent we could use someone else from inside or outside the court who can speak and understand the language of the speaker, or we reopen the case, while the judge (D) said that we call the interpreter on the phone or we reopen the case.

Question 06:

- Which mode of interpreting do you prefer?

The preferred mode of interpreting by the judges is consecutive.

Question 07:

- If you are fluent in the language of the speaker, and the interpreter made a mistake while interpreting, would you correct him, alert him, or ignore the error?

The judges (A), (B), and (D) agreed that they alert him, while the judge (C) said that he correct him.

Question 08:

- We asked the judges about some additional information related to their relation to interpreters.

The judges who participate in the interview provided us with other important points related to the interpreter's work.

- The interpreter stands in court between the judge and the speaker (defendant/victim/witness) and he speaks only with those parties or with a mediator interpreter if he is exist.
- The interpreter is an expert (in his domain) assist the judge to better understand the issue and to achieve justice.
- If any other party in the court (prosecutor, attorney, etc) wants to speak to the interpreter, he should speak to the judge and the judge transfer the message to the interpreter.

- The interpreter speaks only if the judge ordered him and the interpreter abides just on the asked questions.
- The interpreter should be honest.

5.5. Description of courtroom observation

The courtroom observation was done during the latest months (...) in Ouargla court. The court trials had an interpreter and an intermediate interpreter for foreign nationals from china.

The current study uses a structured courtroom observation based on quality technique which is suitable for descriptive research. The strength of this instrument is that it evaluates the observed difficulties, reality behaviors, and professional ethics of court interpreters, the latter is mostly based on stating suggestions for full court interpreting. The courtroom observation checklist (see appendix....) contains an introductory phase which includes information about trial sessions attended. These pieces of information are: the parties participated in that trials, the trial focus the aims and objectives. The second part involves a set of notes through which the procedures and interpreting reality of court interpreter and his relations with other parties. This is done to figure out what happens inside courtroom during trial which consists of foreign litigants. The last part includes an evaluation phase in which the observer evaluates the actions.

After attending the 4 trials, the following observations were made:

Firstly, it is observed that trial sessions include the following parties: judge, lawyer, attendees, writer tuning, advisers, accused, intermediate interpreter, and the official interpreter. The judge sets dawn between advisers: accused and intermediate interpreter was standing by themselves, while the official interpreter was standing up between those two parties and judge, whereas the attendees sat in rows in which there was tight security guarded by police.

In the first trial session, it is observed that interpreter was too late, so judge has postponed the case of the Chinese litigant till coming of the official interpreter. The judge passed the next cases without waiting, while the litigant's lawyer and intermediate interpreter was waiting for him until he came after one hour. However, the 3 other trial sessions went well without lateness or delay.

All in all, the courtroom observation showed that interpreter didn't face serious problems with legal terminology, only in one case when the judge has mentioned a list of required files; the official interpreter of French language has forgotten the names of some of them, besides, the judge felt what's going on in few seconds and repeated her speech though interpreter doesn't ask for. We figure out that the problem is not a matter of technical terms because it will be familiar with for them, but it is a matter of great concentration specially for technical terms and proper nouns, although the interpreting method used in all trial sessions was consecutive interpreting, in addition to that there is no tools like microphone available inside courtroom to help interpreter and all participated parties listen well, in other hand, interpreters haven't never taken notes during trials; even in the very latest mentioned event.

Moreover, we noticed that the intermediate interpreter advocates for the litigant; the reason behind that maybe having the same nationality, besides, the judge was so clever and felt this kind of bias between the two foreigners, then she declared saying: "I think she is an advocate for him, not intermediate interpreter for him".

Obviously, we observed that judge of the second trial session attended speaks the French language because she was calling attention to interpreter when he hesitated. In other side, the intermediate interpreter was facing some difficulties when rendering the litigant's speech concerning the way of expression, but the interpreter was self-confident in his way of interpreting out of some problems like the long names of litigant's parents.

Finally, in all trial sessions attended; the duration of each one of them was from 09:00 to 14:00 continuously, however; the interpreters have never asked for break.

Conclusion

The present study aims at investigating reality and prospective of court interpreting in Algeria implemented on Ouargla courts on highlighting the reality of interpreting in courtrooms. The achievement of these aims serves to answer the research questions that we cited henceforth along with the hypotheses we set to approve or disapprove

Tackling such a crucial and important topic led us to conclude with the following results

This research sheds light on the reality of interpretation in the courts, the case study Ouargla courts, and also clarifies the prevailing concept that there is no difference between legal translation, forensic translation and court interpreting, with a somewhat comprehensive study of the latter and everything Surrounding the interpreter work, from police stations to the courtroom, the difficulties encountered at various levels, ways to improve his work, and to proceed with interpretation in the courts as a whole.

When examining court interpreting, it was found that there is a common misconception that there is no significant difference between all types of translations that affect the law, whether forensic or legal or those that occur in the courtroom. But the results of this study proved the opposite; as well there is a clear difference between these three names.

In addition to following the official certified track, which is not limited to interpreting during the trial, but starts from the investigation in the police stations. The interpreter may be called by the plaintiff or the defendant at solicitor's office to facilitate the communication and the case comprehension between both parties before the hearing, and then the access to the courtroom, then the interpretation to the court members, and the difficulties that surround it in order to convey the message honestly because this interpretation relay on individuals fate and their rights. The results of the study summarized the difficulties which are the lack of training programs that will improve interpreters' competencies, the lack of a specific scheduling of cases, notification in a short time, the low wages and underestimation of the work of translation as a whole and the hardships of the migraine and must be addressed to ways.

the methods need to be worked on such as the development of effective training programs, and the establishment of an organized scheduling in the sake of giving more value to the status of translation and its importance in the community and to improve and facilitate the work of translation and overcome the difficulties that prevent the move forward to a better future of translation in particular and court interpreting in general.

Recommendations

On the results obtained from the questionnaire, four interviews, and observation of the current study, there are some recommendations that we suggest as follows:

For interpreters

- The interpreters should rely self-training rather than university training.
- It is better for court interpreters to render speaker's statements faithfully without bias.
- Court interpreters have to declare honestly in case they cannot interpret such segment.
- The interpreters must claim for remuneration services.

For judges

- the judges need to give a background information about the case to the interpreters before court hearing in order to put them in ; so the message will be transmitted precisely.
 - Judges must be careful to interpreter's transmission in the case they make such mistake or misunderstanding.
- Judges should not speak rapidly to give opportunity to interpreters to understand each word.

For lawyers

- Also, it is better for lawyers to give interpreters time to have a general idea about the litigant's case.
- It is better for lawyers to invite interpreters when they are faced by a foreign litigant rather than relying on themselves.

For police officers

- They also have to call for an interpreter rather than relying on their little competency when they are faced by a foreign suspect before to transfer to public prosecutor.

For court

- Court must give remuneration to its interpreters for their services.
- It has to provide services to interpreters during trial to help them interpret well.
- It is better to invite more than an interpreter when trial session is too long.

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Appendices

Glossary

Definition of the Terms in bold and *Italic* located in Chapter one, along with their Arabic equivalences are bellow:

<p>The trial stage <i>مرحلة المحاكمة</i></p>	<p>Trial is when parties to a dispute come together to present information as evidence in a formal setting, usually a court, before a judge, jury, or some other authority authorized by law to find a fact, in order to achieve a resolution to their dispute.</p>
<p>The appeal stage <i>(مرحلة الاستئناف)</i></p>	<p>Either party or both parties to a civil suit can appeal from a judgment if they are not satisfied with the decision</p>
<p>Legal setting <i>(الإطار القانوني)</i></p>	<p>Means any criminal or civil action involving a court of competent jurisdiction, any investigation conducted by a duly authorized law enforcement agency, employment related hearings and appointments requiring the presence of an attorney.</p>
<p>Legal system <i>(النظام القانوني)</i></p>	<p>Legal system refers to a procedure or process for interpreting and enforcing the law.</p>
<p>Court of law <i>(محكمة قانونية)</i></p>	<p>A court that hears cases and decides them on the basis of statutes or the common law.</p>
<p>Language barrier <i>(حاجز اللغة)</i></p>	<p>The difficulty for people communicating because they speak different languages.</p>
<p>Litigant <i>(خصم متقاضي)</i></p>	<p>one engaged in a lawsuit</p>
<p>Social aspects <i>(جوانب اجتماعية)</i></p>	<p>Social aspects are an important part of the foundation for a society.</p>
<p>juror</p>	<p>A juror is any person who actually serves on a jury.</p>
<p>Hearing <i>(جلسة استماع)</i></p>	<p>A proceeding before a court or other decision-making body or officer.</p>

Felony (جنائية)	a serious crime that can be punished by more than one year in prison.
Misdemeanor (جنحة)	A misdemeanor is a minor offense, rather than a serious crime.
Domicile	The country which a person officially has as their permanent home, or has a substantial connection with.
Oath (اليمين)	A solemn usually formal calling upon God or a god to witness to the truth of what one says or to witness that one sincerely intends to do what one says.
Ziggurat (زقورة)	A temple of Sumerian origin in the form of pyramidal tower, consisting of a number of stories and having about the outside a broad ascentwinding round the structure, presenting the appearance of a series of terraces.
Hammurabi's code (قانون هامورابي)	The Code of Hammurabi was one of the earliest and most complete written legal codes, proclaimed by the Babylonian king Hammurabi, who reigned from 1792 to 1750 B.C.
Argot	is language particular to a specific group
Archaic words (الكلمات القديمة)	These words are no longer in everyday use or have lost a particular meaning in current usage but are sometimes used to impart an old-fashioned flavor to historical novels.
Legal force (القوة القانونية)	Powers and limitations that arise from legislation and interpretation of laws.
Connotations (مدلولات)	Refers to the wide array of positive and negative associations that most words naturally carry with them, whereas denotation is the precise, literal definition of a word that might be found in a dictionary.
Transliteration (النقحرة)	It is the process of transferring a word from the alphabet of one language to another.
Translator's footnote (حاشية المترجم)	A note added by the translator to the target text to provide additional information pertaining to the limits of the translation, the cultural background, or any other explanations.

Appendix 1: Court interpreter's questionnaire

Kasdi Merbah University- Ouargla
Faculty of Letters and Languages
Department of Letters and English Language

Court interpreting in Algeria: Reality and Perspectives **Case Study Ouargla Courts**

Dear interpreters

This questionnaire aims at finding out the reality of court interpreting process inside courtroom. Information provided here will be set out in our dissertation for specific purposes. Please, answer the questions by putting a tick (✓) in the appropriate box and commenting when necessary.

Your modest participation is appreciated.

Gender

- Male
- Female

Age

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

Working languages

.....

Level of education

- Bachelor’s Degree in Interpreting and Translation
- Graduate Diploma in Arts
- Master’s Degree in Translation
- Postgraduate Diploma in Translation (PhD)

Working years

.....

Number of interpreted cases

.....

The interpreter qualifications

1. How do you become a court interpreter?

- University training
- Self training
- Other institution training

1. If it is university training what “modules “closely related to legal translation were taken?

.....

2. Have you ever had legal translation courses at university?

- Yes
- No

3. Do you think that what you had as university training reliably benefits you at your work?

- Yes
- No
- Some what

4. If not, why?

.....

5. Are you satisfied with the university training preparing for legal court interpreter?

- Yes
- No
- Somewhat

6. Have you had some self or institution training to cover up the lacks ?

- Yes
- No
- Somewhat

The linguistic difficulties encountered by interpreter in courtroom

1. How do you deal with legal terms used by the judge, attorney or advocate when translating to the witness ?

- Literally translating
- Simplifying the term
- Using both strategies

2. Have you faced any difficulties in dealing with technical terminology which you might rarely deal with?

- Never
- Sometimes
- Always

3. The witness is obviously not very articulate and has difficulties expressing him or herself, his or her speech is very repetitive, incoherent, hesitant and very colloquial, how do you interpret his or her answer?

- Asking the witness to repeat again
- Concentrate on the meaning of answer
- Polish the answer to make it more relevant and coherent
- Maintain the same style as the original
- Improve the style but tell the court that the witness has difficulties expressing him or herself.
- Other

4. In case that polysemy occurs in the witness's / defendant's speech , what would you do?

- Interpret both / more meanings
- Choose one meaning (the most logical one based on context)
- In form the judge attorney that the expression has more meanings
- Other

5. Once the attorney's questions are confusing and ambiguous and the witness does not grasp the meaning , In that case what are the procedure taken ?

- You clarify your interpretation so the witness understand
- Ask the lawyer to clarify the question before you interpret

The profession ethics

1. Do the defendant or the witness expect you to advocate for them, speak on their behalf, simply out-be on their side ?
 - Always
 - Sometimes
 - Mostly
 - Never
2. Do you interpret faithfully for someone whom you are sure is guilty?
 - Yes
 - No
3. When the accent of the witness is too difficult, the witness him/herself cannot express in English or French, how do you deal with the case ?
 - You retreat
 - You try again
 - You ask for medium translator

Court procedures

1. What kind of process of interpreting is applied in your court?
 - Simultaneous interpreting
 - Consecutive interpreting
 - Other
2. What do you yourself prefer?
 - Simultaneous interpreting
 - Consecutive interpreting
 - Other
3. Are you given enough time to fully understand the case before you are asked to interpret?
 - Yes
 - No
4. Are you allowed to talk to the witness before court hearing?
 - Yes
 - No
 - According to
5. Is there any maximum allotted time for court interpreters?
 - Yes
 - No

I do not know

6. If yes how many hours?

Less than one hour

Less than three hours

More than four hours

7. When do you ask for a break?

Feeling tired

Feeling hungry/thirsty

Feeling not well

Not at all

8. Are you satisfied with the remuneration you get for your services?

Yes

No

Appendix 2: interpreter's interview

- 1- What do you see as the biggest problem of the profession?
- 2- How do you deal with witness\ accused when they speak rapidly and you cannot catch each word they say?
- 3- How you can take notes during trial?
- 4- What happens if you make a mistake while you interpret inside courtroom?
- 5- Does the court apply to you such rules?
- 6- What is the most important thing for new court interpreter to know?
- 7- Do you feel pressure being like a machine translation in courtroom?
- 8- What are difficulties you face when there is not enough information about subject issue when you are notified in a very short time?
- 9- What are the most difficult issues in accordance with listening?
- 10- How do you deal with unethical words of the speaker?
- 11- Does the court provide you with all the necessary conditions for a full trial?
- 12- Are there special training programs for court interpreters?
- 13- What do you want the public to know about court interpreting?

Appendix3: police officer's interview

- 1- When someone cannot understand the local language comes to your office, how do you deal with him at first glance?
- 2- In the case of you call for an interpreter, is he a certified one or an interpreter contracted with the police office or anyone know the language?
- 3- To which extent you trust in the non certified interpreter abilities?
- 4- Do you need for a mediator interpreter sometimes?
- 5- What is the mode of interpreting usually used?
- 6- Do you provide the interpreter with previous information about the issue before interpreting?
- 7- How do you record the statements of the defendant/witness/victim, and its interpretation?
- 8- When the investigation extends for long hours is it enough to work with one single interpreter or you call for other one?
- 9- How do you deal in case of the absence of the interpreter?
- 10- How do you estimate the interpreter's fees?

Appendix4: lawyer's interview

- 1- Through your career as an attorney, have you needed for an interpreter in your office or in court?
- 2- At your office, you call for the interpreter or the defendant/victim who call the interpreter?
- 3- To which extent you trust in interpreter abilities especially in interpreting booby-trapped questions?
- 4- Through your career as an attorney, does the court provide a mediator interpreter when it is needed?
- 5- Do you have any relation with the interpreter inside the court and during the trial?

Appendix5: judge's interview

- 1- How long do you work as a judge?
- 2- Through your career, how often have you needed an interpreter?
- 3- Do you provide the interpreter with previous information about the case before interpreting?
- 4- Is it enough to work with one single interpreter in long trial sessions or you call for other one?
- 5- In case of the absence of the interpreter, do you reopen the case or you call the interpreter on phone, or you use someone else from inside or outside the court?
- 6- Which mode of interpreting do you prefer?
- 7- If you are fluent in the language of the speaker, and the interpreter made a mistake while interpreting, would you correct him, alert him, or ignore the error?
- 8- We asked the judges about some additional information related to their relation to interpreters.

Appendix 6: courtroom observation

Sitting: Ouargla courts

Objective(s): observe what is going on inside courtroom during trial taking into consideration interpreter's behaviors.

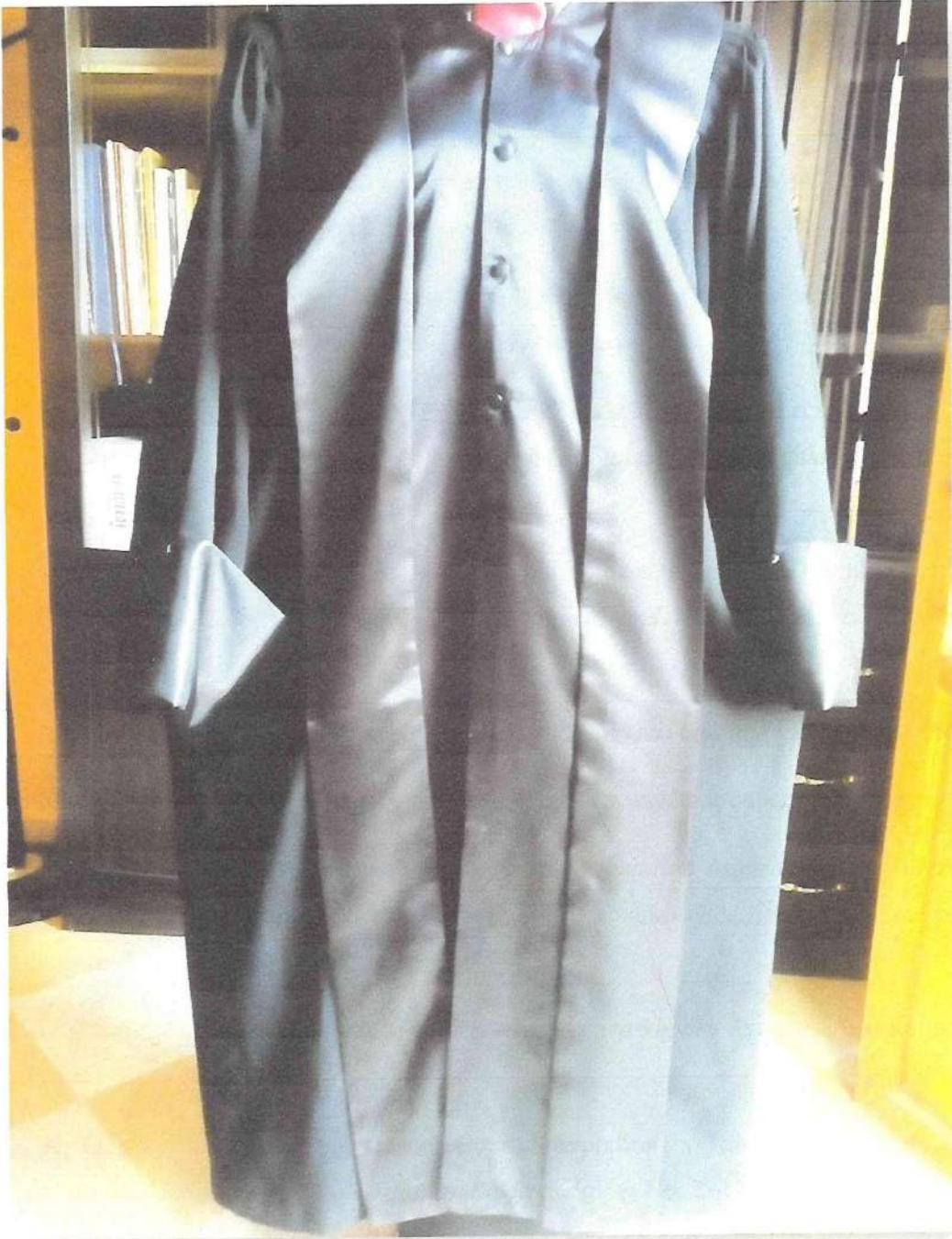
Number of trial session	Duration	participants	purpose	notes
First trial session	2 hours	<ul style="list-style-type: none"> - judge - lawyers - police - advisor - accused - interpreter - intermediate interpreter 	To determine the relationship between interpreter and other parties	<ul style="list-style-type: none"> - The interpreter's relationship with judge is direct - The interpreter's relationship with lawyers is indirect. - Whereas there is no relationship with interpreter and other parties inside courtroom.
Second trial session	1hour	<ul style="list-style-type: none"> - judge - lawyers - police - accused - interpreter - intermediate interpreter 	To define difficulties faced by interpreter	<ul style="list-style-type: none"> - Little sound of intermediate interpreter. - sometimes judge speaks rabidly especially in legal terms and files - no microphones
Third trial session	2hour	<ul style="list-style-type: none"> - judge - lawyers - police - advisor - accused - interpreter 	General atmosphere	Acceptable


Note:

Through visit to court and from what we have observed, we wrote different notes according to the interpreter's work in court, and his relation with the persons inside courtroom:

- The interpreter used to interpret consecutively, and he\she interprets from French into Arabic and vice versa
- There was intermediate interpreter, the mediator interpret from Chinese into French and vice versa to the accused and to the interpreter.
- the interpreter was interpreting mostly the whole meaning and not a literal interpretation, as well he tried to explain if the judge or suspect does not grasp the meaning, and he asked them to repeat when he doesn't catch the word.
- According to interpreter's relation with court numbers, he used to speak only with the judge and with the accused or with the mediator interpreter if he exists.
- The interpreter speaks only when the judge orders him and the judge doesn't interrupt the interpreter till he finishes his interpretation.
- The interpreter is just a medium between the judge and the suspect.

Appendix 7: The Official Gown Of The Court Interpreter





ملخص الدراسة

مقدمة:

إن الترجمة بأنواعها و تعدد مجالات استعمالها أضحت ضرورة لا مناص منها لفك حواجز اللغة بين الأفراد و المؤسسات المحلية وحتى الدولية. و نخص بالذكر هنا الترجمة التي تتم في قاعات المحاكم. عندما يتعلق الأمر بالإجراءات التي تتم في قاعة المحكمة فإن الإنصاف و العدالة هما الأساس , ولتحقيق ذلك كان لابد من إتمام عملية التواصل و الفهم بين أطراف النزاع بطريقة سلسة وبيئة و هذا هو مبتغى كل الأطراف من قضاة و محامين و متنازعين من خلال عملية التواصل هذه كانت للترجمة نصيبا مفروضا لما تلعبه من دور فعال في مد جسور التواصل بين مستخدميها و نخص بالذكر هنا الترجمة الشفوية التي تتم في قاعات المحاكم خصوصا و الترجمة و القضائية عموما بدءا من التحقيق في أقسام الشرطة مرورا بمكاتب المحامين و صولا إلى قاعة المحكمة.

إن الترجمة الشفوية التي تتم في قاعة المحكمة تساعد السلطات القضائية في جمع المعلومات بدقة لاتخاذ قرارات مستنيرة من خلال التأكد من إن جميع المشاركين يفهمون و يستوعبون ما يحدث في قاعة المحكمة و عندما يرتبط هذا النوع من الترجمة بالقانون فان هذا الخبير يميز الترجمة التي هي عملية موضوعية و آلية يعمل فيها الترجمان كحلقة وصل بين الكلمات و تفسيرها و بين ما يحاول الترجمان تبليغه من رسالة و كذا القصد الذي من ورائها فالترجمان يلعب دورا لا يستهان به في مد جسر ربط بين أفراد المحكمة .

إشكالية البحث

تتضمن الترجمة الشفهية في المحاكم العديد من الأشكال و ذلك حسب كل متقاضي ودرجة تقاضيه إضافة إلى ذلك، فإن الترجمة الفورية للمحكمة هي إحدى الطرق التي تجعل من المترجمين الفوريين المعتمدين على نطاق واسع بتحويل خطأ بأحد الأطراف المشاركين في المجلس القضائي من لغة أجنبية إلى لغة القضاء. عادةً ما تكون هذه العملية أكثر أهمية في الإجراءات الجنائية حيث لا يمكن للمشتبه به لتحدث بلغة المحكمة في حين يدعو القاضي / المدعي العام المترجم الفوري إلى الاستماع إلى أقوال المدعى عليه, إلى جانب ذلك في حال سماع المحامي أدلة الشاهد إذا كانوا لا يتحدثون لغة المحكمة. هذا يقودنا إلى التفكير في حقيقة عملية الترجمة الشفهية في المحكمة والصعوبات التي يواجهها الترجمان في المحاكم لأنه يلاحظ أن هناك الكثير من المشاكل التي قد تكون نتيجة لحكم غير عادل.

أهداف الدراسة

تهدف هذه الدراسة عموماً إلى تسليط الضوء على واقع الترجمة الشفوية في محاكم ورقلة و كذا إبراز الصعوبات التي قد يواجهها المترجمان و من ثم المتطلبات اللازمة وكذا الآفاق المؤمل إليها من أجل صناعة مستقبل أكثر نجاحاً لهذا النوع من الترجمة ، كما تسعى أيضاً لتوضيح الفرق بين الترجمة القانونية و الترجمة القضائية و الترجمة في المحاكم.

أسئلة البحث

- 1_ كيف يكون مسار عمل الترجمة بدءاً من مركز الشرطة وصولاً إلى قاعة المحكمة؟
- 2_ ماهي الصعوبات التقنية و المهنية التي يواجهها داخل رواق المحكمة؟
- 3_ ماهي السبل المأمولة و المساهمة في تحسين عمل المترجمان؟
- 4_ هل هناك فاصل واضح بين الترجمة الشفهية في المحاكم و الترجمة القضائية و الترجمة القانونية؟

فرضيات البحث

- 1_ نرى أن كل ما يتصل و يتعلق بالحالات القضائية انطلاقاً من مركز الشرطة وصولاً إلى رواق المحكمة يعتبر ضمن مجال ترجمة المحاكم و لا يدخل ضمن نطاق الترجمة القانونية إلا وصفاً.
- 2_ نفترض أن المترجمان يعاني من جملة من الصعوبات التقنية و المهنية تحد من جودة العمل الذي يقوم به.
- 3_ نفترض أن إشراك المترجمان في بناء منظومة قضائية متعلقة بالترجمة في المحاكم يمكنها أن تساعد في التقليل و الحد من الصعوبات التي يواجهها في الرواق القضائي.
- 4_ نفترض أن ترجمة المحاكم و الترجمة القانونية يتكاملان و لا يتعاوضان أي لا يحل أحدهما محل الآخر.

منهجية البحث

لتحقيق الأهداف المسطرة في هذا البحث اعتمدنا المنهج النوعي و المقاربة الوصفية كما استعنا بثلاث أدوات مختلفة في الدراسة و ذلك بتوزيع استبيان على تراجمة ورقلة و كذا تنسيق مقابلات معهم كما قمنا بحضور جلسات في قاعة المحكمة للتحقق عن قرب للحالات التي يتواجد فيها التراجمة خلال المحاكمة بالإضافة إلى تنسيق مقابلات مع ضباط الشرطة و قضاة و محامين.

ينقسم الاستبيان بدوره إلى خمس وحدات مختلفة ، الوحدة الأولى للمعلومات الشخصية للتراجمة ، أما الوحدة الثانية فهي مخصصة لمؤهلات الترجمان أما الوحدة الثالثة فكانت حول الصعوبات اللغوية التي يواجهها الترجمان أثناء عملية الترجمة الشفوية بينما الوحدة الرابعة تتناول أخلاقيات المهنة أما الوحدة الخامسة و الأخيرة فتسلط الضوء على الإجراءات المتخذة في قاعة المحكمة

و قد كانت المقابلات التي برمجت في الجانب التطبيقي عبارة عن لقاءات مع التراجمة و القضاة و المحامين و ضباط الشرطة في كل من ورقلة و حاسي مسعود و تقرت و ذلك بطرح مجموعة من الأسئلة عليهم تخص علاقتهم بالترجمان، لتناقش هذه الأسئلة لاحقا و من خلالها يتم استخلاص النتائج و تحليلها.

بالإضافة إلى حضور جلسات محاكمة بغية التعرف عن كثب على صيرورة المحاكمات التي يكون الترجمان حاضرا فيها و من خلالها يتم مراقبة عمله و الظروف المحيطة به و كذا الصعوبات التي قد يواجهها.

تصميم البحث:

ينقسم هذا البحث إلى فصلين رئيسين الفصل الأول يتناول الجانب النظري الذي يتحدث عن ثلاث نقاط رئيسية هي الترجمة القضائية و الترجمة القانونية و الترجمة في المحكمة و ما يحيط بها إجمالاً .

أما الفصل الثاني فيخص الجانب التطبيقي الذي بدوره يتطرق إلى المنهجية المعمول بها في جمع البيانات و مناقشتها و تحليلها و النتائج المتوصل إليها من خلال هاته البيانات و كذا الأدوات المستعملة و الأطراف المشاركة في ذلك و في آخر هذا الفصل نتطرق إلى جملة من التوصيات و المقترحات التي خلص إليها البحث في سبيل تحسين أداء الترجمة الشفوية في محاكم ورقلة.

دراسات سابقة

من خلال عملية البحث التي تمت في هاته الدراسة والتي اعترضتها بعض الصعوبات و ذلك للنقص الواضح و الجلي للمراجع التي تهتم بالترجمة الشفهية في المحاكم الجزائرية على وجه الخصوص إذ يعتبر هذا البحث الثاني من نوعه في الجزائر و في جامعة قاصدي مرباح بورقلة بعد العمل الأول الذي كان في سنة 2018 من طرف الطالبين عماري هاجر و عماري نجوى بعنوان "الترجمة الشفهية في المحاكم الجزائرية صعوبات و تحديات".

حدود الدراسة :

يتطرق هذا البحث لدراسة الترجمة الشفهية من نواحي عدة كعمل الترجمان و الصعوبات التي يواجهها خلاله و ما يُؤمل أن يتم اتخاذه لتذليل هاته الصعوبات و هذا ضمن إطار محدد و ضمن الحيز الجغرافي الذي يشمل ولاية ورقلة و المقاطعة الإدارية بتفرت و من خلال العدد المتوفر فقط من التراجمة و القضاة الذين سمحوا لنا بإجراء مقابلة معهم و كذلك مكاتب المحامين و مركزي الشرطة لكل من ورقلة و حاسي مسعود أين تم استقبالنا و السماح لنا بإجراء المقابلة .

الفصل الأول

1_ الترجمة القضائية

1_2_ نظرة عامة عن اللسانيات القضائية

لقد عرف العديد من اللسانيين و المنظرين اللسانيات على أنها الدراسة العلمية للغة تهدف إلى توضيح و تحليل بنية اللغة.

يتفرع مفهوم اللسانيات إلى فرعين أساسيين ألا و هما اللسانيات الوصفية و اللسانيات التطبيقية، تهتم اللسانيات الوصفية بدراسة بنية اللغة و مميزاتها بينما تدرس اللسانيات التطبيقية واقع اللغة و مشكلاته. إن اللسانيات القضائية هي جزء من اللسانيات التطبيقية حيث يهتم بدراسة العلاقة بين اللغة والقانون و مجرياته و كما أوضح جون اولسون بان الإجراءات القانونية تتجلى في ثلاث مراحل ألا وهي : المرحلة الاستقصائية (مرحلة التحقيق)، مرحلة المحاكمة و مرحلة الاستئناف .

1_3_ نشأة اللسانيات القضائية و تطورها

يعتقد علماء اللسانيات الغربيون بان أول ظهور لللسانيات القضائية كان في كتاب التوراة و ذلك عندما أراد الابن الأصغر لنبي الله إسحاق اخذ حق أخيه الأكبر فقام بتقليد صوته لتغليط أباه و اخذ حق أخاه و من هذا العرف المتداول لديهم يعتقدون بان الصوت من أهم الوسائل التي تستعمل للتمييز بين الأفراد و الذي يندرج تحت forensic linguistics يدخل هذا في إطار ما يسمى بـ "الصوتيات القضائية" و forensic phonetics "اللسانيات القضائية"

بينما أوضح كوتوريل(2003) إن أصل اللسانيات القضائية يعود إلى عهد الرومان و الإغريق و في الجهة المقابلة نجد إن العلماء المسلمين هم أول من تطرقوا لللسانيات القضائية و بدقة و كان ذلك في إثبات صحة سنن الرسول محمد صلى الله عليه و سلم. ولقد قام مؤخرا كل من جورج شوي و زملاؤه بوضع المبادئ الأساسية لللسانيات القضائية .

1_3_ الترجمة القضائية

تعتبر الترجمة القضائية فرعا من فروع علم الترجمة كما تكتسي أهمية بالغة في السياقات القانونية و التحقيقات كونها تساهم بشكل كبير في تحقيق العدالة ذلك إن الترجمة يستأنس بهم القضاة في معرفة مآرب الممتثلين أمام الجاهلين منهم للغته (سيديغ و محمد،ص.171-180) فالترجمان يلعب دورا هاما في قاعة المحكمة كونه الجسر الرابط بين أعضائها ممن لا يفقهون بعضهم بعضا و هنا و جب أن يكون الترجمان ذا كفاءة عالية تؤهله لان ينقل الرسالة و مقصدها بدقة فيصقل ماكان غير لائق منها (ضمن إطار محدد و ضيق) و يحافظ على ما كان معبرا و وافيا منها و الأخذ بعين الاعتبار ثقافة اهل تلك اللغة و فكرهم و نظامهم القانوني الخاص أيضا.

1_4_ الترجمة الشفوية في المحاكم

يتعلق مصطلح الترجمة الشفوية في المحاكم بالترجمة القانونية ، الشرعية و القضائية في حالات معينة تدعى "محكمة القانون" كما يشما المقابلات التي تتم في أقسام الشرطة (ميكلسون،2000). وكما صرح (صامويل،2015) بأنه قد يحدث أن الأشخاص المتواجدين في قاعة المحكمة قد لا يفهمون بعضهم بعضا و هذا يؤدي إلى نقص التفاعل و التواصل فيما بينهم بسبب حاجز اللغة فيستجدون بالترجمان حتى يتم التواصل بينهم و تبلغ رسالة كل منهم للآخر.

1_5_ تاريخ الترجمة الشفوية في المحاكم : إن تاريخ الترجمة الشفوية في المحاكم ليس بالبعيد ذلك انه بدأ فعليا بمحاكمة نورنبيرغ الشهيرة و التي كانت بين نوفمبر 1945 و أكتوبر 1946 و طوكيو جوان 1946 و نوفمبر 1948 فكان لهاتين التجربتين دورا هاما في إبراز ترجمة المحاكم و تطويرها.

1_6_ دور الترجمة في المحاكم

إن دور الترجمة يختلف من نظام قانوني إلى آخر و من دولة إلى أخرى نظرا لعوامل مختلفة ففي بعض الدول ليس من الضروري اعتماد ترجمان رسمي أثناء المحاكمة فيكتفون بمن يفهم لغة المتحدث من العوام، بينما تعول بعض الدول على محامين يتكلمون أكثر من لغة ففي الدانمارك مثلا عندما يتم استدعاء سائح ألماني بصفته شاهد عيان لحادثة ما يتوجب هنا الاستعانة بمحام يتكلم اللغة الألمانية، ولكن مؤخرا أصبح وجود الترجمة أمرا ضروريا بل و أصبحت مهمة الترجمة أكثر من ترجمة الكلمات فتعدتها إلى ترجمة شاملة لكل الجوانب اللغوية و كذا الاجتماعية و خاصة عندما يتعلق الأمر بنظام قانوني مختلف عن ذلك المعتمد في تلك الدولة.

إذن فدور الترجمة هو كسر الحواجز بين مختلف اللغات و ليس فقط تبليغ المعنى الذي بدوره هو الآخر يتطلب تحري الدقة و الصدق و الأمانة و نقل الخطاب اللغوي كما هو من كلام و أسلوب و كذا نبرة الصوت و التوقيفات و التحفظات دون إغفال أي حركة من شأنها التأثير على معنى الكلام و مقصده.

1_7_ أنماط الترجمة الشفوية في المحاكم

تشير الدراسات التي تعنى بترجمة المحاكم إلى أن الترجمة يؤثران بدورهم و بطرق مختلفة و هذا عائد إلى عدة عوامل أبرزها كفاءة الترجمة و ظروف عمله و كذا أخلاقيات المهنة و البرامج التدريبية الخاصة كما لنمط الترجمة المستعمل أثناء المحاكمة تأثير على مجرياتها فميز المنظرون و اللغويون أنماط عدة أبرزها : الترجمة الفورية، الترجمة التعاقبية، الترجمة المنظورة، الترجمة بالهمس، و كذلك الترجمة عن بعد. فكل نمط من هذه الأنماط يستعمل حسب ما يتطلبه السياق. (اندرو، 2006).

2_ الترجمة القانونية و الترجمة الشفوية في المحاكم

إن الترجمة علم قائم بذاته فهو يغطي ميادين مختلفة كالطب و علم النفس و الأدب و القانون، و الترجمة القانونية بذاتها تحوز على مكانة عالية و قدر كبير من الاهتمام و ذلك لأثرها البالغ على المجتمع و بسبب طبيعتها المعقدة نوعا ما. تعرف (تساو، 2007) الترجمة القانونية على أنها نوع من الترجمة التقنية تُعنى بتقديم نص قانوني من اللغة الأصل إلى اللغة الهدف و تتطلب لغة قانونية أو لها علاقة بالقانون و العملية القانونية ككل. في الجهة المقابلة نجد أن الترجمة الشفوية في المحاكم تُعنى بالترجمة المنطوقة لخطاب ما من لغة إلى أخرى في مقام قانوني (إدوارد، 1995).

2_1_ تعريف القانون

للقانون تعريفات عدة حسب ما وجد في مختلف القواميس و المعاجم و الكتب التي تهتم بالقانون ولكن كلها تجتمع في نقطة واحدة و هي ان القانون هو النظام الذي يحكم المجتمع و ينظمه و عبارة على مجموعة من القواعد التي تنظم سلوك الأفراد و العلاقات التي تربطهم و ذلك بإلزامهم على إتباع هاته القواعد و احترامها.(شويطي، 2017).

2_2_ تعريف النص القانوني و أنواعه

للنص القانون القانوني تعريفات عدة، حسب (تيرسما) هو نمط يختلف عن غير من أنماط النصوص الأخرى فهو ذو وظائف متعددة إذ أنه يسطر حقوق الأفراد و المؤسسات، يعدلها أو يبطلها. و للنص القانوني ثلاثة أنواع و هي: النصوص المعيارية، النصوص القضائية، و النصوص الأكاديمية.

2_3_ مفهوم لغة القانون و خصائصها

لقد اقترح تيرسما، 1999، تعريفا للغة القانون فقال: إن لغة القانون لغة متفردة عن غيرها أو كما إصطلح عليها أنها لغة فرعية لها موضوعها، قواعدها ودلالاتها الخاصة التي قد لا تصلح لغيرها من اللغات الأخرى فلغة القانون هي مجموعة معقدة نوعا ما من الاعراف اللغوية التي تم تطويرها عبر الزمن واضطلع بها أهل القانون لإستعمالها في مقامها المناسب. (موريتشي) للغة القانون خصائص عدة بما فيها الخصائص المعجمية، النحوية والبراغماتية وكذا أسلوبها الخاص تماشيا ومتطلبات القانون فنجد أن المعجم القانوني يظم قدرا كبيرا من المصطلحات اللاتينية القديمة وكلمات تتطلب معاني قديمة جدا أما عن الجانب النحوي فهو ذو أسلوب موضوعي يضم جملا معقدة وطويلة نوعا ما كما أساليب النفي والنهي والأمر. إضافة إلى ذلك الميزة البراغماتية للغة القانون والتي تتجلى في الريبة والغموض.

2_4_ مفهوم الترجمة القانونية وخصائصها

ليس بالأمر الهين إيجاد مفهوم محدد وموحد للترجمة القانونية وذلك عائد إلى طبيعتها المعقدة حيث يعرفها بوكيه على أنها ترجمة تقنية متخصصة تشمل كل ما يتعلق بالقانون كما تتطلب مهارات عالية كونها عملية إصطلاحية بالدرجة الأولى (شويطي، 2017).

للترجمة القانونية خصائص معينة تميزها عن غيرها من الترجمات الأخرى . فهي تتميز بطبيعة الخطاب القانوني والذي يحدث تأثيرا نظرا للأحكام الصادرة عنه، كما تمتاز الترجمة القانونية بإرتباطها بنظام قانونيا ما، إضافة الى ذلك فهي تحمل طابع النزاهة والوفاء أو كما أصبح يطلق عليه بالتكافؤ، فالنص في اللغتين يجب أن يكون متكافئا من كل النواحي. كما تتميز الترجمة القانونية أيضا بالغموض والتفسير ذلك أنها لها بلاغتها الخاصة وكون الترجمة القانونية غامضة فهي تتطلب التفسير حتى ينزاح الغموض.

2_5 أهداف الترجمة القانونية

للترجمة القانونية ثلاث أهداف أساسية وهي:

_ الهدف المعياري: وغايته إنتاج نص قانوني متشابه إلى حد كبير في القضاء متعدد اللغات.

_ الهدف الإخباري: ويشمل ترجمة القوانين الأساسية وقرارات المحكمة إذا كانت الغاية منه إيصال المعلومة للقارئ الهدف.

_ الهدف القانوني والقضائي العام: وغايته وصفية كترجمة المرافعات والاتفاقيات (نفس المرجع).

2_6 صعوبات الترجمة القانونية

تتجلى صعوبات الترجمة القانونيين في نوعين وهما: صعوبات شكلية وأخرى موضوعية، أما عن الصعوبات الشكلية فهي: توحيد القوانين، اختلاف القوانين، القوانين المتغيرة. أما عن الصعوبات الموضوعية فهي تشمل المصطلح القانوني، المختصرات، الاختلافات الثقافية والعقائدية (نفس المرجع).

2_7 أهمية الترجمة القانونية

للترجمة القانونية أهمية بالغة على كلا الصعيدين المحلي والدولي فهي تساهم في تحقيق العدل والمساواة بين الأفراد محليا كما توحد القوانين بين الدول ذلك أن كل دولة لم يعد بإمكانها سن قوانينها الخاصة دون الرجوع الى القوانين الدولية.

2_8 الاختلاف بين الترجمة القانونية والترجمة الشفوية في المحاكم

الترجمة القانونية وترجمة المحاكم الشفوية مصطلحان لا يمكن الخلط بينهما ذلك ان الترجمة القانونية تعنى بترجمة أي مضمون كان قانونيا أو غير قانونيا بواسطة مترجم محلف ومعتمد وتختتم بختمه بينما المفهوم السائد هو أن الترجمة القانونية هي ترجمة كل ما يتعلق بالقانون وهذا غير صحيح ذلك أن بمقدور أي شخص كان متقن للغة ما الترجمة منها وإليها. وفي الجهة المقابلة نجد أن الترجمة الشفهية في المحاكم تتعلق إلى حد كبير بكل ما هو قضائي وكل ما يتعلق بشؤون المحكمة فالترجمان يترجم للقاضي، ولوكيل الجمهورية، ولضابط الشرطة بغض النظر عن المحتوى ولذلك لغرض قضائيا.

إن الاختلاف المذكور أعلاه كان نتاج بحثنا هذا، فاتضح لنا جليا بأن الترجمة القانونية والترجمة الشفهية في المحاكم أمران لا يقبل أحدهما تعويض الآخر أو أن يحل محله. ونضيف هنا بأن " الترجمة القانونية" قد يقصد بها ترجمة قانونية التي تخص ترجمة كتب القانون وما يتعلق به وقد يقصد بها أيضا " ترجمة رسمية" وهي ترجمة صادرة عن هيئة محلفة ومعتمدة تحمل ختما معتمدا بغض النظر عن المحتوى المترجم.

3_ في المحكمة

من خلال دراستنا للترجمة الشفهية في المحاكم تطرقنا إلى أطراف مختلفة في سلك القضاء كانت لها علاقة تربطها مع الترجمان المعتمد لدى المحكمة بطريقة مباشرة أو غير مباشرة

3_1_ المحكمة

هي مقر يتم فيه التقاضي بين المختصين، وهي في شقها المدني تتبع السلطة القضائية التي يفترض أن يكون لها استقلاليتها ضمن سلطات الدولة الثلاث.

3_2_ الترجمان

هو من يقوم بعملية الترجمة الشفهية بين الأطراف المعنية في المحكمة في حال ما لم يتمكنوا من التواصل فيما بينهم. ويزاول المترجم_الترجمان الرسمي مهامه بعد تعيينه بقرار من وزارة العدل بعد إستوفائه لشروط المسابقة الوطنية وأداء اليمين أمام المجلس القضائي التابع له ويرتدي الترجمان داخل قاعة المحكمة لباسا خاصا للترجمة. يقدر عدد التراجمة ككل بحوالي ألف مترجم أما في ولاية ورقلة فيقدر ب 16 مترجما. أما عن لغات الإختصاص المتوفرة فهي العربية، الفرنسية، الانجليزية، الألمانية، الايطالية، الإسبانية والصينية. وجاء في الجريدة الرسمية وطبقا للأمر 95_13 المؤرخ في 11_3_1995 " أن الترجمان هو ضابط عمومي حيث يمارس مهنته لحسابه الخاص وتحت مسؤوليته ويسأل الترجمة الرسميون عن المسائل الخاصة بتسيير مكاتبهم".

3_3_ القاضي

جاء في معجم أكسفورد" أن القاضي هو ضابط عمومي يتم تعيينه لكي يقرر ويفصل النزاعات في المحكمة". وتحدد مهامه وشروط تعيينه طبقا للقانون العضوي رقم 04_12 المؤرخ في 06_06_2004.

3_4_ المحامي

جاء في الجريدة الرسمية وطبقا للقانون رقم 13_07 المؤرخ في 29 أكتوبر 2013 ما يلي: " المحاماة مهنة حرة ومستقلة تعمل على حماية وحفظ حقوق الدفاع وتساهم في تحقيق العدالة واحترام مبدأ سيادة القانون"

3_5_ المتهم

جاء في معجم كامبريدج" أن المتهم هو شخص أو مجموعة من الأشخاص المذنبين بسبب جريمة ما ويتم مقاضاتهم في محكمة قانونية"، قد يكون المتهم شخصا طبيعيا أو اعتباريا.

الفصل الثاني

1_ تحليل نتائج الدراسة

يتضمن الفصل الثاني من الدراسة العمل التطبيقي و الذي تمت من خلاله دراسة استقصائية لواقع محاكم ورقلة و كذا المراحل التي مرت بها هذه الدراسة للحصول على البيانات المطلوبة و الأدوات المستعملة لذلك وهي استبيان و مقابلات للتراجمة و مقابلات لقسم الشرطة و مقابلات للقضاة و المحامين. أما عن

الاستبيان فهو مقسم لخمس وحدات : الوحدة الأولى تشمل المعلومات الديموغرافية للتراجمة كجنس فشملت مؤهلات الترجمان و سنه و شهاداته و اللغات التي يترجم بها و سنوات الخبرة، أما الوحدة الثانية الترجمان والوحدة الثالثة تخص الصعوبات اللغوية التي يتعرض لها الترجمان أثناء عملية الترجمة والوحدة الرابعة كانت حول أخلاقيات المهنة والوحدة الخامسة فهي تتضمن الإجراءات المتخذة في المحكمة وكانت الإجابة على هاته الأسئلة تكون إما بخيارات مقترحة أو "بنعم" أو "لا" أو ب"أبدا" ،"غالبا"، "أحيانا".

2_ عينة الدراسة

استهدفت هذه الدراسة ستة تراجمة محلفين رسميين من ولاية ورقلة، وهذه الدراسة هي الثانية من نوعها في الجزائر كما سلمت استبيانات شخصيا للتراجمة وكانت الإجابة عليه مباشرة، كما كان عدد الذكور 5 والإناث 1 أما عن أعمار المترجمين فهي تتراوح بين 30 و 50 سنة، 2 منهم فوق الثلاثين و3 منهم فوق سن الأربعين وواحد فوق سن الخمسين. أما عن اللغات المستعملة في الترجمة في محاكم ورقلة من طرف التراجمة الرسميون فهي العربية والفرنسية والانجليزية. أما بخصوص المستوى التعليمي للتراجمة فإن اثنان منهم متحصلان على شهادة لسانس في الترجمة، واثنان آخران متحصلان على شهادة الماستر في الترجمة واثنان آخران متحصلان على شهادة الدكتوراه في الترجمة. أما فيما يخص سنوات الخبرة للتراجمة فهي تفوق العشر سنوات إلى خمسة عشرة سنة عند اغلبهم أما عن عدد القضايا التي ترجمت من طرف هؤلاء التراجمة فقد أجاب 3 منهم بأنهم تجاوزوا حدود المائة قضية وأجاب ترجمان

آخر بأنه تجاوز 40 قضية في مساره المهني بينما أجاب آخر أنه لا يقدر عدد الحالات التي ترجمها إلا أن مساره المهني بدأ في 2005.

2_1_ مؤهلات الترجمان

عندما سألنا الترجمة عن التدريب الذي تلقوه عند بداية ممارستهم لمهنة ترجمان رسمي أجاب 17 % أنهم تدربوا من خلال التدريب الجامعي وما درسوه في الجامعة بينما اجب 33 % أنهم تدربوا بأنفسهم وبمجهودهم الخاص من خلال الممارسة وأجاب 50% أنهم تلقوا تدريباً خارجياً بواسطة معاهد أخرى غير الجامعة.

عندما سأل الترجمة عن الدروس التي تتعلق بالترجمة القانونية في الجامعة أجاب أغلبهم إلا واحد منهم أنهم لم يتلقوا دروس أو مقاييس تخص القانون أو الترجمة القانونية كما أعرب جلهم على أن ما تلقوه من دراسة في الجامعة لم يكن كافياً لولوج مهنة ترجمان رسمي إضافة إلى ذلك فإن أغلب الترجمة غير راضيين عن ما يتلقاه المترجم من تدريب في الجامعة ذلك أن مقاييس الترجمة التي تدرس ليست متخصصة وإنما هي ترجمة عامة.

2_2_ الصعوبات اللغوية التي يواجهها الترجمان

عندما سألنا الترجمة عن كيفية تعاملهم مع المصطلحات التقنية البحتة أجاب 83 % منهم أنهم يترجمون حرفياً ثم يبسطون الكلمة، بينما أجاب 17 % منهم أنهم يبسطون المعنى مباشرة دون نقل حرفي للكلام.

أما عن تعامل الترجمة مع المصطلحات التقنية المتخصصة والصعوبات الناجمة عن ذلك فقد أجاب واحد منهم بأنه لم يواجهها إطلاقاً خلال مساره المهني بينما أجاب 4 ترجمة بأنه أحياناً ما يواجه مصطلحات تقنية صعبة في حين أجاب أحدهم بأنه كثيراً ما يواجه مصطلحات تقنية ومتخصصة.

أما بخصوص النطق السيئ والتردد في الكلام للمتحدث أثناء المحاكمة وتعاملهم مع ذلك فقد أجمع الترجمة على أنهم يصبون جل اهتمامهم على المعنى العام لما يقوله المتحدث.

عند وجود كلمات لها أكثر من معنى فإن الترجمة يلجؤون لطريقتين إما محاولة توضيح المعنى الأساسي أو إخبار القاضي بأن الكلمة تحمل أكثر من معنى.

في حال صدرت أسئلة غامضة نوعاً ما من المحامي ولم يستوعب المتحدث كلامه فيلجأ الترجمة إلى حلين وهما: إما توضيح المعنى أو أنهم يطلبون من المحامي توضيح السؤال.

2_3_ أخلاقيات المهنة

عندما طرحنا على المترجمة فكرة تعاطفهم مع المدعى أو المدعى عليه ووقوفهم لجانبه فقد أجاب نصفهم بأنهم لا يفعلون ذلك إطلاقاً بينما أجاب 33 % أنه غالباً ما يحدث ذلك أما 17 % الآخرون فقد صرحوا بأن هذا يحدث أحياناً.

أجاب المترجمة على السؤال الذي يخص مدى صدق ترجمتهم للشخص الذي يعلمون أنه مذنب فقد أجاب أغلبهم بأنهم يقومون بالترجمة بكل شفافية مهما كانت صفة المدعى عليه في حين أجاب آخر أنه يعترض ترجمة ذلك .

في حال كانت لهجة المتحدث صعبة الفهم قال 67 % من المترجمة أنهم يحاولون الترجمة في حين أجاب 33 % أنهم يعتذرون عن الترجمة وينسحبون.

2_4_ إجراءات المحكمة

_ النمط المستعمل في الترجمة في المحاكم: الترجمة التعاقبية بنسبة 83 % والترجمة الفورية بنسبة 17 % وهما النمطان الأكثر استعمالاً في محاكم ورقلة.

_ النمط الذي يفضلته المترجمة هو الترجمة التعاقبية وهو بنسبة 67 % والترجمة الفورية 33 %.

_ فيما يخص الوقت والمعلومات المسبقة عن القضية قبل بدء الترجمة أجاب اثنان " بنعم" في حين أجاب أربعة ب" لا".

_ بالنسبة للسماح للمترجم بالتحدث مع الشاهد أو المدعى أو المدعى عليه قبل الشروع في الترجمة أجاب واحد " بنعم" وفي حين أجاب ثلاثة ب" لا"، وأجاب اثنان بأن هذا عائد إلى نوع القضية.

_ فيما يخص الحد الأقصى للوقت المخصص لترجمة أجاب المترجمة انه لا يوجد وقت محدد فهم يترجمون لساعات متواصلة وقد يصابون بالإرهاق أحياناً في حين لم يجب واحد منهم على هذا السؤال.

_ سألنا المترجمة عن كانوا يطلبون وقتاً للراحة فأجاب كلهم ب" لا".

_ كما سألنا المترجمة إذا كانوا راضيين بالأجر المدفوع لهم قبيل ترجمتهم في المحكمة فأجاب كلهم

ب" لا" لأنهم لا يتقاضون أجراً مقابل ذلك فهم يترجمون لأنهم يملكون ختم مترجم_ترجمان رسمي.

3_ تحليل نتائج مقابلة الترجمة

- ❖ أكبر المشاكل التي يواجهها المترجم أثناء عمله:
 - ↪ العمل دون مقابل
 - ↪ نقص البرامج التدريبية بمختلف أنواعها
 - ↪ سوء التوقيت وعدم وجود جدولة منظمة
 - ↪ بعض المشاكل اللغوية التي تتعلق بالشخص المترجم له أو عدم تمكنه من الفرنسية أو الانجليزية
- ↪ تحايل بعض المتهمين الأجانب وتهربهم من الإجابة
- ↪ عدم معرفة مسبقة بالقضية
- ❖ القدرة على استيعاب الخطاب:
 - ↪ لهذه الغاية يلجأ المترجم لعدة حلول وهي:
 - ↪ طلب إعادة الكلام
 - ↪ بذل جهد كبير لاستيعاب كل الخطاب
 - ↪ الاضطرار لأخذ رؤوس أقلام
- ❖ اخذ رؤوس أقلام:
 - ↪ يتم اللجوء إلى هذه الطريقة كحل في حال وجود أسماء وإحصائيات كثيرة وقد لا يسمح بأخذ رؤوس أقلام وهناك من لا يحتاج إليها بناتا من الترجمة.
- ❖ القواعد المطبقة على المترجم في المحكمة
 - ↪ اللباس الخاص بالمترجم
 - ↪ التعجيل بالقضايا التي تتطلب ترجمان والبدء بها
 - ↪ وقوف مترجمان في الصف الأول مع محاميين
- ❖ ما يجب على المترجم المبتدئ معرفته:
 - ↪ إتقان اللغة
 - ↪ الحضور العقلي الكامل للمترجم أثناء الترجمة
 - ↪ السرية المهنية
 - ↪ معرفة مهام كل الأطراف المتواجدة في المحكمة
 - ↪ عمل الترجمة في المحكمة عمل انتقائي
 - ↪ الإحاطة بالجانب القانوني للغة

◀ الاحتكاك بأهل الخبرة

❖ أصعب أنواع القضايا من حيث الإصغاء والترجمة:

القضايا الجرمية وقضايا الاعتداءات والصعوبة عادة تكون على مستوى اللغة أكثر من الموضوع .

❖ التعامل مع الكلمات اللأخلاقية:

◀ يتم التركيز عادة على المعنى وعدم نقل الكلمات اللأخلاقية للفاضي لأنها لا تؤثر على المعنى.

❖ توفير ما يتطلبه المترجم:

◀ لا يحض المترجم عادة بكل شيء.

❖ البرامج التدريبية الخاصة:

التراجمة لا توجد هناك برامج تدريبية خاصة تساعد المترجم في تحسين أداءه على جميع باتفاق الأصعدة.

❖ ما يجب معرفته عن الترجمة الشفهية في المحاكم:

الترجمة في المحاكم تساهم في تحقيق العدالة و إعادة الحقوق لأهلها.

الترجمة في المحاكم ليست فقط مجرد نقل للكلام فهي ترجمة شاملة لأنه عليها تتحدد حقوق الأفراد ومصائرهم.

ترجمة المحاكم هي عمل رسمي أقرته وزارة العدل للحفاظ على حقوق الأجانب وكل من لا يفهم لغة القضاء.

3_2_ تحليل نتائج مقابلة ضباط الشرطة

حسب قانون الإجراءات المدنية والإدارية فإنه لا يوجد مترجم_ترجمان رسمي لدى الشرطة فيتم اللجوء عادة إلى كل من يفهم لغة المدعي أو المدعى عليه.

_ عند قدوم المدعي أو المدعى عليه الأجنبي أو الذي لا يتكلم اللغة العربية يتم التواصل معه بواسطة أي شخص يفهم لغته ثم التعرف على هويته.

_ يقوم المترجم المستعان به بأداء اليمين ثم بعملية الترجمة.

_ قد يتم اللجوء إلى مترجم وسيط في حالة الضرورة.

_ تتم الترجمة تعاقبياً.

_ عادة لا يملك المترجم معلومات مسبقة عن القضية.

_ يتم تسجيل الأقوال وترجمتها كتابياً وفي بعض الحالات سمعياً وبصرياً.

_ لا يتم استدعاء مترجم آخر حتى وإن استمر التحقيق لساعات طويلة.

_ في حال غياب المترجمان قد يؤجل التحقيق.

_ يتم تقدير أتعاب المترجمان بواسطة ما يسمى بالتسخيرة.

3_3_ تحليل نتائج مقابلة المحامين

_ عادة لا يحتاج المحامين تراجعاً في مكاتبتهم إلا في حالات نادرة.

قد يتم استدعاء المترجمان لمكتب المحامي من طرف موكله.

_ يتم توفير مترجم وسيط عادة من طرف المحكمة إذا كانت هناك حاجة لذلك.

_ عادة لا توجد هناك أي علاقة بين المحامي والمترجم في قاعة المحكمة.

3_4_ تحليل نتائج مقابلة القضاة

_ القضاة الذين أجريت معهم المقابلات كانت لديهم خبرة كبيرة في المجال تفوق 10 سنوات عند الأغلبية منهم.

_ غالباً ما يتم استدعاء المترجمين وذلك حسب الحالات التي تستدعي ذلك.

_ لا تعطى معلومات مسبقة عن القضية للمترجم.

_ عادة يتم العمل مع مترجم واحد حتى وإن امتدت لقضية لساعات طويلة.

_ تأجل القضية في حال غياب المترجم.

_ تتم الترجمة تعاقبياً في المحكمة عادة.

_ قد يتم تنبيه المترجم في حال الخطأ من طرف القاضي.

_ المترجم هو خبير يستأنس به القاضي لمساعدته في القضية.

_ على المترجم أن يكون صادقاً ونزيهاً.

الخاتمة

يسلط هذا البحث الضوء على واقع الترجمة الشفهية في المحاكم، مجلس قضاء ورقلة أنموذجاً، و يتطرق كذلك إلى توضيح المفهوم السائد الذي يرى عدم وجود اختلاف بين الترجمة القانونية و الترجمة القضائية و كذا الترجمة الشفهية في المحاكم، مع دراسة شاملة نوعاً ما لهذه الأخيرة و كل ما يحيط بمسار عمل المترجمان بدءاً من مراكز الشرطة وصولاً إلى قاعة المحكمة و من ثم الصعوبات التي يواجهها على مختلف الأصعدة و كذا السبل المتبعة لتحسين عمله و المضي قدماً بالترجمة الشفهية في المحاكم إجمالاً .

عند سبر أغوار الترجمة التي تتم في المحاكم وُجد بأن هناك مفهوم سائد و غير صحيح يرى بأن لا يوجد فرق ملموس بين كل أنواع المترجم التي تمس القانون سواء كانت قضائية أو قانونية أو تلك التي

تكون مجرياتها في قاعة المحكمة. لكن النتائج التي خلّصت إليها هذه الدراسة أثبتت عكس ذلك، إذ أن هناك اختلاف واضح بين هاتاه المسميات الثلاث.

بالإضافة إلى تتبع مسار عمل المترجمان المعتمد لدى المحكمة الذي لا يقتصر فقط على الترجمة أثناء المحاكمة بل يبدأ من التحقيق الذي يُجرى في مراكز الشرطة و قد يُستدعى المترجمان لمكتب المحامي من طرف المدعي أو المدعى عليه لتمكينه من التواصل مع المحامي و فهم القضية جيدا قبل المرافعة و من ثم الولوج لقاعة المحكمة و الترجمة لهيئتها و كذا أطراف النزاع و ما يحيط بذلك من صعوبات و مشاق من أجل نقل الرسالة بأمانة لأن هذه الترجمة تتوقف عليها مصائر الأفراد و بها تُرد حقوقهم أو تضيع. من خلال نتائج الدراسة تلخصت الصعوبات في نقص البرامج التدريبية التي من شأنها تحسين كفاءة المترجمان، عدم وجود جدول محدد للقضايا و الإخطار بها في وقت وجيز، و كذا الأجور المتدنية و الاستهانة في تقدير عمل الترجمة ماديا و معنويا و المشاق المُنجرة عنها كما لا بد من التطرق إلى السبل و الطرائق الواجب العمل عليها كوضع برامج تدريبية ذات فعالية و وضع جدولة منظمة و التشهير بمكانة الترجمة و أهميتها في المجتمع لتحسين و تسهيل عمل المترجمان و تذليل الصعوبات التي تحول دون المضي قُدما نحو مستقبل أفضل للمترجمان على وجه خاص و للترجمة في المحاكم على وجه عام.