

PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA MINISTRY  
OF HIGHER EDUCATION AND SCIENTIFIC RESEARCH



KASDI MERBAH UNIVERSITY– OUARGLA

Faculty of Letter and Languages

Department of Letters and English Language



Dissertation

Academic Master

Domain: Letters and Languages

Major: Translation Arabic-English-Arabic

Title

*Examining the Challenges of Legal Court  
Interpreters*

*With Immigrants in Algeria.*

*Ouargla Jurisdictions*

Submitted in Partial Fulfillment of the Requirements for the Degree of

Master in Translation

Evaluated on: 19<sup>th</sup> /06/2021

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Academic year: 2020/2021



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وزارة التعليم العالي والبحث العلمي  
جامعة قاصدي مرباح – ورقلة  
كلية الآداب و اللغات  
قسم الأدب و اللغة الإنجليزية



الميدان: الآداب و اللغات

اختصاص: ترجمة عربي-انجليزي-عربي

مذكرة مقدمة لاستكمال متطلبات نيل شهادة الماستر بعنوان:

دراسة تحديات المترجمين المعتمدين لدى المحاكم مع المهاجرين  
في الجزائر.  
الجهات القضائية بورقلة.

تم تقييم المذكرة بتاريخ: .../.../...

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الموسم الدراسي: 2021/2020

## Abstract:

Like many other specialities, court interpreting is very complex and requires high skills in general, and accuracy at work and competencies in particular, these competencies qualify interpreters to perform their task to the fullest in both technical and professional dimensions. The involvement of highly qualified official interpreters in court to effectively accomplish their tasks, significantly contributes to the correct application of the law, and has become essential. This research examines the profession of court interpreting in Algeria, highlighting and discussing the role of the court interpreter in developing the profession into a way of ensuring the correct implementation of the law, as well as the difficulties and challenges they face while performing their duties with both legal and illegal immigrants, and the efforts devoted to overcome these difficulties; taking into account that Algeria is undergoing a significant increase in the percentage of immigrants as a part of its economic and business openness on the other communities of the world. To obtain the intended objective of this work an examination was done using reliable resources and a survey questionnaire as an instrument to collect data. The scope of this study includes all the official sworn translators-interpreters working in Ouargla region courts. The findings showed considerable difficulties, such as the immigrants' poor linguistic knowledge, lack of background information and lengthy investigations; the procedure to overcome them is the development of clear plans and strategies that will contribute to improve the court interpreting quality and the raise of interpreters' competencies.

**Keywords:** *Court interpreting, immigrants, Ouargla jurisdictions, official sworn translators-interpreters.*

## المخلص

على غرار العديد من التخصصات الأخرى ، فإن الترجمة الشفهية يشوبها نوع من التعقيد و تستدعي الالمام بأمر كثيرة، كما تتطلب مهارات عالية بشكل عام، والكفاءة و الدقة في العمل بشكل خاص، هذه الكفاءات تؤهل المترجمين الشفويين لأداء مهمتهم على أكمل وجه على البعدين الفني والمهني. كما أن إشراك المترجمين الشفويين المؤهلين في المحكمة لإنجاز مهامهم بفعالية، يعد ضروريا كونه يسهم بشكل كبير في التطبيق الصحيح للقانون. تسعى هذه الدراسة للبحث في مهنة الترجمة الشفهية في المحاكم في الجزائرية ، كما تسلط الضوء على دور المترجم الرسمي المحلف في تطوير المهنة إلى وسيلة لضمان التنفيذ الصحيح للقانون.تنقضى هذه الدراسة الصعوبات والتحديات التي يواجهها المترجم الرسمي أثناء أدائه لواجباته مع كل من المهاجرين الشرعيين والغير الشرعيين، و تسلط الضوء على الجهود المكرسة

للتغلب على هذه الصعوبات كما تقدم الباحثتان توصيات عملية بهذا الصدد؛ مع الأخذ بعين الاعتبار أن الجزائر تشهد زيادة كبيرة في نسبة المهاجرين كجزء من انفتاحها الاقتصادي والتجاري على المجتمعات الأخرى في العالم في الفترة الأخيرة. و بهدف بلوغ الغاية المرجوة من هذا العمل تم البحث مليا في هذا الصدد بالاستعانة بمصادر موثوقة وكذا الاستعانة باستبيان كأداة لجمع البيانات. يشمل نطاق هذه الدراسة جميع المترجمين الرسميين المحلفين في محاكم ولاية ورقلة و ما جاورها. وأفصحت النتائج عن وجود صعوبات متعددة ، مثل ضعف المعرفة اللغوية للمهاجرين ، ونقص المعلومات الأساسية والتحقيقات المطولة؛ أما الإجراء المتبع للتذليل هذه التحديات يتمثل في وضع خطط واستراتيجيات واضحة من شأنها أن تسهم في تحسين نوعية الترجمة الشفوية في المحاكم ورفع كفاءة المترجمين الشفويين.

*الكلمات المفتاحية: الترجمة الشفهية في المحاكم، المهاجرين، الجهات القضائية بورقلة، الترجمة الرسميون المحلفون.*

## Résumé

Comme beaucoup d'autres spécialités, l'interprétariat est très compliqué et nécessite une certaine connaissance aux différents sujets en général, et une précision au travail et des hautes compétences en particulier, ces derniers permettent aux interprètes de s'acquitter pleinement de leur tâche, au niveau technique et professionnel. L'implication d'interprètes officiels hautement qualifiés dans les tribunaux est devenue très essentielle, comme elle contribue d'une manière significative à l'application correcte de la loi. Cette étude examine la pratique de l'interprétation judiciaire en Algérie, en mettant en évidence et en discutant le rôle de l'interprète judiciaire dans le cadre juridique et dans le développement de la profession en tant que moyen d'assurer la bonne application de la loi, ainsi que les difficultés rencontrées dans le milieu de travail. Les difficultés et les challenges auxquels ils sont confrontés dans l'exercice de leurs fonctions avec les immigrants légaux et illégaux. En outre, il fournit des recommandations pratiques à cet égard et les efforts déployés pour surmonter difficultés; en tenant compte du fait que l'Algérie connaît une augmentation significative du pourcentage d'immigrants à cause de son ouverture économique et commerciale sur les autres communautés du monde. Pour atteindre les objectifs visés par cette recherche, un examen approfondi a été effectué en adoptant également des ressources authentiques et un sondage en ligne comme instrument pour collecter de données. Le champ d'application de cette étude couvre tous les traducteurs-interprètes assermentés travaillant dans les tribunaux de la région d'Ouargla. Les résultats montrent que la négligence linguistiques des immigrants, le manque d'informations de base et les enquêtes de longue durée sont les problèmes les plus difficiles rencontrés par les interprètes judiciaires la procédure pour les surmonter consiste à élaborer

des plans et des stratégies clairs qui contribueront à améliorer la qualité de l'interprétation au niveau des tribunaux et l'augmentation des compétences de l'interprète.

**Mots-clés:** *Interprétation judiciaire, immigrants, l'interprétation judiciaire, juridictions d'Ouargla, traducteur- interprètes assermentés officiels.*

# *Dedication*

*Hi, Mom!*

*\*waves\**

*This is for you, Thanks for always being there for me. And  
for Couscous every Friday.*

*To my homegirls*

*To whom we love*

*For their advice, their patience and their faith*

*Because they always understood.*

*Lyna*

## *Dedication*

*I dedicate this work to:*

*My beloved parents Mr. Ahmed, Mrs Nissa*

*My sisters Ahlame and Nermine*

*My brother Abdelhak*

*In the memory of my grandfather Mr. Omar*

*My grandmothers and grandfather*

*All of my family members*

*My best friends*

*My teachers*

*♥This humble work is a sign of my love to you ♥*

*Chahínez*

## *Acknowledgements*

*First and foremost we are deeply indebted to our parents, who have always been there for us for all of the sacrifices, for the unconditional support, and for their prayers that sustained us throughout our lives.*

### *Prof. Dr. Djamel Goui*

*Our supervisor and academic mentor. It is with immense gratitude that we acknowledge his invaluable guidance and continuous support that carried us through all the stages of accomplishing our dissertation. One simply could not wish for a better or friendlier supervisor.*

*Also, we would like to express our full gratitude to the board of examiners for proofreading.*

*We are extremely thankful to Dr. Ahmed Nouredine BELARBI for generously sharing his expertise and insights, and for his helpful discussions.*

*Furthermore, we express our deepest appreciation and gratitude to all our teachers for their keen interest and invaluable support, to the English section personnel and to everyone whose assistance was a milestone in the completion of this project.*

*And lastly, a debt of gratitude is owed to all the court interpreters who participated in this research. Without them, this research will not be possible.*



## List of Abbreviations

**L:** Listening and analysis effort

**M:** Memory effort

**P:** Production effort

**C:** Coordination effort

**P:** Production effort

**SI:** Simultaneous Interpreting

**L1:** First Language

**L2:** Second Language

**SL:** Source Language

**TL:** Target Language

**ESIT:** École Supérieure d'Interprètes et Traducteurs

**IOM:** International Organization of Migrants

**NAATI:** National Accreditation Authority for Translators and Interpreters

**N&E:** New and Emerging

**PD:** Professional Development

**DNA:** Deoxyribonucleic Acid

**MRA:** Magnetic Resonance Angiography

**ID card:** Identity Document card

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# Introduction

## Background

The first idea that specifically attracted us to this research field is that in our globalized world a greater diversity of languages came in touch and different languages are spoken. In court procedures, fundamental justice requires the ability of each participant to understand and communicate effectively.

When judges, lawyers, and defendants are unable to connect with one another, the judiciary authority quickly comes to a standstill. This is all too common, because many courts lack the interpreters needed to preserve justice, even if they do have them, in a country with both non-speakers and limited speakers of a given language, and with a large number of immigrants from different ethnicities, multicultural societies speaking a variety of languages. Court interpreters not only play a critical role, as they enable courts to collect the information accurately, to 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. However court interpreters have to undergo a lot of difficulties and pressure, without adequate communication, justice in the court system would be hard to achieve if not impossible. A non-speaker of the court system languages can neither answer questions nor give important details if a court interpreter is not there or not capable of help. Non-speakers of the court system languages defendants may not be able to understand why they are being tried. They cannot communicate either with their lawyer or with the interpreter, and they cannot explain to a judge who only speaks the court system languages why the charges against them are not valid. Even interpreters who know their job and are capable of doing it have difficulty understanding and interacting accurately in such a case; consider defendants who speak indigenous languages or have different accents. So what happens when a defendant needs a court interpreter, and none is available to help? The court date might be rescheduled. And if there are too many delays, the charges may eventually be dismissed. And this demonstrates the influence, sensitivity and importance of having an official interpreter and a flawless interpretation in the judicial body.

It is necessary to mention that, for the purpose of this research, the notion “Court Interpreting” will be used to mean the task that official translators-interpreters in Algeria perform as a part of their profession in courtrooms and investigations.

## **Statement of the Problem**

Algeria is currently experiencing a large influx of legal and illegal immigrants, which has led to an increase in numbers of immigrants entering the country, as a result, there are higher expectations of challenges ensuring a better life for them. Some of those immigrants are even involved in criminal offence, and have been transferred to the level of the court, where usually a judgment is issued against them, this being the main issue leads us to think about the reality of court interpreting process and the difficulties faced by court interpreters because it is noticed that there are a lot of problems that might be a result of an unfair judgment. Official interpreters who are fluent in the court system languages are making effort coping with immigrants of diverse cultures and dialects. In this case, the interpreter faces several challenges majorly related to the ethics of the practice and others. At the same time, seeking the best options for him/her in order to accomplish his/her duties in transmitting interpretation between the trial parties and ensuring success in the implementation of the law.

## **Significance of the study**

This work will be beneficial in terms of focusing on investigating the challenges that legal interpreters face when dealing with different ranges of immigrants in the court, together with implying recommendations to minimize them. As a result, this work will also contribute significantly in mitigating the challenges in the legal translation field. We see that the research will help us as learners and junior researchers in applying the methods and tools that we have acquired during our academic career, as well as putting our efforts and inspiration into words.

## **Aims of the study**

The main purpose of this work is to highlight on the reality of interpreting inside courtroom, and to provide a direct and truthful description of the various challenges that the official interpreter may encounter working with immigrants in Algeria generally and Ouargla region specifically. The study focuses on identifying and discussing the challenges official interpreters face in courts and investigations when interpreting for both legal and illegal immigrants. It also intends to analyse the basic aspects that influence the interpreting process. This study outlines court interpreting issues at the ethical, linguistic, professional, and cultural stages, reflecting a clearer image of the effect of interpreting and its role in the successful functioning of law along with looking for perspectives and effective methods for successful future interpretations.

## **Rationale:**

The principal reasons behind choosing this topic are:

- The lack of interest by some interpreters and linguists to the domain in Algeria, despite the value of court interpreting in contributing to justice achievement.
- To inspire more researchers to turnout to it by exploring what the profession faces in terms of facts and prospects in Algerian courts.
- Our curiosity to discover more about the field of court interpreting, and what the profession faces in terms of challenges in light of ensuring the correct functioning of law, after learning about the legislation field throughout majoring in translation studies.
- Our desire to shed light on court interpreting especially in Ouargla courts and to know what legal interpreters think about the challenges they face with immigrants and what solutions they adopt to overcome them.

### **Research Questions**

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

1. What difficulties do Algeria court interpreters face when dealing with immigrants?
2. What are the technical and professional difficulties the interpreters encounter in the work environment?
3. What are the key recommendations suitable for improving the practice of court interpreting in Algeria?

### **Hypotheses:**

1. It is assumed that the legal court interpreter encounters numerous challenges, including those related to dealing with different ranges of immigrants from various cultures around the world.
2. It is hypothesized that the court interpreter is competent in using suitable methods to overcome challenges that raise difficulties for him/her while performing interpretation in the courts.
3. It is assumed that the court interpreter plays an important role in facilitating communication between trial members and the fair functioning of the law.



## **Methodology**

To achieve the research goals, we have adopted a qualitative and descriptive method that uses a survey questionnaire comprising some interview questions as an instrument to collect the required data. These data are gathered from legal interpreters in Ouargla region.

## **Research Structure**

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

## **Literature review**

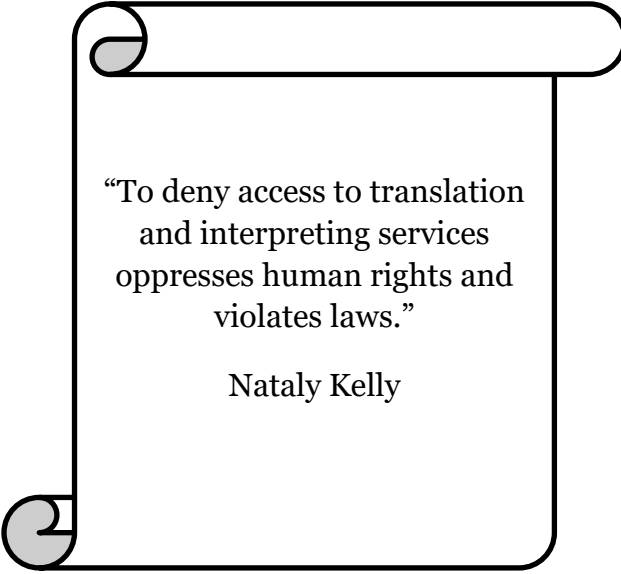
Due to the lack of previous studies and the absence of references, this study faced several challenges. In terms of tackling the challenges of legal court interpreters the current work is considered the third one in Algeria and at the University of Kasdi Merbah Ouargla after the first one done by Ammari Hadjer and Ammari Nadjoua entitled Court Interpreting in Algeria difficulties and challenges, and the second one done by Messaouda Belhachani and Roumaissa Barka entitled Court interpreting in Algeria reality and perspectives. With regard to dealing with the immigrants in Ouargla region and the difficulties court interpreters face with them, this work is considered to be the first of its kind in Algeria and at the University of Kasdi Merbah Ouargla.

## **Limitation of study**

This research focused on official interpreters in Algeria jurisdictions and their importance in facilitating the fair application of law transactions while dealing with immigrants, as well as the challenges they face and the methods they recommend to overcome them based on their experience in this field. Due the lack of previous research studies on the topic, limited access to data, and time constrains; we have managed to conduct this research at the level of Ouargla jurisdictions, with the assistance of official sworn translators-interpreters present in Ouargla, Hassi Messaoud and Touggourt by filling in the questionnaire, only because we were unable to interview them directly due to the Covid19 conditions.

Chapter one:

# On Court interpreting



“To deny access to translation  
and interpreting services  
oppresses human rights and  
violates laws.”

Nataly Kelly

## **Introduction**

This chapter presents the theoretical context of the present study. It starts with an overview on the history of court interpreting and determines court interpreting. Moreover, it fully highlights the role and significance of court interpreting, modes and models of interpreting and explains the role of the court interpreter. This chapter also addresses the challenges commonly facing the interpreter in courtroom setting with immigrants along with the required skills, abilities and competences to cope with them, as a background to understand the relevance of this study.

### **1.1 An overview on the history of court interpreting**

Historically, no one knows when interpreting exactly began, but it surely dates even earlier than recorded history. The practice of court interpreting is almost as old as the practice of law itself. Interpreters have always been professional and highly qualified, granted a high status and their role became increasingly significant. Nevertheless, interpreting as an act was never linked to courts and trials yet.

In modern history, Sarmiento Pérez (2011) refers to interpreters mediating between Europeans and African indigenous groups in legal contexts. Colin and Morris (1996) among others cite interpreted trials that were a turning point in English jurisprudence. The first was a murder trial involving several languages. Colin and Morris note that “when it came to deciding who was entitled to an interpreter, class - not linguistic need - was the decisive factor. The person who speaks the best English is the aristocrat - and gets the best treatment from the court. The second case cited by Colin and Morris is the 1820 adultery trial of Queen Caroline, provided illustrations of interpreters not only rendering the linguistic content of witness statement, but also explaining cultural diversities.

Not to forget the most famous interpreted trials in history which gave rise to interpreting as a recognized profession were those of accused Nazi war criminals at Nuremberg in 1945-46. This event is regarded so because it was the first instance of the use of equipment to provide simultaneous interpretation.

According to Mikkelsen (2000) the adoption of high standards by courts, legislative body, and professional associations, and the rise of specialised training programs for court interpreters denote growing recognition of court interpreting as a realistic profession.

## 1.2 The definition of court interpreting

As stated by Edwards (1995) in its narrowest sense, court or judicial interpreting is the oral interpretation of speech from one language into another in a legal setting. It is an interpreting mode which applies to all kinds of legal and judicial translational actions, a narrow concept of court interpreting restricts it to courtroom settings merely, but this type of interpreting occurs in courtrooms or in any other legislative settings, it generally covers interpreting in a wide range of judiciary settings, and is not specialized just for courts of law but can be performed in various other institutions from courts, tribunals, law offices, law enforcement agencies, jails and prisons, police offices and interviews to legal consultation, or any other institutions which deal with the judiciary systems. Thus, court interpreting is often considered an adjacent synonymous to legal interpreting, forensic interpreting, and judiciary interpreting. It is not restricted to criminal settings but it has the most attention in the context of criminal proceedings.

As mentioned above, “the term Court Interpreting is widely used to refer to any kind of legal interpreting, but the courtroom is in fact one of several contexts in which legal interpreting may take place exclusively” (Gamal, 2019: 63) An interpreter might be asked to carry out consecutive interpreting when the witness or accused is listening to another testimony or following other events in the courtroom, liaison interpreting outside the courtroom with council and even whispered interpreting in some cases. In conclusion, court interpreting plays an important role in removing language barriers, by giving the opportunity and authorizes the clients to take part in court proceedings actively, and to make arrangements to communicate bridging the gap between claimants and judicial staff to obtain the successful legal processes. Broadly speaking, court interpreting is concerned with enabling the client whether the accused, witness or other participant to understand what is going on in the courtroom, where different forms of interpreting and translation may be used to achieve this eventually.

## 1.3 The role of the court interpreter

Court interpreters have become an indispensable part of the legal process. Unfortunately, many people who work in legal settings have little or no understanding of interpreting and its complexities. Not infrequently they treat interpreters with suspicion, distrust and a lack of respect for the skills which they bring to the job. *“It must also be acknowledged that the people engaged to interpret are not always skilled, experienced or fully competent.”* (Colin and Morris, 1996: 15)

According to Morris (2010) Interpreted legal proceedings and concomitantly those who interpret at them are part of every modern country’s judicial landscape, and of

the increasing number of international courts and tribunals. It can be seen that in the 1990s, the role of the public service interpreter was already a thorny issue. Interpreters do not have a problem with ethics, they have a problem with their role; further light is shed on this by some scholars such as Wadensjo (1998), Angelelli (2003) who have used Goffmanian and Bourdieusian sociological frameworks to examine the interpreter's role. Although there are many roles that can be adopted, often depending on national and institutional factors, their studies have demonstrated that the role of the interpreter varies not only from one interpreting field to another, but various roles can be adopted within the same interpreted-communicative event (ICE). In addition, Mason (2009) describes the role of the interpreter in psychotherapeutic sessions along the lines of a continuum, where the interpreter will be a machine, an interactive interpreter, and/or a participant. He also highlights the fact that the interpreter can adopt various roles within the same ICE, introducing the notion of positioning in interpreting studies. According to him, the role of the interpreter is to interpret. However, the manner in which they interpret will depend on the positioning they adopt. Other studies depict the court interpreter as a more interactive participant. For instance, Hale (2008) argues that the interpreter can adopt four different roles: the advocate for the minority language speaker, the advocate for the institution or the service provider, the interpreter as a gatekeeper, and the interpreter as a faithful renderer. It is generally acknowledged, that the role of the interpreter in the judicial setting is to make communication possible, despite language barriers that exist between litigants and court personnel. As it is a widely recognized principle of law that anyone accused of a crime is entitled to be informed of the charges and allowed to put on a defence. If that person does not speak the language of the court system in which he/she is being tried, in most countries he has the right to have an interpreter. Taking this into account and based on Mikkelsen (2000). The role of the court interpreter can be defined in the following ways: The task of the court interpreter is to serve as a conduit between non-speakers and speaker of the official language of the court. As they convert one language into another; interpreters play a critical role in the administration of justice, making it possible to ensure the rights of all those involved in the legal setting. Another goal of the court interpreter is to enable the judge and jury to react in the same manner to a non-speaker of the court system language witnesses as they do with one who speaks it, through placing them as closely as possible to their native language linguistically, same goes with other members of the court. Furthermore, when the clients are all the protagonists in the court proceeding; the interpreter should be a neutral participant in the process, a court interpreter is supposed to produce a legal equivalent, and a linguistically true and legally appropriate interpretation. In any event, the interpreter is viewed as a guarantor of the language rights.

## **1.4 The court interpreter's role rules and regulations**

According to Mulligan et al. (2009) the court interpreter actually has a two-fold duty, to reflect precisely what was said by the non-speaker of court system language person, and to place the non-speaker of court language being participants in legal proceedings; on an equal footing with those who understand the court system language. It is important to remember that the judge and/or jury will be relying entirely on the interpreted version of testimony to draw conclusions about the credibility of witnesses and the relative weight of testimony. Therefore the interpreter must conserve every single element of information that was contained in the original message. It is important never to add anything or elaborate on the message he/she is interpreting, not even for the sake of clarifying or smoothing over choppy delivery. The interpreter's function is not to make people sound more articulate or logical in the target language than they did in the source language. Also courtroom testimony does not always proceed logically, as if following a script. For example witnesses often speak unclearly because they have told their stories many times before and assume that everyone knows that they are talking about (e.g. "I went to the...you know...and there was...it was there") such ambiguous statements are difficult to translate into another language, because more information is needed to choose the proper pronouns, prepositions and verbs. Nevertheless, the interpreter must render as fragmentary version as the original was, without inserting any additional information to clarify the statement. Also, it is particularly difficult to interpret the testimony of a person who is highly excited or mentally impaired and does not necessarily make sense. It is important for the interpreter to make every effort to state exactly what the witness said, no matter how illogical or irrelevant it may be. Sometimes this is very difficult because of ambiguities or incomplete phrases uttered by the witness; in such cases the interpreter should inform the court that he needs to clarify the witness statement before proceeding to interpret it. But under no circumstances, he should not edit, omit or add to what the witness stated.

## **1.5 The importance of court interpreting**

Interpreting plays an important role in judicial instances. Fixing communication by conveying information accurately, from one language into another or more, in a variety of situations, where legal interpreters provide different services facilitating implementation of the law. Since legal interpreters are equally significant to court interpreting, Edward L. Chávez a judge in New Mexico supreme court sees that, the reason court interpreters are crucial in legal proceedings is because they will be doing everything possible to ensure that the person who is the court participant whether they are a witness, a juror, a litigant, are fully aware with the proceedings, as if the individual spoke the court's official language fluently.

Chouiti (2017) mentioned in her thesis, legal interpreting has a high status and importance at both local and the international levels:

a) At the local level, interpreting and legal translation in general contribute to the recovery of the rights of others, as an important mediator in the resolution of disputes between individuals and bodies, because the interpreter renders the various talks, discourses and even 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 interpreter.

b) At the international level, demand on legal interpreters has increased, due to the international trend of uniformity of laws around the world, so that every country cannot enact its laws in isolation from international laws.

## **1.6 Approaches to court interpreting**

The field investigation of court interpreting has drawn the attention of various schools of thought. The approaches they deploy are split into linguistic-based approaches and non-linguistic based approaches.

Most of the linguistic-based investigations conducted in court interpreting have concentrated on the discourse of the courtroom and the impact of the interpreter's performance on the legal process. The two major works who have served as a theoretical basis for a court interpreting research were pioneered by Berk-Seligson (2002) and Hale (2004) These studies deploy discourse analysis, the ethnography of language, pragmatics and experimental psychology methods. In her book *The Bilingual Courtroom*, Berk-Seligson found that there existed a common misunderstanding regarding the interpreter's role. For example, she noted that interpreters often rephrased questions, instructed lawyers on how to ask them, rebuked witnesses for not addressing questions adequately, and altered the pragmatic effect of the original questions and answers. These actions, in turn, affected mock jurors' assessments of the witnesses' trustworthiness, convincingness, intelligence, and competence. The finding of this study indicated that the presence or absence of polite forms in a witness's testimony impacted the jurors listening to that testimony, illustrating how variations in register (politeness) play a crucial role in how listeners judge the credibility of an original speaker. (As cited in to Al-Tenaijy, 2015)

The investigation study demonstrates the significance of understanding the critical use of forensic language and maintaining the pragmatic strength of the discourse. Likewise, Hale (2004) studied the treatment of courtroom questions and answers and demonstrated that there was a lack of understanding the purpose of certain question types, including the use of tags and other questioning strategies, such as discourse markers, repetition, and modalities. Whereas other studies have looked at other non-linguistic aspects related to the practice of court interpreting; using interviews, focus

groups and social science approaches of surveys. Hale contends that most legal interpreting research studies have been descriptive, qualitative and speculative, providing valuable and rich data in the domain.

## **1.7 Types of Interpreting in the Courtroom Setting**

As stated by (NAJIT, 2006) three types are now recognized by the interpreting profession and have been adopted in federal and state statutes and court rules: simultaneous interpreting, consecutive interpreting, and sight translation. Each type could give rise to other interpreting related issues for court interpreters, and fits particular needs and circumstances in the judicial process and in legal and quasi-legal settings. The first two types refer to oral translation from an oral language into another oral language. In consecutive interpreting, the speech is divided into segments; the interpreter listens then waits until the speaker has finished before rendering speech into another language. This type demands active listening, prediction, note-taking expertise and strong memory. Consecutive interpreting is a true and accurate interpretation of one language into another, spoken in brief sound bites successively, without omissions or embellishments, so that the parties can understand each other slowly and deliberately.

Whereas simultaneous interpreting is the rendering of one spoken language into another when running renditions are needed at the same time as the language communication. The interpreter speaks virtually at the same time as the SL speaker, which requires high concentration for extended periods of time and the ability of self-monitoring of the outputs to ensure the transfer the message accurately. When done properly, it is a true and an exact interpretation of one language into another, done without omissions or embellishments, so that the parties can understand one another quickly.

The third type of interpreting is sight translation which refers to oral rendition of material written in one language into spoken speech in another language with the absence of a prior preparation it is used usually to interpret short documents such as medical reports or birth certificates. Sight translation is a true and accurate verbal translation of written material into the spoken form so that the parties can understand what documents written in foreign languages say. (Pöchhacker, 2004)

For parties needing to communicate from a given language into another, having some background knowledge of the interpreter's role in the legal field is fundamental for the administration of justice. Understanding the three types of interpreting is an essential part of helping ensure equal access to justice to all parties including members of linguistic minorities. (NAJIT, 2006)



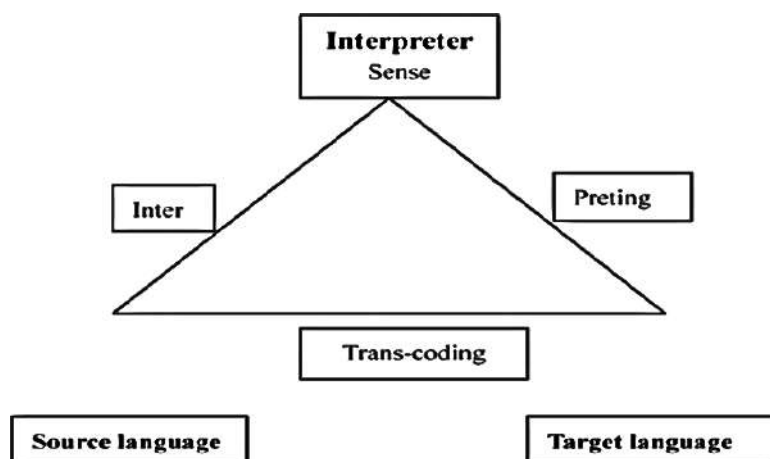
## **1.8 Models of interpreting**

The interpreting models can significantly contribute to strengthen our understanding of the cognitive activities and processes involved in court interpreting. Moreover, the models have major role in terms of training and guiding teaching. Some models were devised by court interpreters such as Gerver's Model, Gile's effort Model and Seleskovitch & Lederer model of translation.

### **1.8.1 Seleskovitch & Lederer Model of Interpreting**

The Interpretive Theory of Translation (also known as, the Theory of Sense) was developed by Danica Seleskovitch and Marianne Lederer (researchers at the Ecole Supérieure d'Interprètes et de Traducteurs (ESIT) at the University of Paris III – the so-called Paris School). Which considers translation as a work on message or sense and not a work on words or languages and defended it with force, and had the great virtue of showing that this process is both important and natural. The theory is built upon four pillars: 1) command of the native language, 2) command of the source language, 3) command of relevant world and background knowledge, and 4) command of interpreting methodology.

The first pillar is the command of one's native language. Everyone would agree that translators and interpreters must be able to use their mother tongue in all its nuances and subtleties. The second pillar, the command of the second language, is more complicated to estimate precisely. The closed systems: phonological and grammatical, have to be mastered, while the endless range of lexical items is subject to a lifelong and open-ended learning process, which will yield the best results through research of equivalences rather than the simple use of correspondence. The same is true of both world and background knowledge, which are not static. Rather, they are the result of a continuous, dynamic process of acquisition. The fourth pillar is methodology. In this regard, the Interpretive Theory stands out from most other theories as it posits that methodologically the process of translating requires an understanding of sense (language meaning + cognitive complements) and a formulation of the translation on the basis of the figure of speech principle. Seleskovitch and Lederer Sense Theory represented graphically in the following triadic composition model of translation.



**Figure 01: Seleskovitch and Lederer Model**

**Note.** By Q. Kang, 2013, Image, extracted from Semantic Scholar.

Pöchhacker (2004) hypothesized that the model implies the following: interpreting is a ternary process, first comes the activity of listening in L1; the meaning and sense of the discourse (the object of interpreting) then, is perceived, afterwards comes the final stage (the most important one in interpreting) the reformulation of the acquired meaning in L2. Transcoding, however, only applies to the simultaneous interpreting of terms, numbers, and names. For to Seleskovitch, interpreting is unquestionably about sensation, on the one hand, a sense of "internal" language system, on the other hand feel the "external", thence, the translation process is not straightforward, but the pass through various phases. From here we conclude that it is an active process clustered around the "understanding" and then "re expression" of ideas.

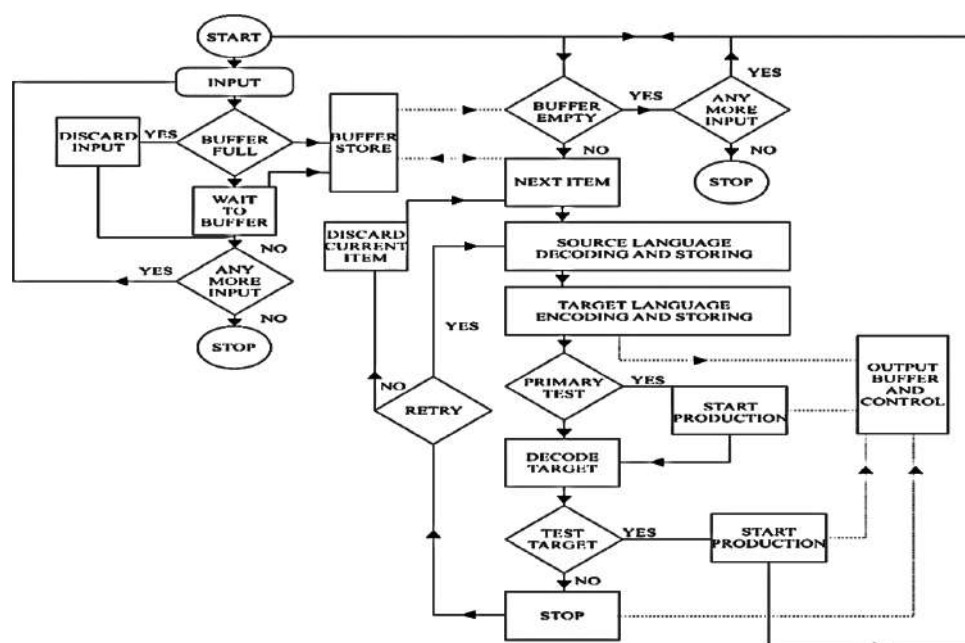
Interpreting for Seleskovitch is a tool of communication and its ultimate goal is to achieve the "communicative sense" She said that: *"To believe that to interpret is to pass directly from one language to postulates knowledge, to say that to interpret is to go through the meaning of postulates besides intelligence."* (Seleskovitch, 1985: 5)

### 1.8.2 Gerver's Model

Or Model of the Process, the main focus of Gerver's model (1976) is on memory structures and processing operations for simultaneous interpreting (SI). Being one of the most complex language tasks imaginable, from the comprehension of input utterance in one language; keeping it in working memory until it has been recoded and can be produced in the other language, to the production of the translation of an earlier part of the input, all of this at the same time. Thus, Gerver conducted a number

of experiments with professional interpreters, taking into account language comprehension and production ongoing simultaneously within different languages in SI. Based on the results proposed; a successive model of mental processing during interpreting. The model focuses on a system of short-term stores for the different levels of text processing. The actual text processing is, according to Gerver, performed in cooperation with long-term memory, which activates the appropriate linguistic units. Op. cit. assumed that this stage of processing is purely linguistic, and did not consider it any further, making it inexplicit as to specific process segments.

Gerver's model is interesting in a number of ways. From the perspective of acknowledging the complex and multi-faceted nature of the information processing involved in interpreting. Moreover it emphasizes that the extra-linguistic factors (e.g., background noise and speed of the original message delivery) affect the processing capacity of the interpreter, and explains that coping tactics or strategies should be employed to facilitate the interpreting performance. Model of the Process focuses on the psychological description of the interpreting process, devoting considerable attention to psycholinguistic processing mechanism. (As cited in Al-Tenaijy, 2015)



**Figure 02: Gerver's Model of Interpreting**

*Note.* By Š.TIMAROVÁ, 2008, image, extracted from Google image.

### 1.8.3 Gile's Effort Model

Daniel Gile (1992) Proposed his Effort Models to assist interpreters understand the difficulties of interpreting, and to select appropriate strategies and tactics.

The fundamental ideas are mainly two:

1. “interpretation requires some sort of mental ‘energy’ that is only available in limited supply”;
2. Interpretation “takes up almost all of this mental energy, and sometimes requires more than is available, at which times performance deteriorates” (Gile, 1995: 161).

The key notions of the Effort Models are the Processing Capacity and the fact that some mental operations in interpreting require a significant amount of it. Since each interpreting stage implies an effort, the interpreter should therefore be able to find a balance among them in terms of energy.

According to Gile, the efforts an interpreter faces are mainly four:

1. Listening and Analysis Effort (L): concerning all “*comprehension-oriented operations, from the analysis of the sound waves carrying the source-language speech which reach the interpreter’s ears through the identification of words to the final decisions about the ‘meaning’ of the utterance*” (Gile, 1995: 162). These efforts are related to understanding: the mere hearing of the sounds of words is useless if the interpreter’s brain does not convert them into a meaningful message.
2. Memory Effort (M): refers to the short-term memory where information is temporarily stored throughout the interpretation process, Also seen more as a storage mechanism where information is temporarily kept before further processing takes place.
3. Production Effort (P): in consecutive interpreting, this is further divided in two production phases, the first being the moment in which the interpreter listens to the SL speech and takes notes and the second being the TL speech delivery. (Gile op. cit.)
4. Coordination Effort (C): as a refinement of the model, this effort was added to balance the functions of the other three efforts. Compared to “*the air-traffic controller for the interpreting that takes place, allowing the interpreter to manage their focus of attention between the listening and analysis task and the ongoing self-monitoring that occurs during performance*” (Leeson, 2005: 57) Once interpreters achieve this coordination point, they are able to perform the interpreting job in the most optimal conditions, since their skills are balanced with the task in question. This is why the Coordination Effort plays such a fundamental role; the art of smooth interpretation is based on the art of smooth coordination. Even if sometimes these Efforts overlap, coordination actually finds the balance between all the factors.

Accordingly, an interpretation (I) can be summarised with the following equation:

$$I = L + M + P + C$$

Considering that L stands for the listening and analysis effort, M for memory, P for production, and C for coordination.



Figure 4 Gile's Effort Model of Interpreting

*Note.* By C. Dodzik, 2013, image, extracted from Google image.

## 1.9 The challenges of legal court interpreting

Through various legislative acts and executive orders, court interpreting has received recognition as both a vital part of the judicial system and a rather complex task. Yet, the demand for court interpreters has far exceeded their availability. Meanwhile, the courts, judicial authorities, and the court interpreters themselves are facing several critical issues.

### 1.9.1 Ethical challenges of legal court interpreting

As a communicative act that involves people, their emotions and their language expressions, the process of interpreting often shows many ethical difficulties. Ethics can be defined in very general terms as the respect of certain values, to be achieved by adhering to rules and principles that have developed within a society, or were laid down by a group for its members. It is a concept which refers to human behaviour and human action. Ethical considerations may precede and cause human action. Therefore, ethics may refer either to the attitude by which an individual's action is guided or to the effect that such action has on others. (Kalina, 2015) Moreover ethics are the unseen basis of the courtroom behaviour, by following a good ethical code; the interpreter earns the respect and trust of all parties to a case which he/she needs to work in effectively. Because the interpreter may be the only one in the courtroom with a full command of

both languages being used and, the function of the code of ethics is to wield that enormous power responsibly and faithfully. Ethics in interpreting was first discussed in the context of conference interpreting, where the concept of “professional dignity” was developed with the aim of protecting the profession by contributing to the work of professional associations, developing a professional profile, observing what codes existed and refraining from any action prejudicial to the reputation of the profession.

Hale (2004) has pointed that common problems or challenges experienced by court interpreters include the need to always prove themselves among constant suspicions of infidelity to the original text, the extremely high demands placed on them, the inherent complexities of the interpreting process, the lack of competence of the system they are working in, the misunderstanding of their role by lawyers and witnesses as well, and the poor working conditions and the low remuneration. Among these problems, the issue of fidelity in interpreting has been extremely brought up, especially when the parties involved have doubt about whether their messages have been faithfully rendered or not. (Wadensjö, 1998) has expressed that before suspecting the other party of talking nonsense, or oneself of being unclear; many would rather suspect the interpreter of getting things wrong. Although such doubt for interpreters is not fairly-formed, the lack of understanding in court interpreting as a profession has precipitated the gravity of this problem. As those who speak through an interpreter have the right to have their messages translated into another language with as little alteration as possible, the role of an interpreter requires closer scrutiny. The code of ethics of the court interpreters clearly indicates in its preamble that a crucial role of an interpreter is to uphold basic human rights equally before the law. Such a task is extremely difficult and the expectation on an interpreter grave is higher. In addition, the ideal goal for an interpreter is to render the information from the source language (SL) into the target language (TL), as accurately as possible. This idea explains why the interpreters are bound by a professional code of ethics which puts an emphasis on the needs for accuracy and impartiality. University-level interpreter trainers have long instructed their students to follow professional codes of ethics unquestioningly, and have been slow to provide them with the profound understanding of ethical issues. One major development in the professional world at large that must be taken on board in designing interpreters training syllabuses is the increased emphasis on “accountability”, now a key word in all professions. Increased accountability has led to increased visibility and hence greater pressure on the profession as a whole to demonstrate that it is cognizant of its impact on society. Thus, for instance, the conduct of interpreters is now often scrutinized by many circumstances. For interpreters, accountability means that they are well as to those who might question it. At the beginning of any legal proceeding, the interpreter takes an oath swearing to “accurately, completely and impartially” interpret accurately without increasingly held responsible for the consequences of their behaviour and therefore have to reflect carefully about how their decisions, both textual and non-textual, impact the lives of others. Importantly, an interpreter must be able to justify morally a decision to him or her as embellishing, omitting or editing; that proceeding or words to that effect



utilizing their best skills and judgment. This entire situation emphasises a certain amount of pressure on the court interpreter, which might affect his/her performance putting an end to the point of it eventually. (Mikkelson, Introduction to court interpreting, 2000 )

### **1.9.1.1 Faithfulness, fidelity and ethics in court interpreting**

The prominent dilemma of faithfulness and fidelity can be one of the greatest challenges facing the court interpreter. According to (Hale, 2007) the first step to achieving a faithful rendition is in understanding its meaning; faithfulness refers to the necessity, or rather obligation to transfer the entire meaning of the message uttered by the speaker. The interpreter is not allowed in this sense to alter, add or omit anything contained in the utterance. This obligation is not only of legal nature but, most of all, of ethical one. The text translated into the target language for example, is to contain linguistic such as grammatical or lexical structures elements, and non-linguistic such as body language, voice tone or pauses in speech elements, that both occur in the original. Another duty of the interpreter in this respect is to report any problems with faithful interpretation, such as: no breaks while interpreting, or too long sentences or speech fragments that are a burden to memory. *“As far as faithfulness is concerned, the court interpreter should never either disclose or take benefit of the information obtained in his or her work. This rule requires from the interpreter to avoid making any comments in public on issues or cases they are to interpret”*. (McConnell & Barry, 2018: 7) As previously mentioned, court interpreters are supposed to take an oath to interpret faithfully, and great weight is given to such oath swearing by the legal system. However, no amount of oath swearing can guarantee a high quality interpretation from an interpreter who does not have the necessary competency, and the judiciary will be very naïve to think that oath swearing is all that is required to achieve a reliable service. Moreover, court interpreters face many challenges in attempting to interpret truly and faithfully. Based on Edwards (1995) and Mikkelson (1998) the lack of recognition from the rest of the participants in the communicative event, which they need to share in the responsibility for effective communication, No matter how well educated and capable an interpreter is, he/she are assumed to obtain documents and other information necessary to familiarize themselves with the nature and purpose of a proceeding, prior preparation is especially required when testimony or documents include highly specialized terminology and subject matter. The interpreter will not be able to interpret faithfully if the working conditions are not suitable, if the speakers speak at the same time, too quickly or for too long, if the interpreter is not provided with relevant material to prepare for a difficult assignment, or if the other participants expect interpreters to perform tasks that they are not within their role, the courtroom is like a theatre it is presented as a theatrical play, where actors, lawyers, through their stage actions, try to influence the jury. The court interpreter is also a member of the cast of actors, except

he/she did not receive the scenario earlier. While all the others play roles that they already rehearsed before, he/she is the only one that is forced to improvise.

The interpreter has to ensure that the proceedings in the court system language reflect precisely what was said. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered into the target language as a means of demonstrating their professionalism, by objectively analysing any challenge to their performance; interpreters have to go through it all. The obligation to preserve faithfulness includes the interpreter's duty to correct any error of interpretation discovered by him/her during the proceeding.

According to Mulligan (2009) SL speech should be faithfully rendered into the TL speech by conserving all the elements of the original message while accommodating the syntactic and semantic patterns of the target language. The rendition should sound natural in the target language, and there should be no distortion of the original message through addition or omission, explanation or paraphrasing. All hedges, false starts and repetitions should be conveyed; also, words from another language, mixed into the language of the speaker should be retained, as should culturally-bound terms which have no direct equivalent in the court language system, or which may have more than one meaning. The register, style and tone of the source language should be conserved. Also, guessing should be avoided. Court interpreters who do not hear or understand what a speaker has said should seek clarification, and interpreter's errors should be corrected for the record as soon as possible. Interpreters are obliged to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style or register of speech, as they should never interject their own words, phrases, or expressions. If the need arises to explain an issue related to interpreting (e.g. a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court's permission to provide an explanation. Interpreters should convey the emotional emphasis of the speaker without re-enacting or mimicking the speaker's emotions or dramatic gestures. Also the ethical responsibility to faithfully and completely interpret includes the responsibility of being properly prepared for interpreting assignments.

#### **1.9.1.2 Behaviour limitations in the practice of court interpreting**

As stated by McConnell and Barry (2018) interpreters are responsible only for enabling others to communicate, as they should not take a primary role in such communication situations and may take a secondary role only as necessary for assuring an accurate and faithful interpretation, accordingly interpreters should:



1. Avoid activities that may be reasonably construed to constitute the practice of law like giving any legal advice or answering parties' questions that would ordinarily be answered by an attorney.
  2. Not engage in any other activities that may be reasonably construed to constitute a service other than interpreting during the course of performing their interpreting duties.
  3. Interpreters may assume a "secondary role" when they find it necessary to speak directly to the court to seek assistance in performing their duties like seeking direction when unable to understand or express a word or thought, requesting that speakers moderate their rate of communication or repeat or rephrase something, identifying interpreting errors, or notifying the court of their reservations about their ability to satisfy an assignment competently. In such instances they should make clear that they are speaking for themselves.
  4. Translators may assume a "secondary role" when they find it necessary to include an explanation in the translation of a text being prepared. In such instances they should make clear that that information is the translator's and not a part of the text.
- In addition, all interpreters are obliged to observe high standards of professional conduct to effectively perform their duties and to ensure public confidence in justice, to do that interpreters are obliged to meet these professional guidelines.

### **1.9.1.3 Ethics and norms of professional conduct in court interpreting**

Members of a profession usually develop a deontology, i.e. guidelines of professional ethics; the principles or rules that make up such guidelines are enshrined in codes of ethical and/or professional conduct and are established, in general, by professional associations. All members of an association are obliged to abide by these rules. In some settings, such as court and medical interpreting, codes of practice are established by providers like the authorities that are responsible for the functioning of the service and/or for the accreditation of interpreters, thus all the interpreters should familiarize themselves with their responsibilities under the court interpreters' code of conduct and be prepared to swear or affirm that they will adhere to that code. If bilinguals are being engaged to fill the office of interpreter during court proceedings, the bilingual must take steps to understand the code and understand the duties they are being asked to fulfil. However, it must be stressed that understanding the requirements of the code of ethics will not guarantee accurate interpreting if the bilingual does not possess the necessary skills and competence. (Kalina, 2015)

### **1.9.1.4 Confidentiality in court interpreting**

According to Gonzalez Et al. (2012) when an interpreter assists an attorney to communicate with his or her client, the interpreter comes under the umbrella of the

attorney-client privilege and may not repeat or disclose any information about the communication they obtain while performing interpreting duties. Even when there is no attorney-client privilege, interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or the law does not require that it be kept confidential. Privileged or confidential information acquired in the course of interpreting or preparing a translation shall not be disclosed by the interpreter without authorization. The sole exception to this rule is that interpreters may discuss linguistic or ethical aspects of an interpreting assignment with colleagues, provided that they do not reveal the names of the parties involved.

#### **1.9.1.5 Challenges of skills improvement**

Based on McConnell and Barry (2018) interpreters must, through continuing education, maintain and improve his or her interpreting skills and knowledge of procedures used by the courts. An interpreter should seek to elevate the standards of performance of the interpreting profession. It is difficult to predict what will come up during the course of legal proceedings, from unusual slang and dialects, complex forensic evidences, to archaic literary references. Interpreters must both constantly increase their vocabularies and resources and expand their abilities in retention, concentration, and delivery. Because human language is dynamic and ever-changing, it is extremely important for court interpreters to keep up with the latest changes in usage, both by the public at large and by the specialized groups for whom they interpret (the legal community, court personnel, and immigrant communities). Moreover, interpreting skills themselves require constant training, for this reason, continuing education is a vital part of the interpreter's professional activities. Aside from formal classroom education, field trips provide first-hand knowledge of many of the subjects that court interpreters must deal with. These excursions may be arranged by groups, such as the local chapter of the interpreters association, or individually. In addition, it is very important for the novice interpreter to go to court as often as possible in order to familiarize himself with the language and procedures of the court. Continuing education for court interpreters should be seen as a necessity given the dynamic nature of language as well as the change of legislation and the legal system. In other words, court interpreters have to keep themselves updated on new expressions, legal jargon, and changed laws in all working languages so as to conduct interpreting properly.

#### **1.9.1.6 Clarifications and corrections of errors in court interpreting**

According to (The Judicial Council of California, 2013) in times, interpreters feel compelled to add linguistic information perceived to be “between the lines” or implicit in the witness's response. However, the information transmitted by the interpreter in

the target language should accurately reflect only the information received in the source language. When rendering a simple “yes” as “yes, I did”, the interpreter is adding information that was not contained in the original response. Moreover it is important to remember that the interpreter should never engage in any independent conversation with a witness on the stand, as that would arouse the suspicions of those present who do not understand the language in question. Therefore, if he needs a clarification, always the interpreter should inform the court and obtain the judge’s permission to clarify something with the witness as follow: “your honour, the witness has made an ambiguous statement and the interpreter needs to clarify it before he can proceed”. Similarly, he should not address the attorney directly about a problem with the question; always communicate through the judge. It is also inappropriate for interpreters to provide two possible interpretations of a word used by a witness. For instance, if a witness uses a word meaning eyeglasses, the interpreter should not render it as “eyeglasses or spectacles”. Providing multiple interpretations may imply that the witness had hesitated between the two different terms when in fact a single response was stated confidently. On the other hand, if a single word can have more than one meaning in the context in question, the interpreter should indicate so to the court. The judge will typically direct him or the examining attorney to clarify the intended meaning by asking the witness. The interpreter should keep in mind that is the attorney’s responsibility to bring out all pertinent information during the examination of witnesses.

If an interpreter is present in court and notices that another interpreter has made an error in interpretation, the observing interpreter should tactfully bring the error to the attention of the interpreter providing the interpreting services to the court at the earliest possible point in the proceedings, and provide that interpreter with an opportunity to correct the record. If the interpreter fails to do so, the observing interpreter should then request a side-bar conference with the court, the attorneys, and the other interpreter to notify the court of the disputed interpretation or, if at any point the interpreter realizes that he/she previously made an error in interpretation, he/she should correct the record as soon as the error becomes apparent. (Grabau & Gibbons, 2005)

#### **1.9.1.7 Impartiality and avoidance of conflicts of interest in court interpreting**

Impartiality is the feature that should be inherent to all interpreters at all times, regardless of the venue of an interpreting event. The interpreter, and the court interpreter in particular, should be impartial and neutral, and his or her personal stance on certain case-related issues should not affect his or her performance. In court interpreting, as parties to the case might be in conflict and tend to distrust one another, the interpreter is in control of the communicative situation and must interpret everything in a precise and accurate manner so as to provide both parties with a

conviction that nothing what is said and interpreted is distorted or altered. Because court interpreter's work in an adversarial system, there is a danger that they will be perceived as advocates for the party they are interpreting for in a given case. In fact, *"the interpreter serves as an officer of the court and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant"* (Hewitt, 1995: 202). Thus, interpreters expend a good deal of emotional energy remaining impartial, because they do not want to hold an opinion in the case, lest that opinion subconsciously colour the interpretation. It is the duty of the court or the jury to decide the case. It is the duty of the counsel to decide if they believe their witnesses or not. The interpreter duty is to remain impartial. Several advantages accrue from impartiality. It is easier to concentrate on the interpreting, on language and meaning, the interpreter has to look at the content of the message in terms of what it means for the case. Impartiality has to do not only with not taking sides, but with not forming a judgment, not reaching a conclusion about the case. The interpreter must also take care not to compromise the appearance of impartiality. Thus it is well not to chat with defendants or witnesses during breaks, or the jury may think that one side is "cooking something up". There may be times when it is necessary to speak with witnesses to clarify certain words or phrases, something perhaps done in a witness room, out of the sight of the jury, and with the permission of jury (Edwards, 1995).

The judiciary interpreter is expected to remain neutral and objective at all times, and must disclose any real or apparent conflict of interest. A real conflict of interest would be a close relationship with one of the parties in the case (the defendant, a material witness, one of the attorney's, a juror) or an interest in the outcome of the case (a financial interest in a company being sued, for example). An interpreter might also have a conflict of interest if he or she had previously been a victim of the alleged offense, because it would be difficult to remain impartial; this is especially true in sexual assault cases. A perceived conflict of interest would exist, for example, if the interpreter had worked closely with the defence in preparing their case and then interpreted for prosecution witnesses. Even if the interpreter feels confident that he or she can maintain neutrality, the relationship of trust that is so vital to the interpreter's role would be undermined. Interpreters are to maintain an appearance of impartiality at all times, refraining from engaging in unnecessary conversation with any of the parties and avoiding facial expressions or postures that would suggest bias. The interpreter will be better and more useful expert witness to the extent that he remains impartial, no matter which side calls him on a case. The interpreter opinion should be independent of who has requested his presence and is therefore paying for it.

Being impartial helps the translator to keep out of the case. The interpreter should have no prior personal connection to a case, and no interest in the outcome. If the interpreter is related to, or close friends with one of the parties or having any financial interest in the result it is better not to work on this case. This is fairly simple and clear,

and once the interpreter is off a case the problem ends. Assume, then, no prior interest in the case. (Edwards *op. cit.*)

Furthermore, in accordance with Mulligan (2009) a court interpreter should disclose conflicts of interest to the judge. Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. A conflict may exist if the interpreter is acquainted with or related to any witness or party to the action, or if the interpreter has an interest in the outcome of the case. In addition, interpreters should not engage in conduct creating the appearance of bias, prejudice or partiality. It is worth emphasizing the term “appearance” even though the interpreter may not feel that he have any bias or partiality, if other people perceive that he is biased or partial, his role as interpreter is compromised. Therefore, the interpreter must strive to avoid any situation in which it might appear that he favoured one side or the other in a case.

### **1.9.1.8 The appearance of bias in court interpreting**

McConnell and Barry (2018) note that even though the interpreter may not feel that he has any bias or partiality, if other people perceive that he is biased or partial, his role as interpreter may be compromised. Strive to avoid any behaviour that might lead others to think he favours one side or the other in a case, for example, commenting on the case, giving advice, or engaging in conversations in court in a language that others do not understand.

### **1.9.1.9 Gifts and gratuities in court interpreting**

As per to (The Judicial Council of California, 2013) the interpreter should never accept gratuities or gifts of any kind from anyone for whom he interpreted, whether in criminal or civil court matters. If such a gift is offered, the interpreter should explain politely that he is paid by the court or whatever entity hired him and are not allowed to accept any gifts from any of the parties in the case. This does not preclude him from collecting his interpreting fees in a civil case in which he was directly contracted by one of the parties or interpreting agency.

## **1.9.2 Linguistic challenges**

This part investigates interlingual communicative challenges faced by court interpreters in a legal setting the linguistic challenges identified can be linked to factors such as bilingualism, dialect usage, biculturalism, legal language and the requirement cognitive and prerequisites in the court.

### 1.9.2.1 Precision of legal language in court interpreting

One of the most frequent challenges for court interpreters can be the terminological precision of legal language; because legal terms differ from everyday spoken language its linguistic ability requires native-like proficiency in the working languages, and knowledge of the dialectal varieties. According to Mellinkoff (1963) courtroom language can be dated back to its origins of Anglo-Saxon, Latin, and French. He highlights that court language is largely inaccessible to non-experts due to its wordiness, lack of clarity, pompousness, and dullness. Other than legal language, court interpreters must have a wide range of vocabulary from a variety of domains, such as forensic pathology, chemistry, and narcotics, in case any relevant expert witnesses speak about these issues in the court. Beyond the level of the lexicon, the court interpreter also faces a number of discursive challenges; Berk Seligson's (2002) analysis of hundreds of hours of courtroom interpreting data suggests that interpreters are also actively engaged in influencing the illocutionary act in the discourse process. Hale's (2007) study of court interpreting revealed that interpreting tag questions can be problematic for court interpreters. In English, the major types of tag questions are formed by a statement with a tag question appended (e.g. "you are making all this up, / aren't you?") A rising tone of the tag indicates a genuine question, whereas a falling tone has coercive illocutionary force and is widely used in cross-examination. Hale found that interpreters omitted the tag question in their interpreting over half of the time, which she suggests can change the illocutionary act of the original discourse, in the above mentioned example, the interpreter omitted the tag ("aren't you") and interpreted it into a flat tone statement, which decreased the illocutionary force of accusation.

As already mentioned, legal language is a distinct language that entails special characteristics and styles. The diversity of the legal systems related to two or more different languages, along with the various cultural differences, complicates the interpretation process, and a number of issues can arise; as interpreting is not a straightforward process, such as finding lexical equivalents for complex legal terminologies, experiencing psychological stress and fatigue due to lengthy proceedings, and registering- alteration from formal to informal within a single case. In addition, legal language contains syntactic structures and jargons that are highly complex and not always accessible or understandable.

The Arabic language for instance, represents a particular challenge for Arabic court interpreters. The "Diglossic" nature of the language constitutes part of this challenge, since it means that Arabic speakers use two varieties of the same language throughout the speech community. In fact, a speaker may use one variety or both varieties interchangeably in a single sentence based on the situation. One variety is highly formal; this is known as "Modern Standard Arabic" or "Literary Arabic". It is usually used in official and formal written and spoken correspondence, including schools, courts, and media. It is fairly standardized throughout the Arabic-speaking world. The



other variety is informal; this is called “Colloquial Arabic”, “Dialectal Arabic”, or “Conversational Arabic”. It is used in everyday social communication. This variety is usually oral and not written. Arab linguists have discerned four major dialect groups: Arabian Peninsula colloquial, Egyptian colloquial, Levantine colloquial, and North African colloquial (Lee, Bergman and Ismail, 2010, p. 2). Thus, Arabic speakers from different parts of the world may experience difficulties when attempting to interact with one another, particularly if they depend on only one of the four varieties. These difficulties result from the wide variations in pronunciation and vocabulary across dialects (As cited in Al-Tenaijy, 2015)

All of these aspects make the legal language dense and difficult to understand. To address these challenges, court interpreters should take the different aspects of courtroom discourse into consideration. Further, they should expand their vocabulary and keep abreast of new words as they emerge in the course of interpreting. The construction and archaic feel within the Legal language make it inaccessible to the average reader. Thus, it requires unique comprehension and explanations from individuals specialized in legal matters. Most importantly, interpreters should be aware of the cultural sensitivity, linguistic impartiality, and the motivation for lifelong learning.

#### **1.9.2.2 Maintenance of speech style and register in court interpreting**

As reported by Hale (2007a) maintaining speech style and register can be another challenge for court interpreters. Generally speaking, the level of formality of the language used in court can range from informal to formal. Whereas the judge tends to use formal language, the witness or defendant is more likely to use an informal style. Studies found that lawyers are adept at manipulating linguistic styles to serve different purposes, such as enhancing their own credibility and discrediting hostile witnesses. Hence, in order to maximally maintain the fidelity of participants involved in court settings, prerequisites for court interpreting should include the ability to “*manipulate registers from the most formal varieties to the most casual varieties*” (González et al, 2012: 20). However, (Hale op. cit.) noted that a register is the language level or style used in different settings, various registers might include the legal, the deliberately obscure, the academic, scientific, elegant, cultured, polite, vulgar, and deliberately offensive are adopted by court interpreters. Court interpreters tend to alter stylistic features in a number of ways. When interpreting into English, for example, interpreters were inclined to raise the register, copying the lawyer’s style, whereas when interpreting into the other language, they were found to often lower the register, copying the witness’s style. An interpreter is obligated to duplicate the register or the degree of formality or level of language used by the speaker. Conservation of register is the most essential element in the preservation of the voice of the speaker in combination with precise word choice and the maintenance of paralinguistic elements.

### 1.9.2.3 Discourse challenges and politeness in court interpreting

Discourse issues the court interpreter task is more than simply conveying the message from one language into another. He has rather to provide immediate renditions of the original utterances in terms of meaning, effect and speech style. A full understanding of the goals of the institution and the way they are achieved through discourse strategies is necessary for interpreters to render faithful interpretations; lacking adequate interpreting skills may lead to an unintentional omission of essential segments of the original questions, thus interfering with one's own institution goals. It is important for interpreters to understand that the way questions are asked is of great significance. It is the questions asked in the court language, not their translations, that will be taken into account by the court as a true record of the questions asked when they are presented as evidence. *"Unless there is a dispute on the basis of poor interpretation, the court will assume that the questions were accurately rendered into the other language by the interpreter."* (Hale, 2007a: 74) If, for instance, as in the interpreter changes the tone of the question to make it more confrontational, provoking a more aggressive response from the detainee, such reaction may be misunderstood as a defensive overreaction, as it would be incongruous with the manner the question was formulated in English. Similarly, the significance of content and manner of the suspect's answers must be understood by interpreters to maintain a faithful rendition.

As stated by Hale (2007a) the main problem with politeness in court interpreting is that, when interpreting, interpreters will often use a polite form of addressing even if such was not used in the original. An example of this is the witness saying "No" and the interpreter rendering it into "No, Sir". Linguistic research supports that the mere adding of a "Sir" or a "Ma'am" to a "Yes" or "No" may affect how a juror evaluates a witness.

### 1.9.2.4 Lexical gaps in court interpreting

One of the challenges a court interpreter might face when switching between two languages or more is lexical gaps between these languages. Brislin (1978) and Whorf (1940) note that some languages have a wider range of vocabulary to describe certain objects or concepts in a more precise manner than other languages do. For court interpreting the interpreter really needs to paraphrase rather than give the exact words spoken in certain occasions. In addition, the court interpreter must have a wide range of vocabulary of various domains. A testimony presented by an expert witness such as a pathologist may include knowledge and terminology relevant to forensic pathology, an expert witness such as a chemist appearing in the court will probably use specialized terminologies of chemistry. In addition, the interpreter should also have a good



command of the jargon, court interpreters have to familiarize themselves with such specialized jargon so that they will be able to faithfully deliver the meaning, even if this means paraphrasing the same.

### **1.9.2.5 Cognitive and prerequisites in court interpreting**

Another challenge for interpreters is interpreting without any prior knowledge of the subject matter of the trial or acquaintance with the participants. If interpreters are not provided with any information or material in advance, they are not given the opportunity to prepare adequately. The prevailing mistrust of interpreters has led to hesitancy to provide any briefing information, with the excuse that the issues are confidential and cannot be divulged. This argument does not hold, since interpreters are bound by a code of ethics which prescribes confidentiality, and the same issues will be discussed in the presence of the interpreter once the assignment commences. The misconception that interpreting is 'just saying what someone said in one language in another' has been often stated by service providers as the reason for not needing to give interpreters any prior information or materials. Many misinterpretations would have been avoided if interpreters had been given adequate materials and time to prepare (Hale, 2007)

### **1.9.3 Professional challenges in court interpreting**

In today's culturally diverse society, opportunities for interpreters to acquire professional competence through formal training in order to work in legal settings, including court, remain limited, even though ensuring high quality interpreting services is largely the responsibility of them. This section highlights the issues of professionalism in court interpreting, along with the challenges of providing a quality interpretation in legal settings including courts, and addresses interpreter's roles and responsibilities, in addition to the importance of training legal court expertise.

#### **1.9.3.1 Challenges of role and responsibilities of the court interpreter**

Hewitt (1995) argues that, researches have shown that courts must often rely on interpretation services of bilingual individuals who have received no specific training about the requirements, role and responsibilities of a court interpreter. Researches have also shown that many judges, attorneys and court members are also unaware of the professional responsibilities of the interpreter and how these translate into highly demanding technical skill requirements. This unawareness by itself is one of the greatest challenges facing the court interpreter.

“Training interpreters in domestic courts did not become an expectation until recently. Even today many international interpreting schools and university faculties focus on conference and business interpreting exclusively. Formal interpreter training for community settings (public service interpreting), usually including a legal component, remains limited.” (Stern and Liu, 2019: 91) they also present an important discussion of the so-called “new and emerging” (N&E) community languages, a term introduced in 2007 by the then Australian Department of Immigration and Settlement to indicate communities originating from Afghanistan, Sudan, Somalia, Ethiopia, West Africa, and other community languages new to Australia. Providing interpreters for such a large number of languages has proven to be an enormous challenge, creating a risk to the outcomes of interpreted matters. In legal settings inadequate interpreting quality can have a damaging impact on case outcomes and access to justice. In their article to the journal of specialised translators (Stern and Liu op. cit.) conducted a research to examine the status of legal interpreters as professionals, the findings showed that, incompetent interpreting was the basis for appeal in 287 Australian cases during the period 1991–2008, the National Accreditation Authority for Translators and Interpreters (NAATI) introduced requirements for mandatory pre-certification training and continuous professional development. However, formal training opportunities for both novice and practising interpreters remain limited, and non-existent in the large majority of languages, including the N&E and Aboriginal languages, in which interpreting is required in Australia. Specialised courses in legal interpreting are only offered in three universities, in a limited number of international and community languages. Likewise, with migrants, and refugees coming from neighbouring countries to Algeria; the global multilingual and multicultural picture has become more complex, whereby numerous smaller communities have become part of our society, the necessity of proficient interpreters is growing, while at the same time, the shortage of formal interpreter training for legal settings in times of growing demand appears paradoxical.

### **1.9.3.2 Challenges of professionalism in court interpreting**

*“Every profession has maintained its position through the historical developments in a given society. Professional code of ethics, standards of qualifications and training institutions have all been provided to protect the users of their services, and to ascertain high quality and efficient performance. The interpreting profession follows these same principles. However, the quest for unified professional standards is still under-way.”* (Al-Tenaijy, 2015: 35)

Many scholars have addressed the complex nature of professionalism and of the cross-cultural differences in attitudes inherent in interpreting. Kinnunen (2011) for instance, examined the challenges encountered in a multilingual district courtroom in Finland. The purpose of the study was to describe the basis of an interpreting event, and the nature of issues that might be encountered in relation to the collaboration of two

professional groups: the court interpreters and legal professionals. First, the author attempted to answer the following question: how do legal professionals and court interpreters collaborate in the court? He argued that there was a need for shared expertise and multi-professional collaboration in the field of legal translating and court interpreting. This argument was supported by a short description of a legal translation, some interviews with court members, a small-scale survey conducted in 54 Finnish district courts, and discussions with representatives of the education sector, the courts, the lawyers and the Ministry of Justice. Second, the author described a problematic Thai interpreter-mediated criminal case in a Finnish district court on the basis of a field observation and a transcribed hearing. The findings showed many uncertainties on the part of the interpreter, especially in handling the initial interpreting phase, lack of clear strategies and techniques used during the trial to define the interpreter's working conditions with the judge, inadequate knowledge of one's communicative rights and the role of the interpreting in the process on the victim's side, inadequate professional self-confidence and training on the interpreter's side, inadequate communicative training on the judge's side, inadequate creativity in the problem solving skills of communicational problems on all sides, and inadequate knowledge of managing a multilingual process on the judge's side as the chairperson of the court. Kinnunen stated that the interpreter's unprofessional approach to managing the interpreted hearing indicated her lack of experience, training, and knowledge about the ethical codes. For example, the interpreter commented on the answers provided by the victim, without conveying the real message to the judge. Further, the interpreter's use of the third person singular passive form, rather than the correct first person form (which should be used to report what a victim says) created confusion for both the judge and the defendant's attorney. The legal professionals were unable to follow who said what and to whom. As a result, the victim lost the case, since she was unable to defend herself. Moreover, the interpreting process was not very successful due to the linguistic and cognitive difficulties. The researcher concluded that there was a lack of understanding the process of interpreting in the courtroom. Kinnunen presents an important discussion of the shared expertise between legal professionals and court interpreters, as he reports the current challenges of multilingual court work in Finland and laments the lack of training and standards there. There are many obstacles that hinder the formation of collective expertise, such as the lack of trust or excessive trust, hierarchies and power positions, organizational cultures, cognitive asymmetry, language and professional terminology, gender, age, ethnic background, emotions, individual interests, time, competition, and organizational spaces.

The main findings of the study showed that the profession of interpreting was underestimated and misunderstood, that legal interpreters were perceived as passive participants, and that legal interpreters were expected to interpret automatically, without questioning unclear utterances or concepts. The study highlights a number of important issues. First, it demonstrates that powerful court persons typically expect interpreters to interpret word-to-word in an efficient and mechanical way and without any prior access to the materials or chronology of the case. Second, it shows that

interpreters are socially vulnerable and professionally unrecognizable. Third, the study reveals that legal professionals do not allow interpreters to clarify the deep meaning of some culture-bound terms due to time constraints. Language carries culture, and detailed illustrations are sometimes needed to maintain the original meaning in the language of the other culture. However, the study recommends actions for improvement, as well as plans to develop the situation of court interpreting as a career. The data documented are insightful and well-informed. Nevertheless, the case is not representative of all interpreting situations, since the size of the data set is relatively small.

#### **1.9.4 Cross-cultural challenges in court interpreting**

Dealing with cross-cultural differences in community interpreting settings has been a topic of debate since the very beginning of academic interest in this type of activity. Community interpreting has been categorized ‘cultural interpreting or ‘cultural mediation’ to show the need for interpreters to perform cultural brokerage. There are opposing views about this; at one extreme interpreters are seen as mechanical conduits who are not involved in anything other than ‘switching’ words from one language into the other; at the other extreme, interpreters are seen as advocates and gatekeepers who are free to censor the content of the interlocutors to fit within what they consider appropriate or relevant (Morris, 2008). In reality, most interpreters would not take either of these extreme views. The first view is virtually impossible to apply to the practice because language and culture are intertwined and accurate interpreting cannot be achieved at the basic word level. Such impossibility is due to the fact that words in interaction only take on meaning according to context, situation, participants and culture. The second view is evidenced in the practice of ad hoc, untrained interpreters, but it is unlikely to be endorsed by trained interpreters who abide by a professional code of ethics that requires them to be impartial and accurate. The few studies that have looked at cross-cultural differences in community interpreting clearly show that there is no consistency in the way interpreters approach potential cross-cultural misunderstandings. In all of this debate, however, the term ‘culture’ or the phrase ‘cross-cultural differences’ remain vague and illusive and are likely to elicit very different responses from different interpreters if questioned on whether they should offer cross-cultural clarification or not. Professional interpreters are reluctant to offer such clarifications in fear of generalizing, stereotyping or overstepping their role boundary. Often such trepidation arises from a lack of clarity about when and how it would be appropriate to offer such information and on how qualified interpreters feel to offer extra-linguistic cross-cultural insights. This is especially true in legal settings. Language and culture are inextricably linked; some cultural aspects are embedded in the way people express themselves, others are reflected in the way people behave or act.

Cross-cultural differences that are embedded in a language can often be addressed through an accurate rendition, other cross-cultural differences may be very subtle, for

example, manifesting via the way a person addresses others; the way a person gives and accepts compliments; the way a person asks and answers questions; the way a person perceives concepts; and what a person regards as appropriate or inappropriate behaviour. Some cross-cultural differences may lead to misunderstandings if both speakers are unaware of them, however, sometimes misunderstandings occur because of poor communication skills or poor interpretation that are sometimes unjustifiably attributed to cross-cultural differences. There is also sometimes a tendency to over generalize about cross-cultural differences, and incorrectly assume that all people who speak one language act and think in the same way. One of the most accurate examples of cross-cultural communication differences are eye contact and silence, in some societies people who avoid direct eye contact may be regarded as suspicious or shifty, whereas, in some other cultural groups it is frequently considered impolite to stare. In some societies lengthy silences may be taken as evidence of non-cooperation, evasion or untruthfulness, however, in other societies people may think very deeply and carefully before talking about serious matters and lengthy silences can be the norm while this occurs. Another example is the use of affirmative head nodding by a deaf party or witness. As the deaf person watches the interpreter's rendition of the court system language question into sign language, they may nod as if they are agreeing with the proposition, often; this can be an acknowledgement that they are following the signed question, rather than providing an affirmative answer. It is possible to list all the cross-cultural differences that may be encountered in court interpreting, rather, it is important to be conscious of the fact that cross – cultural misunderstandings can and do occur. One way to address this issue is for all parties to be alert to situations when an answer may not sound logical or relevant, before assuming that there is something wrong with the answer, or with the interpretation, the person could be asked to explain why they said so in particular. Interpreters should also be allowed to alert the court to a potential cross-cultural misunderstanding, which can be followed up with questions from counsellor the bench. (The Judicial Council on Cultural Diversity, 2017)

(Wiersinga, 2003) Sees that the influence of culture on language cannot be overemphasized, and interpreting which takes place in order to reduce language barriers between two individuals or groups, must be viewed from this perspective. He states that the ability to interpret language codes and the ability to accomplish interpreting is partly a question of culture. Knowing how to render meaning within the prevailing cultural patterns is the ultimate way of bestowing real meaning at all levels. For some scholars, knowledge of the culture of the interpreter's working languages is a non-negotiable skill.

Katschinka (2003), for instance, who discusses the set of skills legal interpreters must possess, sees that knowledge of the culture and the legal system of the countries of the working languages should be one of the core competences of legal interpreters. The only way to reach such skill is to allow the interpreter sufficient time to interview the accused/witness, as part of his/her preparation for the beginning of the trial. During the course of the interview, the interpreter should be able to determine the dialects,

types of jargon, regionalisms and colloquial expressions of the accused/witness, as well as to confirm his or her level of education. Prior knowledge of these facts would, amongst other things, enable the interpreter to eliminate any possible misunderstanding as a result of dialect variation. Being aware of the cultural differences and finding the appropriate equivalence requires a cross-cultural strategic competence from court interpreters, especially if the legal concept has no equivalent in the target culture. Therefore, extensive knowledge of the concepts and terminologies of comparative law is of great importance for those planning to hold positions as legal translators and interpreters. This is, of course, because legal terms may have different meanings in other legal systems and jurisdictions (As cited in Al-Tenaijy, 2015).

#### **1.9.4.1 Idioms, metaphors and proverbs in court interpreting**

As stated by McConnell and Barry (2018) idioms can be defined as phrases that have a meaning which is not merely the sum of the words contained in them, examples of English idioms are “to run the gamut”, and “much the better”. Metaphors are descriptive expressions that portray one situation in terms of another, such as “he tore his hair out trying to solve the problem”, or “she was caught red-handed”. The interpreter must always try to find an equivalent idiom or metaphor in the target language and avoid translating them literally and remember that the primary focus in interpreting is conveying meaning, not translating individual words.

Moreover, proverbs refer to popular sayings or useful thoughts that express a truth based on common sense. There are times when interpreters are faced with the difficult task of interpreting comments that contain these popular sayings.

In line with (The Judicial Council of California, 2013) every culture has a rich tradition of proverbs virtually, some of which do not necessarily correspond exactly with those in another language. What in one country might be expressed as “don’t sell the fur before you’ve shot the bear” might in another be put as “don’t count your chickens before they’re hatched”. The interpreter should try to use an equivalent proverb in the target-language whenever possible, but only if he is certain that his use of it is correct and conveys the meaning fully. If an equivalent proverb does not exist, or he/she cannot have one in mind, simply he/she should interpret literally.

#### **1.9.4.2 Taboo words in court interpreting**

Taboo is a cultural or religious custom that forbids people to do, touch, use or talk about a certain thing. According to (Oxford Learners Dictionary, s.d.) “*Taboo words are the words that are often considered offensive, shocking or rude, e.g. because they refer to death, the body or race.*”

Such as profanities and obscenities that might occur in the testimony, which is also an important part of the register and needs to be maintained by the interpreter. There are two reasons why court interpreters refrain from interpreting obscenities, religious beliefs and cultural differences. According to Hale (2007), some interpreters feel



restrained from swearing or cursing in their interpreting due to their own religious beliefs. After the language is being softened in this way, the register of the original might be changed and lead to either negative or positive outcomes. In addition, swear words could be notoriously difficult to interpret due to cultural differences.

#### **1.9.4.3 Dialects in court interpreting**

One of the daily difficulties court interpreters encounter is the need to interpret new words, terms or concepts they have never heard before. Oftentimes, the accused used words which at times may be familiar, at times strange, and these accused are the ones using their dialects or mixing their dialects with the standard language that the interpreter interpret. In addition to the difficulties court interpreters experienced with dialects, it is also a challenge to find equivalents for certain words in various immigrant languages and vice versa. The interpreters reported that the lack of equivalents often forced them to resort to sentence-long descriptions, explanations or circumlocutions in the target language. According to De Jongh (1992) a good interpretation means a deep familiarity with the languages involved and their respective cultures. Besides bilingualism, cultural awareness is one of the vital requirements for a competent interpreter and this requires a balanced perspective of both the SL and the TL cultures.

#### **1.9.4.4 Cultural-bound terms in court interpreting**

Cultural-bound terms or culture-specific terms, as proposed by Harvey (2000) refer to concepts, institutions and personnel specific to the source language culture. Thus, they have no equivalents in the target reader's cultural frame, which makes them difficult to translate into the target language. Most culture-bound terms can be easily detected, because they are associated with a specific language and cannot be literally translated due to the fact that literal translation would distort the meaning. In order to deliver the message, the interpreter has to choose among many different interpretation strategies. When interpreting slang, idioms, or culturally-bound expressions that do not translate easily, the court interpreter must find a way to express them accurately in such a way that the speaker's intended meaning is preserved. If that is not possible, the court interpreter should repeat the term to the court in the source language. Even experienced court interpreters may encounter cases where routine proceedings unexpectedly involve slang, idiomatic expressions, regional dialect, or technical or specialized terminology unfamiliar to the court interpreter (e.g., the unscheduled testimony of an expert witness). When such instances occur, court interpreters may request a brief recess to familiarize themselves with the terminology. If familiarity with the terminology requires extensive time or more intensive research, court interpreters should inform the judge, clerk-magistrate, or assistant clerk of the need for additional time (Mulligan, 2009).

Newmark (1988) points out that "frequently where there is cultural focus, there is a translation problem due to the cultural 'gap' or 'distance' between the source and target

languages.” He further gives the following examples of the cultural objects that may cause difficulties for translators:

- Ecology: animals, plants, winds, mountains, etc.
- Material culture: food, names of meals, clothes, houses, and transport.
- Social culture: units of measurement, forms of address
- Political, religious, and artistic organizations, customs, concepts.
- Gestures and habits.

These objects illustrate the differences between cultures and challenge translators and interpreters to acquire a large amount of knowledge in such areas, in order to avoid failure in communication.

Another classification is proposed by Pedersen (2007) in his article “How is Culture Rendered in Subtitles”. He divides culture-bound terms into two categories:

- 1) Intralinguistic references: idioms, proverbs, slang and dialects.
- 2) Extra linguistic references: cultural items which are not part of a language system.

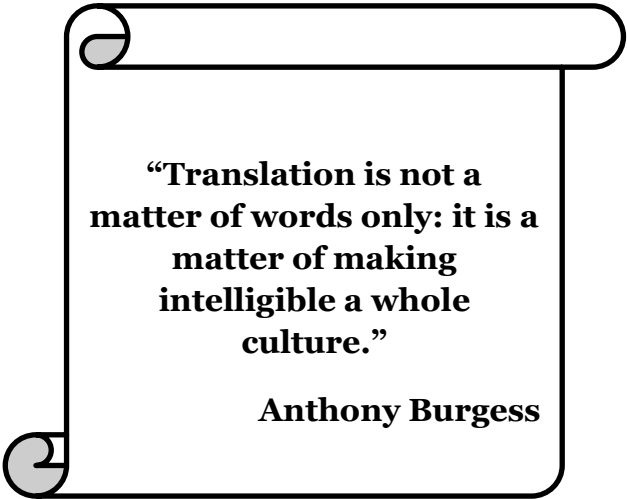
## **Conclusion**

This chapter has provided an overview on the history of court interpreting being one of the most ancient practices, followed by a definition to the concept of court interpreting in its narrowest sense, accompanied by a description of the role, rules and regulations moderating court interpreters. Further, the present chapter considers the importance of court interpreting from fixing communication by conveying the message accurately to the field linguistic-based and non-linguistic investigations of court interpreting. Follow in order the types adopted by interpreting expertise and the models of the studies related to the domain of court interpreting in general, to the variety of ethical, linguistic, cultural and professional challenges and issues usually found within in particular. The chapter also emphasizes the competences and abilities which are significant and necessary in judicial interpreting. The forthcoming chapter will outline the practice of court interpreting as a profession in Algeria and will present the status of immigrants, in addition to the link between them, court interpreters and the legal system.



**Chapter two:**

**On legal interpreters and  
immigrants in Algeria.**



**“Translation is not a  
matter of words only: it is a  
matter of making  
intelligible a whole  
culture.”**

**Anthony Burgess**

## **Introduction**

This chapter discusses in a theoretical framework courts, tribunals, and court interpreting as a career in Algeria, along with the current situation of legal interpreters, from considering the regulations governing the profession of court interpreting to everything related with the immigrants' state as for the system of justice generally, succeeded by the analysis of the nature of issues legal interpreters encounter in Algeria; and the methods to cope with such cases. In order to meet the objectives of this study; and due to the lack of references in English, some sections in this chapter were translated from Arabic by the researchers, the translated parts were marked with an asterisk (\*).

### **2.1 Court Interpreting practice in Algeria**

Since its independence, like most countries, Algeria has given importance to translation and interpreting for many causes. Algeria inherited French from its coloniser, and at the same time wanted to preserve its Arab identity. This formed coexistence between French and Arabic for a certain period, and the need for translation was truly high as most official documents were written in both French and Arabic. The need to open further towards this world compelled Algeria to also integrate many other world languages, mainly English, and again the need for translation and interpreting dramatically increased because of this. Algeria was aware of this and had to inaugurate an institute of translating and interpreting in Algiers, the capital city, to satisfy the needs. In time, Algeria opened translation institutes and departments across the country (Goui, 2020) .

Speaking about history, in Algeria, Sidi Mohammed court in Algiers is considered the oldest court since times; it is also called "Ramadhan Abban Court". It is a trial court that belongs to the 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. When it comes to court interpreters in Algeria, we refer to the official interpreters and translators who do interpreting in courts as part of their profession. Court interpreting is not yet a fully recognised profession in the Algeria's judicial system. However, the tally of interpreters registered in the Regional Chambers of official translators' interpreters' is about 1000 interpreter. The available specified

languages cover: Arabic, English, French, Spanish, German, Italian, Turkish and Chinese. Arabic is the official language of the court system in Algeria and the main mode of interpreting used during trials is consecutive interpreting mode, as it is the most efficient type to cope with the cognitive overload produced by the speaker, as well as it would be more respectful and convenient to let the speaker finish his statements then start interpreting.

Translation\interpretation section in courts has a great importance through judicial work and competence of staff, because it is the only one serving as a link and medium between parties to a case who are not Arabic speakers and judges. So, court must take greatly into consideration facilities for court interpreters during trial in order to pass the trial effectively. Alas, 90% of interpreters are complaining about that because courts don't provide any services, accommodations, or tools to help in the interpreting process (Touchent, 2006).

## 2.2 Specialised translation and technical language

... "لعل أبسط تعريف للترجمة المتخصصة، هو تلك الممارسة التي تهتم بنقل نصوص ذات طبيعة متخصصة على غرار النصوص التقنية أو التكنولوجية أو العلمية، وبعبارة أخرى، النصوص التي تخرج عن الإطار الأدبي أو التي لا تصنف ضمن خانة النتاجات الأدبية؛ على أن هناك من يقول إن الترجمة المتخصصة هي الترجمة التي تعنى بالنصوص الموظفة للغة الاختصاص أو التخصص، أو ما يسميها بعضهم بلغة الأغراض الخاصة، التي يراد بها ذلك التوظيف "المقنن و المنمط للغة في سياق حقيقي، من أجل إيصال معلومات معينة ودقيقة تخص حقلا من حقول المعرفة بنية نشر مصطلحاته وحقائقه العلمية، بين أهل ذلك الحقل، وغايتها في ذلك الإيجاز والدقة والوضوح..."

... " كما تشهد الترجمة المتخصصة تطورا متزايدا فهي تمثل نسبة تسعين في المائة (90%) من عدد الوثائق المترجمة في العالم، وهذا ما جعل الاهتمام بها يتنامى يوما بعد يوم، إن على الصعيد التعليمي عن طريق محاولة اقتراح برامج تكوينية فعالة تسعى إلى إعداد مترجمين موجهين أساسا إلى العمل في مختلف تخصصات البحث العلمي، أو على الصعيد المهني، بفتح مناصب عمل للكوادر الشابة المؤهلة للعمل في مجال الترجمة عموما والترجمة المتخصصة بصفة أدق، خاصة بعد انفتاح الجزائر على اقتصاد الأسواق العالمية، وولوج الشركات الأجنبية للاستثمار في البلاد مع حاجتها الدائمة إلى الوسطاء الذين يتولون مهام التواصل الدائم مع الممثلين المحليين..."

[Specialized translation or interpreting being a part of each other in its narrowest sense means, the practice concerned with the transfer or rendition of materials of a specific nature such as technical, technological or scientific, in other words, materials that are not classified within the category of literary products framework. However, some would say that specialized translation is the rendition linked to the texts accustomed in a technical language or language of the specialty, or what some call "the language of special purposes" , which is itself intends to employ a codified and formal class of language in a real context, in order to communicate certain and reliable information

pertained to an area of expertise with the intention of disseminating its terminology and scientific facts among the people of that domain in a clear and accurate method. Specialized translation is increasingly growing; over 90% of the documents translated in the world are of specialised nature, this fact led to a growing interest in it on a daily basis. At the level of education, considerable efforts are being constituted, proposing effective formative programmes that seek to prepare translators who are mainly oriented to work in various disciplines of scientific research, or at a professional level.]\* (Bacha, 2017)

### 2.3 Specialized translation in official translation offices

... "لقد رأينا سابقا أن الترجمة المتخصصة تعنى بنقل النصوص التي تدخل ضمن مجالات تخصصات معينة، والحال نفسه أن النصوص التي تعرض أمام مكاتب الترجمة الرسمية لا تخرج عن هذا الإطار بل تحمل كلها مضامين خاصة تدرجها في مجال معين دون غيره، وبصيغة أخرى، فإن المترجم الرسمي لا يواجه في إطار مهمته سوى النصوص المتخصصة، التي تفرض عليه وجوبا الاطلاع على مجالات معرفية متعددة، ومقاربة مسارد اصطلاحية أكثر تعددا، علما أنه ليس متخصصا بطبيعته بالنظر إلى الطابع العام لتكوينه، وهذا ما يجعله في تحد دائم مع النصوص المختلفة التي تتعقبه، وتكوين ذاتي يجعله يعيش حالة تدريب مستمر. ولو عملنا على تصنيف النصوص التي تعرض على قلم الترجمة الرسمية بحسب المجالات والحقول المعرفية، فإننا سنميز بين: مجال الترجمة القانونية والإدارية، مجال الترجمة التقنية، مجال الترجمة الطبية، مجال الترجمة الاقتصادية"....

[...As we have previously seen that specialized translation is concerned with the transfer of texts that fall within certain areas of specialization, in the same case, the texts presented before the official translation offices do not diverge from this context, nevertheless they all carry special contents that include them in a particular area only, in other words, the official translator is faced with only specialized texts in the framework of his/her capacity, which imposes on him/her the obligation to familiarize their own self with multiple areas of knowledge and approach more lexical glossaries. Knowing that he/she is not a specialist; due to the nature of his/her tuition, which leads him/her to constant challenge with the various sorts of texts confronting him/her. If we classify the texts presented to the official translator's pen according to the domains and areas of knowledge, we will identify the following: 1) the legal and administrative translation field 2) The technical translation field 3) the medical translation field 4) the economic translation field...]\* (Bacha, 2017)

#### 2.3.1 Legal and administrative translation

... "مجال الترجمة القانونية والإدارية: و يمثل نسبة ستين في المائة (60%) من نسبة الوثائق المترجمة ويترتب ضمن هذا النوع من النصوص: سندات الملكية والحيازة، الدفاتر العقارية، موائيق وملفات تأسيس الشركات، عقود العمل والتوظيف والإقامة، عقود الميلاد والزواج والوفيات وأحكام الطلاق، شهادات الجنسية وصحيفة السوابق

العديلية، بطاقات الهوية، والبطاقات المهنية، المحاضر القضائية ومحاضر الاجتماعات، عقود البيع والشراء والرهن. (وعادة ما تكون تلك الوثائق قديمة، وبعضها محرر بخط اليد راجع إلى الحقبة الاستعمارية أبرمت أمام ضباط عموميين فرنسيين، وهذا ما يصعب عملية قراءتها وتفسيرها ومن ثم نقلها، وتكون تلك الترجمات مطلوبة أساسا بغرض التقاضي في إطار نزاعات حول الأراضي وملكيتهما السابقة واللاحقة) خبرات مضاهاة الخطوط، الشهادات المدرسية والشهادات الجامعية في كامل الأطوار الأكاديمية، كشوف النقاط وكشوفات الراتب (الشهرية والسنوية) شهادات العمل وسندات العطل، السجلات التجارية والتصريحات الجبائية، وشهادات عدم الخضوع للجبائية...."

[Being the point of interest in this work, the legal and administrative translation represents 60% of the overall percentage of translated documents, which is considered the highest. This field usually comprises these types of texts: property and possession deeds, real estate books, charters and business start-up files, employment and residency contracts, birth, marriage, death and divorce certificates, certificates of citizenship, criminal record precedents, ID cards, professional official cards, judicial and meeting records, school certificates, university degrees and other academic stages, point sheets and monthly or annual salary statements, certificates of employments and leaves, business records, tax declarations, contracts of sale, purchase and mortgage loans. (these documents are usually old dating back to the colonial-era; some of them might be handwritten, which makes it difficult to read, interpret and transfer, and these translations are mainly required for litigation purposes, and subsequent land or property disputes)]\* (Bacha, 2017)

### 2.3.2 Technical translation

"... مجال الترجمة التقنية: الذي يمثل نسبة عشرين في المائة (20%) من الوثائق المترجمة وتتمثل في النصوص التي تحتوي مضامين تقنية على غرار: الخبرات التقنية للمركبات، المناقصات والعروض، والصفقات، والاتفاقيات، سندات الطلب والتسليم، وفواتير الشراء والتوريد، الاتفاقيات الخاصة بالتوريد ومختلف أشغال الصيانة، و الخردوات، والتعمير والبناء، عقود التأمين بأنواعها، كتيبات التعليمات ودلائل استعمال الأجهزة وتشغيلها..."

[Technical Translation represents twenty per cent (20%) of the translated documents, it consists of texts of a technical nature such as: technical expertise of vehicles, tenders, offers, deals and agreements, order and delivery bonds, purchase and supply bills, supply agreements and various maintenance works, instruction manuals, device usage and operation manuals.]\* (Bacha, 2017)

### 2.3.3 Medical translation

"...مجال الترجمة الطبية: إذ يمثل نسبة عشرة في المائة (10%) من الوثائق المترجمة، ويعد من بين أصعب أنواع الترجمات؛ لأنه يتطلب اطلاعا واسعا في مجال الطب العام والمتخصص، وكذا تعريف المصطلحات الطبية، وتندرج ضمنها: الشهادات والتقارير الطبية (التي عادة ما ترد مكتوبة بخط يد الطبيب الممارس، وهو الأمر الذي

يقف عائقاً أمام قراءة وإدراك خطوط هذا النوع من الوثائق بغرض تحليل مضامينها.) الخبرات الطبية التي يحررها الأطباء الشرعيون المحلفون (على إثر حادث معين أو تلك التي تدخل في إطار الطب النفسي العصبي وتحديد قدرة المريض على تسيير شؤونه الخاصة من عدمها ضمن ما يسمى بمبدأ الوصاية الشرعية، التقارير الطبية التي تحرر بعد إجراء فحص بالأشعة (السكرانر – التصوير بالرنين المغناطيسي، تخطيط الصدى وغيرها من الوثائق التي تعج بالمصطلحات الطبية؛ بحيث يصعب في غالب الأمر إيجاد المقابل العربي لها، إلا من خلال عملية البحث التوثيقي ومقارنة المعلومات والغوص في المفاهيم الطبية التي لم يتكون لها المترجم أساساً) لذلك تجد المترجم يختتم عملية النقل غالباً في إطار ترجمته لمثل هذا النوع من النصوص، بملاحظة يذكر فيها تحفظاته لخصوصية وصعوبة المصطلحات الطبية، خبرات الحمض النووي الموجهة لتحديد النسب."...

[It represents ten per cent (10%) of the translated documents, and is considered the most difficult types of specialized translations, as it requires extensive knowledge in the fields of general and specialized medicine, as well as expertise in localization of medical terminology, medical translation includes the translation of medical certificates and reports (usually hand written from the practicing doctor, which hinders the reading and perception of the lines in this type of documents in case of the necessity of analysing its contents). Medical reports defined by legal sworn doctors (following an accident or those that fall within the framework of neuropsychiatry and determine the patient's ability to manage their own affairs within the so-called principle of legal guardianship, medical reports that are edited after an MRI scan, Echography, DNA tests and other documents that are full of medical terms; that it is often difficult to find an equivalent for in Arabic) therefore translators usually conclude the rendition process of such texts, with a note mentioning his/her reservations about the specificity and difficulty of medical terms.]\* (Bacha, 2017)

... "وتجدر الإشارة إلى أن طلبات الترجمة ترتبط بالحاجة إليها بالدرجة الأولى، فهناك طلبات تتعلق بنقل النصوص إلى العربية بغرض التقاضي في المحاكم الجزائرية التي تعتبر العربية اللغة المحلية والرسمية التي تودع بها العرائض والعقود ومختلف الوثائق تشجيعاً لحركة التعريب".... "وفي المقابل هناك وثائق يركز طالبوها على ترجمتها إلى اللغات الأجنبية بغرض الحصول على تأشيرات السفر وشهادات الإقامة بالخارج، أو التسجيل ومواصلة الدراسة بالجامعات والمراكز التكوينية بمختلف البلدان الأجنبية، وعليه تندرج ضمن تلك الوثائق: الشهادات المدرسية والجامعية، كشوف النقاط، شهادات الحالة المدنية، الشهادات الإدارية، السجلات التجارية، التصريحات الجبائية، وشهادات إبراء الذمة المالية، البطاقات المهنية، وبطاقات الهوية، رخص السياقة، شهادات العمل وسندات العطل. يضاف إلى ذلك نوع آخر من الأعمال المتمثلة في النسخ الحرفي لبعض العقود العرفية القديمة، الذي يتطلب درجة تركيز كبيرة وتمييز شديد للخطوط، في ظل رداءة النسخ والخط تارة وصعوبة قراءة تلك النصوص بفعل تمزق بعض الوثائق لقدمها تارة أخرى."...

[On one hand, it should be noted that requests for different types of translations are primarily related to the need of it, there might be requests for the transfer of texts into Arabic language for the purpose of litigation in Algerian courts, as Arabic being the local and official language in which petitions, contracts and various charters are deposited in order to encourage the Arabization movement. On the other hand, there are documents whose owners ask for translating it into a foreign language for the

purpose of obtaining visas and certificates of residence abroad, or getting scholarship admissions and continuing their education at universities and training centres in different foreign countries. These documents include: school and university certificates, civil status certificates, administrative certificates, business records, tax declarations, financial discharge certificates, professional cards, identity cards, drivers licenses, work certificates and holiday leaves. In addition, to verbatim copying of some old customary contracts, which require an enormous amount of concentration and sharp distinction of the lines, taking into account the inadequate copying and calligraphy, and the difficulty of reading those texts due to the rupture of some documents. ]\* (Bacha, 2017)

## 2.4 Ways of certification and regulations of court interpreters in Algeria

... "النصوص القانونية المنظمة للمهنة: الأمر رقم 95-13 المؤرخ في 11 مارس 1995 المتضمن تنظيم مهنة المترجم – المترجم – الترجمان الرسمي. المرسوم التنفيذي رقم 95-436 المؤرخ في 18 ديسمبر سنة 1995 المحدد لشروط الالتحاق بمهنة المترجم – المترجم الرسمي، وممارستها، ونظامها الانضباطي، وقواعد تنظيم المهنة وسير أجهزتها. المرسوم التنفيذي رقم 96-292 المؤرخ في 2 سبتمبر سنة 1996، المتضمن تنظيم محاسبة المترجمين – الترجمة الرسميين والمحدد لكيفيات دفع الأتعاب مقابل خدماتهم" ...

[According to the official website of the Ministry of Justice, the function of the official translator and interpreter was established in Algeria by Decree No. 95-13 of March 11, 1995 regulating the profession of the official translator – interpreter, the decree was monitored by the executive Decree No. 95-436 of December 18, 1995, specifying the terms for the recruitment of the official translator – interpreter. It was settled in the same decree that the opening and establishment of official translation public offices would be the liability of the minister of justice, after consulting the National Chamber of Translators, and that admission into the profession of official translator and interpreter shall be also organized and conducted by decision of the minister of justice, after consultation with the National Chamber of Translators, where the candidates must meet certain conditions detailed in Article 09 of the previous Decree, and listed in the upcoming title. ]\*

## 2.5 Requirements of admission to the profession of official translator – interpreter



"... يكون الالتحاق بمهنة المترجم – المترجمان الرسمي عن طريق مسابقة تحدد كميّات تنظيمها و إجرائها بقرار من وزير العدل بناء على إقتراح من الغرفة الوطنية للمترجمين – التراجمة الرسميين. يشترط للالتحاق بمهنة المترجم – المترجمان الرسمي استيفاء الشروط الآتية: التمتع بالجنسية الجزائرية، بلوغ سن 25 سنة على الأقل، التمتع بالحقوق المدنية والسياسية، وأن لا يكون قد حكم عليه بعقوبة جنائية أو جنحة مخلة بالشرف، حيازة دبلوم في الترجمة من معهد الترجمة أو شهادة معادلة له، خبرة في مهنة المترجم – المترجمان الرسمي لمدة لا تقل عن خمس سنوات على مستوى مصلحة الترجمة لدى جهة قضائية أو إدارة أو هيئة أو مؤسسة عمومية أو خاصة أو منظمة أو مكتب عمومي للترجمة الرسمية أو مكتب أجنبي للترجمة، التوفر على إقامة مهنية، النجاح في المسابقة الخاصة بممارسة مهنة المترجم – المترجمان الرسمي.

يتم تعيين المترجم – المترجمان الرسمي بموجب قرار من وزير العدل، حافظ الأختام كما يؤدي المترجم – المترجمان الرسمي قبل أداء مهنته اليمين القانونية أمام المجلس القضائي لمحل إقامته المهنية..."

1. [To be holder of the Algerian nationality.
2. To have at least 25 years old.
3. To carry his /her civil and national rights and not being condemned to any penalty or offensive crime involving moral turpitude.
4. To hold a degree in translation from one of the national translation institutes or a certificate recognized as equivalent.
5. Must have practiced the profession of translator – interpreter for at least five (5) years in a judicial authority or body, public or private institution, organization, public office for official translation or a foreign office for translation.
6. To have a professional residency.
7. To pass the competition for the practice of the profession of official translator – interpreter.

After passing the competition, the official translator – interpreter shall take an oath and be sworn in accordance with the terms and conditions stipulated in the above mentioned Article 10 of Decree No. 95-13 of 11 March 1995, and a minutes of appointment shall be written and recorded in the archives of the competent judicial council and a copy shall be delivered to the concerned person. ]\*

## 2.6 Interpreters in Algeria's jurisdictions

"... هذا ويمثل المترجمان الرسمي نموذجا عن الوسطاء الذين يمارسون مهام ربط حلقة التواصل الدائم بين المتعاملين مع اللغات، ويؤدي دوار بارزا في مجال التعامل مع الترجمة المتخصصة.



ويتمتع المترجم-الترجمان الرسمي بصفة ضابط عمومي، ويحمل ختما رسميا يضعه على الوثائق التي يترجمها ويصادق على ترجمتها، وتحظى الوثائق المترجمة من قبله بقوة ثبوتية بموجب القانون ما لم يثبت تحريفها بشهادة ثلاثة مترجمين و تراجعته رسميين يتم تعيينهم من الجهة القضائية التي يعرض أمامها النزاع؛ وبحكم المكانة التي يحتلها، والسلطات المفوضة له، فإنه يلتزم بالسر المهني في تأديته لمهامه، ويرتدي الزي الرسمي في نفس شروط كاتب الضبط عندما تتم دعوته للقيام بمهام الترجمة الفورية أثناء الجلسات القضائية"...

[Official translators and interpreters are an exemplar for mediators who are engaged in the functions of connecting the permanent link between language operators, and performing a prominent role in dealing with specialized texts.

The official translator – interpreter has the capacity of a public officer; being a holder of the official governmental seal he/she certifies the documents he/she translates and these documents have probative power under the law unless they are proved to be falsified by the testimony of three other official translators appointed by the court in which the dispute is brought; by virtue of his/her position and delegated powers, he/she is bound by professional secrecy in the performance of his/her duties, and shall wear a uniform same as the clerk when he/she is invited to perform interpretation duties during judicial hearings.]\* (Bacha, 2017)

### 2.6.1 The official sworn translator – interpreter tasks

... "يمارس المترجم-الترجمان الرسمي مهام الترجمة الشفهية والتحريرية ضمن لغات اختصاصه، وهو الوحيد المؤهل للمصادقة على ترجمة كل وثيقة أو سند كيفما كانت طبيعته، إضافة إلى قيامه بأعمال الترجمة المألوفة في الاجتماعات والندوات والملتقيات أو المؤتمرات، عندما يطلب منه ذلك، وفي حدود اختصاصاته وصلاحياته. وأهم من ذلك كله، أنه يتولى شخصيا مهمة تسيير مكتبه لحسابه وتحت مسؤوليته، بما في ذلك التواصل مع المتعاملين الذين يطلبون خدماته الترجمة بشتى أنواعها، وتنظيم العمل داخل المكتب بين الأعدان والمساعدين، وتحديد آجال التسليم وترتيب أرشيف المكتب، مع السهر على السير الحسن للعمل وحفظ السر المهني."...

[The official translator performs the functions of interpretation and translation within the languages of his/her competence, and is the only one qualified to certify the translation of documents, bonds or titles of different natures, in addition to performing the common translation work at meetings, seminars, forums or conferences, when requested to do so, within the limits of his/her competence, powers and availability.

Most of all, he/she personally undertakes the task of running his/her public office on his/her own account and under his/her responsibility, including communicating with clients who request various translation services, organizing the work in the office among the agents and assistants, setting the deadlines for delivery and arranging the archives of the office, while maintaining the remarkable work and keeping professional secrecy. ]\* (Bacha, 2017)

### 2.6.2 The official sworn translator – interpreter obligations

... "واجبات المترجم – المترجمان الرسمي: يلتزم لاسيما بما يأتي : بالمحافظة على السر المهني، ارتداء اللباس الرسمي في نفس شروط كاتب الضبط عندما يدعى لتقديم خدماته في الجلسات القضائية، أن يمتنع عن قبول هبات عينية أو نقدية أو أي امتياز آخر خلال القيام بمهامه أو بمناسبتها." ...

[According to the official website of the ministry of justice, the official translator – interpreter shall observe the following:

- I. Keeping professional confidentiality and secrecy.
- II. Respecting the dress code by putting on a formal gown same as the courthouse clerk, when invited to offer his/her services at judicial hearings.
- III. Refraining from accepting gifts of all kinds, cash or any other privilege during the performance of his/her duties. ]\*

### 2.6.3 The nature of the difficulties faced by the official sworn translator – interpreter

... "تتعلق الصعوبات التي تواجه المترجم- المترجمان الرسمي بطبيعة النصوص التي يترجمها والتي يسمها الطابع التخصصي، إذ يتمتع هذا المترجم، كما سبق أن قلنا، بتكوين عام في الغالب أثناء تدرجه الأكاديمي، لم يحضره مسبقا لمجابهة مثل تلك التخصصات، ليجد نفسه بعد تعيينه مترجما رسميا أمام عدة تحديات نذكر من ضمنها فتح وتسيير مكتب، بما يترتب على ذلك من مسؤوليات متعلقة بطبيعة التسيير، والتنظيم والإدارة، والتعامل مع الزبائن ومتعاملي المكتب الذين ينتمون، بطبيعة الحال، إلى فئات عمرية وتعليمية وثقافية متفاوتة، تقتضي تعاملًا خاصًا مع كل واحدة منها، يضاف إلى ذلك كله التعامل مع مختلف الإدارات والسلطات العمومية على غرار مفتشية العمل، والصندوق الوطني للضمان الاجتماعي للعمال الأجراء وغير الأجراء، ومصحة الضرائب المختلفة، وشركات التأمين، ومصحة طب العمل، ووكالة التشغيل. وأهم صعوبة ترتبط بطبيعة النصوص المعروضة للترجمة، والتي تتنوع بتنوع مضامينها ومحتوياتها الموضوعاتية، وبتحديد الأجال المناسبة التي تخدم مصالح المتعاملين وتحترم رغباتهم، وتناسب متطلباتهم." ...

[The challenges faced by the official translator – interpreter are mainly related to the nature of the texts he/she deals with, which is characterized by being of a specialized kind, the translator, as we have already said, holds general skills mostly obtained during his academic studies, which he/she did not attend to face such disciplines, so that after his/her appointment as an official translator, he/she find their own self facing several challenges, including opening and running a public office, along with consequent responsibilities related to the management and organization of the business, also dealing with clients and office workers who, of course, belong to different age, educational and cultural categories, requiring special treatment for each of them, moreover coping with Dealing with various departments and public authorities such as the labour inspectorate, , the different tax authority agencies, insurance companies,

and employment Agencies. The most significant difficulty is related to the nature of the texts and documents presented for translation, which are varied by the diversity of their content, in addition to the determination of appropriate deadlines that serve the interests of the clients, respect their requests, and suit their requirements. ]\* (Bacha, 2017)

Like other domains, translation and interpretation suffers from imposters. Imposters in Algeria are those who are not entitled to perform as translators or interpreters but find a way to do so, legally or illegally. They are generally reported to the authorities by the official translators, but sometimes cannot be as they work on non-official documents in non-official settings (Goui, 2020)

#### 2.6.4 The required skills of the official sworn translator – interpreter

... "المهارات الواجب توافرها في المترجم – المترجمان الرسمي:

المهارة اللغوية: تتعلق تلك المهارة بالمعرفة الميدانية والمعمقة بلغات العمل، أي: اللغات التي ستتم الترجمة منها وإليها، مع الحرص على تطوير وتحسين تلك المهارات عن طريق التدريب المستمر والمطالعة في مختلف المجالات<sup>5</sup>.

المهارة الترجمة: تكون عبر امتلاك المترجم الأساليب والتقنيات، والمناهج والطرق لإجراء عملية النقل من لغة إلى أخرى مع احترام معايير الممارسة، والتركيز على دراسة أنماط النصوص المختلفة، بغرض اختيار أنسب المناهج والإجراءات الترجمة.

المهارة التحريرية: إن أهمية لغة التبليغ في الترجمة تفرض على المترجم التمكن والتحكم في أدوات صياغة النص وتحريره سواء أكان عاما أم متخصصا، ومؤهلاته التحريرية هذه مكتملة لمؤهلاته اللغوية؛ إذ تسمح للمترجم بالتعبير بوضوح ودقة وإحكام عن معاني النص الأصلي في لغة الوصول (الهدف) محترما في ذلك خصوصيات النص واللغة.

المهارة الموضوعاتية: تتمثل في الاطلاع على أهم المجالات المعرفية ولاسيما: القانون، والاقتصاد، وعلم الاجتماع، والعلوم، والطب... إلخ و كذا التعامل المستمر مع مسارد المصطلحات المتخصصة بغرض اكتساب تجربة واسعة تضاهي معرفة أصحاب التخصص أنفسهم.

مهارة البحث: على المترجم المتخصص التمكن من تقنيات وأساليب و منهجيات البحث الضرورية للحصول على المعلومة أو المصطلح الذي هو في حاجة إليه لترجمة نص في مجال معين، وتلك المؤهلات أساسية في عمل المترجم؛ لأنها تضمن له جودة الترجمة.

المهارة المعلوماتية: تتم بتطبيق مبدأ المعلوماتية في خدمة الترجمة، وهي ذات أهمية كبرى بالنسبة لتكوين قاعدة معرفية لدى المترجمين بدءا باستعمال برامج المعلوماتية، وبرامج الترجمة والمصطلحات؛ والقواميس والموسوعات الرقمية، فضلا عن برامج تسيير قاعدة المعلومات المصطلحية، وبنك المصطلحات...".

1. [Language skills: this skill is related to depth knowledge of working languages, i.e. the languages to be translated from and into, taking into account the self-development and improvement of those skills through continuous trainings and readings in various fields.

2. Translation skills: the translator has to obtain methods, techniques, styles and expertise to carry out the process of transfer from one language into another while respecting the standards of practice, and focusing on the study of different text styles, in order to select the most appropriate approaches and procedures for the translation process.
3. Editorial skills: the weight of the translation's communicative purpose requires the translator whether he/she is general or specialized to be able to control the tools of drafting and editing the texts, the translator's editorial qualifications should complement and work alongside his/her linguistic qualifications, as they allow the translator to express clearly, precisely and accurately the meanings of the source into the language of the other ( the target language), respecting the specificities and the characteristics of the original text and language.
4. Research skills: a specialist translator must have the necessary research techniques, methods and methodologies to obtain the information or term that he/she needs to translate a text in a particular field, these qualifications are essential in the work of the translator because they guarantee the high quality and accuracy of the final product.
5. Informatics skills: the field informatics is applied in translation services and is of great importance for the formation of a database for translators starting with the use of informatics programs, translation and terminology programs; dictionaries and digital encyclopaedias, as well as the management of the software for the operation of the terminological information base. ]\* (Bacha, 2017)

## **2.7 Immigrants in Algeria**

At the international level, no universally accepted definition for “Immigrant” exists. The present definition was developed by the International Organisation of Migrants, according to the IOM the term “Immigrant” is an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, across an international border permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as immigrant workers; persons whose particular types of movements are legally-defined; as well as those whose status or means of movement are not specifically defined under international law, such as international students (International Organization for Migration, 2019).

### **2.7.1 Legal immigration**

By legal immigration is meant immigration, visiting, or transiting in Algeria via the official known frontiers. Legal immigration is generally made via landing in airports with a passport and visa if required or entering through one of the known official frontiers of Algeria. Legal immigrants to Algeria generally come for touristic purposes or business such as attending conferences, working for oilfield companies, or investment. Legal immigration to Algeria comes from all the countries normalized within the world in all contents and corners (Goui, 2020).

### **2.7.2 Illegal immigration**

Contrary to legal immigration, illegal immigration is when the visitor comes to the state secretly, far from the eyes of official known frontier points, whether through airports or elsewhere. Illegal immigrants in Algeria generally come from African countries, most of them from the neighbouring African countries suffering wars or bad conditions, and some also come from distant African countries (Goui, 2020)

### **2.7.3 Challenges of translation and interpretation for immigrants**

Due to the situation in Algeria, translating and interpreting for immigration knows many difficulties. Actually, there are problems or difficulties related to legal immigration and others that are mainly related to illegal immigration. In general, there are problems connected to language mastery at large, like gender (Djamel Goui 2017), and others in connection with the practice and immigration. These problems or difficulties might hinder the success of the communication process taking place between Algerians and immigrants, or likely between the Algerian authorities and the immigrant. The difficulties discussed in this paper are not exhaustive but illustrative there might be many others not stated for lack of scientific evidence (As cited in Goui, 2020).

## **2.8 Status of immigrants in Algeria**

The International Organization for Migrants revealed statistics demonstrating that, between 50,000 and 75,000 immigrants living on Algerian territory in legal and illegal situation, and 42% among these do not intend to migrate to Europe, but in fact, they want to live, work and settle in Algeria. As for the Algerian authorities, they, in turn, revealed a statistic of 100,000 secret immigrants inside Algeria, of whom 25,000 alone live in Tamanrasset, located in the southern edge of the country.

According to Sputnik France, Algeria is among the major countries sending migrants to Europe, but it is also a host country for a large number of those fleeing wars, poverty and terrorism in Africa and some Arab states too. Algeria is also an important transit point for many African migrants towards the European dream. Its strategic geographic location and its wide land borders have made it a fertile environment for the growth of the phenomenon of illegal immigrants progressively, especially for individuals coming from the countries of the African coast, who consider Algeria their favourite destination, due to the worsening of the security and economic troubles that their countries have known; they resort to the borders sneaking through many points looking for shelter and stability.

The flow of illegal immigrants entering Algeria daily; coming from the depths of the African continent is significantly increasing daily, with the stream of large numbers of immigrants escaping wars, poverty and terrorism towards Europe; Algeria went from a transit point for these immigrants to a permanent residence that receives daily more than the entire European continent.

Paolo Giuseppe Caputo, the representative and head of mission at the International Organization for Migrants in Algiers, confirmed in an interview that Algeria receives a significant number of immigrants every day, which exceeds the percentage of immigrants that all European countries receive together, giving it the absolute ability to be an African role model in managing migration waves. According to the official's statement, *“Algeria is subject to strong pressure from migration waves, and it is natural for officials to take precautionary measures to control this stream.”* He said that there are ways adopted by Algerian authorities to control this flow, including forcible return, which is the procedure being used the most in many countries in the world as he confirmed.

Caputo added that, Algeria receives a huge stream of illegal immigrants every day, and according to the statistics of the Algerian government, which has sovereignty over its borders, the arrivals across the border have reached an average of 500 people per day in an illegal manner, spread across all Algerian territory, and this indicates and confirms that Algeria alone receives a huge number of immigrants, more than all European countries count certainly.

## **2.9 The legal system in Algeria**

At independence Algeria inherited colonial judicial institutions that were widely held by Muslim Algerians to have been established to maintain colonial authority. Judicial organization was based on two separate foundations: Muslim jurisdiction—practicing Shari'ah (Islamic law)—and French civil courts; the latter were primarily located in the

larger towns where the Europeans were concentrated. Shari‘ah courts were the first—and all too frequently the final—recourse for Muslims seeking judicial redress. Post-independence governments were quick to take steps to eliminate the French colonial judicial legacy. In 1965 the entire system was reformed by a decree that instituted a new judicial organization. This decree was followed a year later by the promulgation of new legal codes—the penal code, the code of penal procedure, and the code of civil procedure. A provincial court in each province and nearly 200 widely distributed tribunals were eventually created.

The judiciary now consists of three levels. At the first level is the tribunal, to which civil and commercial litigation is submitted and which takes action in penal cases of the first instance. At the second level is the provincial court, which consists of a three-judge panel that hears all cases and that functions as a court of appeal for the tribunals and for the administrative jurisdictions of the first instance. At the third and highest level is the Supreme Court, which is the final court of appeal and of appeals against the decisions of the lower courts. In 1975 the Court of State Security, composed of magistrates and high-ranking army officers, was created to handle cases involving state security. The constitution of 1996 instituted two new high courts to complement the Supreme Court. The Council of State acts as an administrative equivalent to the Supreme Court, hearing cases not ordinarily reviewed by that body; and the Tribunal of Conflicts was instituted to regulate any jurisdictional disputes that might arise between the other two high courts (Sutton et al. 2020).

## **2.10 The court of Ouargla**

The courthouse location: the court of Ouargla is located in the city center, precisely in Si-Elhawas Avenue.

The courthouse status: ancient and modest structure

Function of the court and service provision: adequate with some shortcomings due to the status of the building.

Number of courtrooms: two (02) sufficient.

The range of guaranteeing maintenance, hygiene and safety: average.

Projects in progress and their occupancy rate, and obstacles: nothing mentioned

Territorial competence:

Number of municipalities: six (06).

National gendarmerie teams: six (06) teams along with the gendarmerie research brigade.

Police units: ten (10) along with the field units of the judicial police, and the judiciary police of the state

Judicial bailiff offices: (11).



Notary public offices: (11).  
Auctioneer offices: (03).  
Official translators' offices: (03).  
Legal advocate offices: (31).  
Penal institutions: (02).

## **Conclusion**

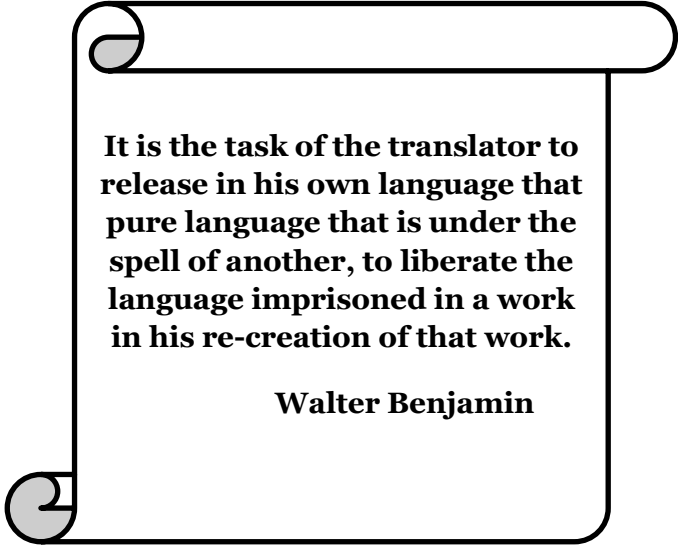
The proceeding chapter has provided the best available knowledge to the theoretical background of the studies related to the domain of legal court interpreting as a practice and a profession in Algeria, along with shedding light on the specialised translation and technical language branches in official translation offices and its direct connection with the judicial and legal system, as well as legal and illegal immigrants in Algeria. It also highlighted the norms and standards of the legal interpreting existence in the country and the ways of certification, regulations, tasks, and obligations regarding official translators and interpreters in Algeria. The objective of this chapter was to examine and analyse objectively the nature of the difficulties faced by official translators and interpreters, in addition to addressing the required skills to be applied in the development of a strategic framework of the following part, future studies could address the design of specialized training courses for interpreters in the judicial system of Algeria to meet the specific needs especially when dealing with immigrants. The ultimate goal of the chapter is not only to learn from other practices, but also to take the research a step further in the future and draft a standard for regulating the profession of court interpreting in Algeria.



Chapter three

# Challenges of Court Interpreting in Ouargla.

## Analysis and Findings



**It is the task of the translator to release in his own language that pure language that is under the spell of another, to liberate the language imprisoned in a work in his re-creation of that work.**

**Walter Benjamin**

## **Introduction**

The previous two chapters present several pertinent literatures regarding the theoretical context of the present study, and the research in the field of legal court interpreting as a practice and a profession in Algeria. In this chapter, the research design and methodology of the current study; which focuses on the discussion methodology and details of data collection is provided. Moreover, this chapter discusses the adopted methods in gathering the data of this study, succeeded by the analysis of the findings of the survey results in an effort to answer the main questions of this study:

1. What difficulties do court interpreters face when dealing with immigrants, in Algeria?
2. What are the intricacies, ramifications, and responsibilities legal interpreters encounter in a legal setting; while dealing with immigrants in Algeria?

### **3.1 Research methods and data analysis**

The present study adopts a qualitative approach; the descriptive nature of the current study determines that the proper instrument to collect data is the online survey; where owing to time constrains, we have incorporated semi structured interview questions within, which would be a suitable method for initial data collection. This type of surveys welcomes additional issues raised by the surveyors during the process of filling in the questionnaire. Besides, in the survey form there will be an extra comment space at the end of the some questions, in order to gather as much information as possible. Moreover, this study makes use of the officially-announced information on the website of the Ministry of Justice ([www.mjustice.dz](http://www.mjustice.dz)) as for the definition of official interpreters, the qualification required, their compilation according to the working place, the interpreters name lists, contact information, and the specified working languages. Besides, the other data provided were gathered through personal means. The criteria of selecting participants will be based on being accessible to the official sworn interpreters in Ouargla region. Throughout the questionnaire, official interpreters have the right to choose what suits them best to share their experience and insight. The criteria encourage different demographic groups: male/female, trained/untrained, different specified languages, and it specifies work places. The participants' names will be kept confidential and will be referred to as P1, P2, and P3... to protect their identity. The comments and answers provided by participants are taken as they are which means even the grammatical, structural or other mistakes if any are included to avoid any alteration of their way of expressing ideas and thoughts.

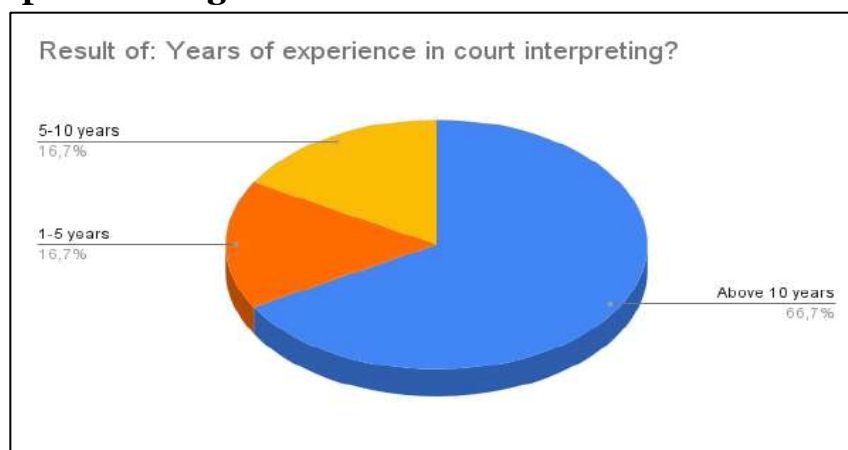
### 3.2 Analysis and results of the interpreter's questionnaire

This section provides the stages that the survey pursues to obtain the required data. 32 online survey questions are asked and completed by six court interpreters using Google Forms, the questions are divided into five sections. The first section includes a brief description of the study and factual questions about the background information and the interpreter qualifications, in order to know more about the interpreter's job profile and educational certifications. The second section includes questions on the role of the court interpreter. The third section asks the surveyors to select from a range of options as towards the various challenges at work environment, such as the linguistic difficulties encountered by the interpreter in the courtroom, the profession ethics, and court procedures; the selection goes like, "I find it challenging when lacking background information" This section is designed using the Likert scale questionnaire for the respondents to choose from four points ranging from "Never" to "Often" for each question. The fourth and the last sections include questions related to court interpreting practice with immigrants, where some interview questions that were added to the online survey for more understanding of the issue are analysed in the fifth section. The questions in the last two sections are majorly presented in a multiple-answer format. Most of the questions in this survey are answered by selecting either "Yes or No" where some require either a short answer text or a paragraph answer text.

### 3.3 Analysis of the interpreters' questionnaire

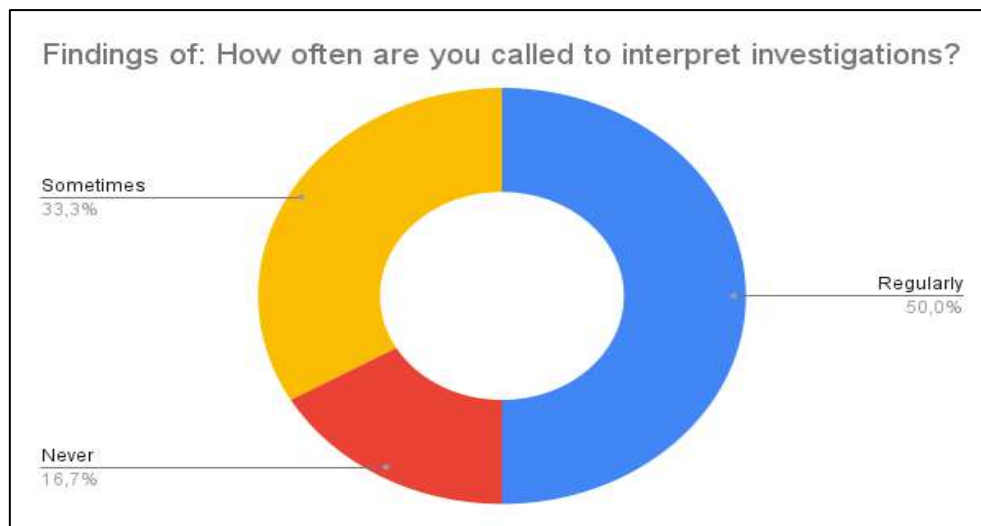
As previously mentioned, the targeted group of interpreters are official sworn interpreters, as this study is the first to be carried out in Ouargla, Interpreters from all around the region and different backgrounds are welcomed, accordingly survey questionnaires were mailed to these interpreters to invite them to participate in this study.

#### 3.3.1 Participants' background information



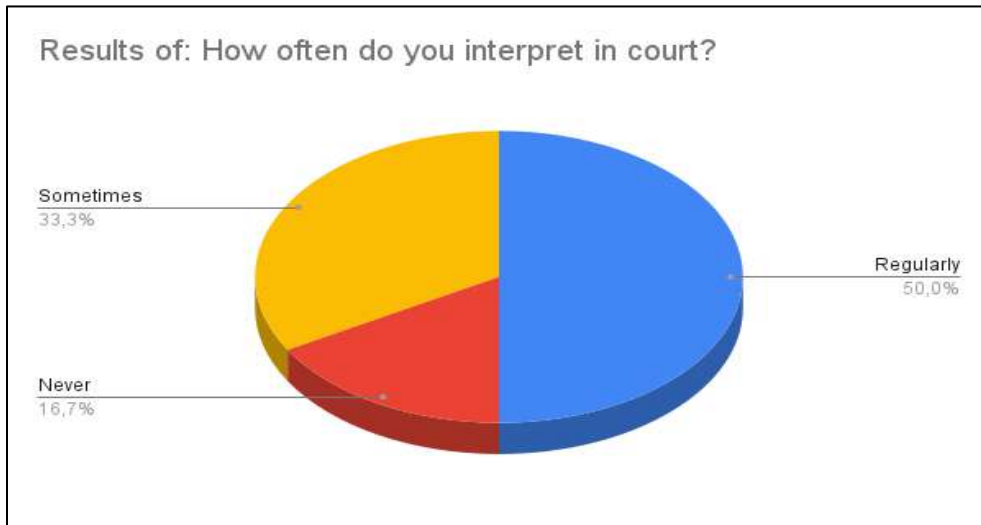
**Figure 05: Responses to years of experience in court interpreting**

As for years of experience, the pie chart data has shown a reasonable amount of experience with court interpreting, one of the most prominent features of this data is that 04 participants in this study making up (66.7%) of the whole sample (06) court interpreters have interpreted for more than 10 years. Whereas two of the respondents representing (16.7%) of the chart had worked for 5-10 years of the whole sample (06) court interpreters. Meanwhile, one interpreter having the same range of percentage (16.7%) with 1-5 years of experience. Some interpreters did not offer their personal information. Overall, this can explore that there is a variety of interpreters in the region in terms of experience in court interpreting, whereas the vast majority of the interpreters have got long term competency and expertise in the field.



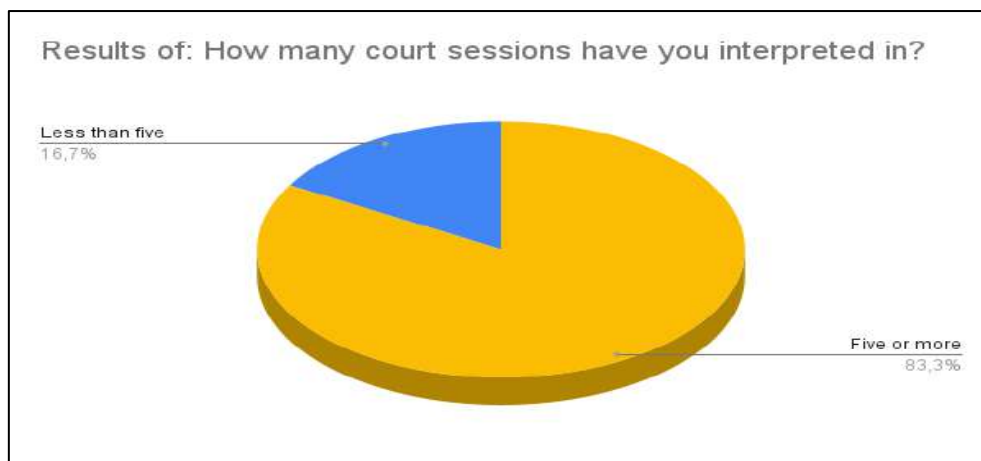
**Figure 06: Responses to the call for interpreting investigations**

We notice that (50%) being the greatest percentage of the whole number of interpreters have been called to interpret investigations on a regular basis, also, (33.3%) of them sometimes offer this service, besides, (16.7%) who have never been called to perform an investigation interpreting, which confirms that a large class of court interpreters in Ouargla province have been called to deliver their services in investigations. In the case where there might be immigrant defendants or suspects, it is indispensable to call for a medium interpreter to mediate the foreign defendant/immigrant language.



**Figure 07: Responses to the frequency of interpreting in court**

According to the collected answers what stands out is that half of interpreters (50%) have regularly interpreted in courts. Moreover, 33.3% of participants were sometimes called to interpret called. Where one interpreter making up (16.7%) of the whole participants said that he has never been asked to do so. To sum up, the graph shows that interpreters are requested to interpret during court sessions with immigrants as a regular part of their jobs.



**Figure 08: Responses to the number of the interpreted sessions**

The figure shows that more than half of the court interpreters have interpreted more than five sessions during their career (83.1%). A total of 5 respondents answered this question, while one

of them skipped it. Among those who answered this question (16.7 %) responded that they have been in less than five court sessions. So, we can say that court interpreters have the chance to mediate in court sessions routinely as a part their profession as well.



**Figure 9: Responses to the training of court interpreters**

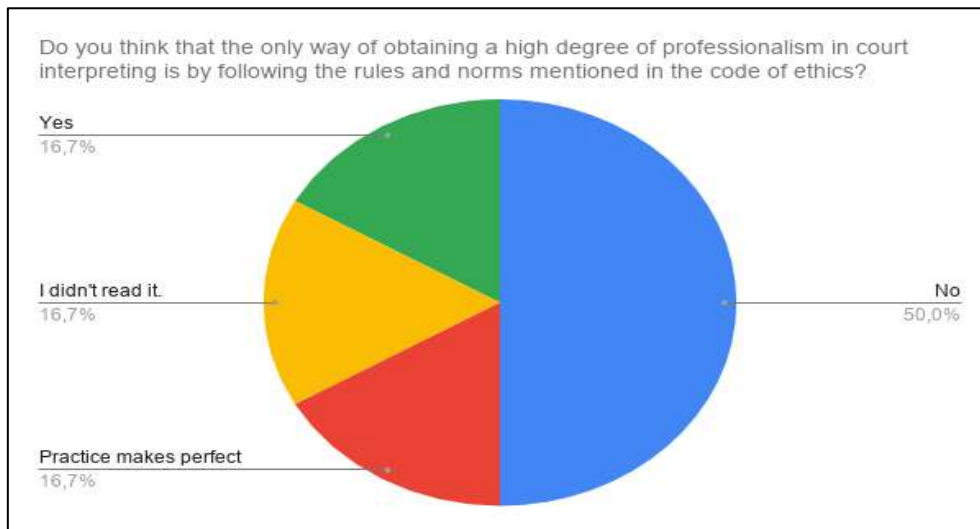
The pie chart shows that almost all of the participants (85.7%) confirm that they have never received any special training in court interpreting. (14.3%) of the rest declared that they did not have it yet. Studying the findings of figure 8 and based on the results obtained we can draw a conclusion that the majority of interpreters of Ouargla courts are not satisfied with the absence of trainings; as it is not sufficient to be a competent interpreter relying on university trainings only, we might say that the lack of the appropriate training might lead to some shortcomings of them, that’s why interpreter might have relied on self-training or experience in order to conceal the lacks.



**Figure 10: Responses to the code of ethics of the translator/interpreter**

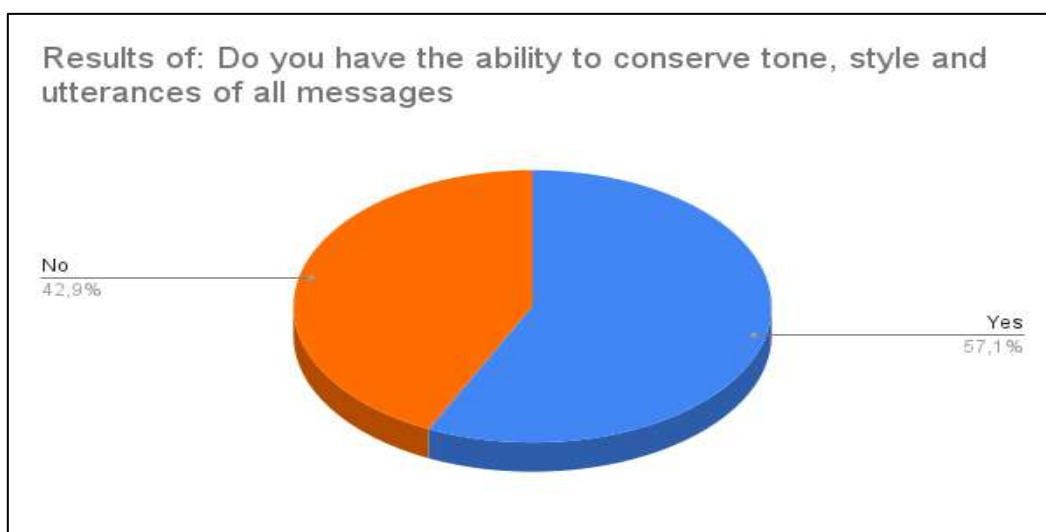
As can be seen in the graph above, the majority of interpreters (71.4%) confirmed that they have read the code of ethics. While other interpreters representing (28.6%)

contradicted that. We can say that most of the interpreters in Ouargla courts are aware of the code of ethics; which is one of professional musts of the interpreter.



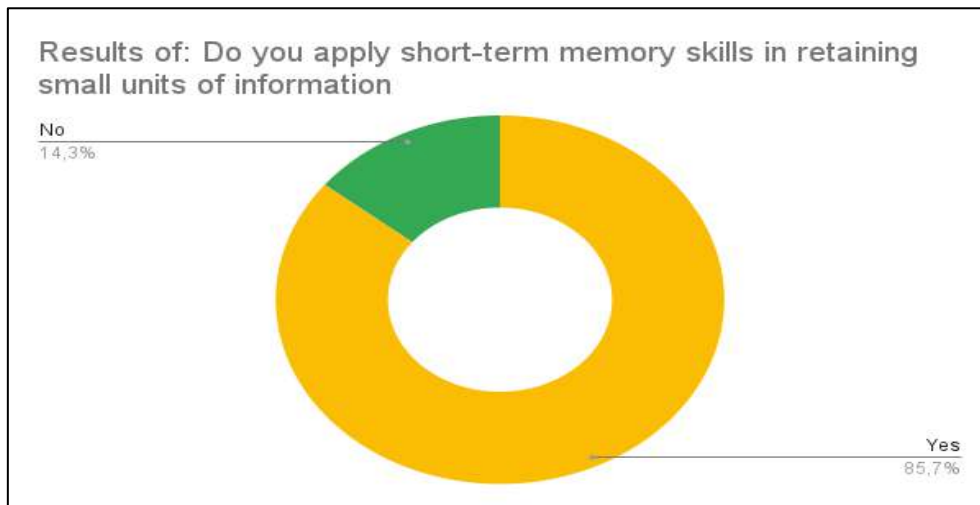
**Figure 11: Responses to obtaining a high degree of professionalism**

The figure shows that the half of the court interpreters (50%) think that following the rules and norms of the code of ethics is not the only way of obtaining a high degree of professionalism. A total of (16.7%) respondents replied affirmatively to the question. While (16.7%) of the participants indicated that not only the code of ethics but also practice and experience that makes the interpreter’s expertise perfect they. Moreover (16.7%) representing one respondent declared that he did not read the code of ethics.



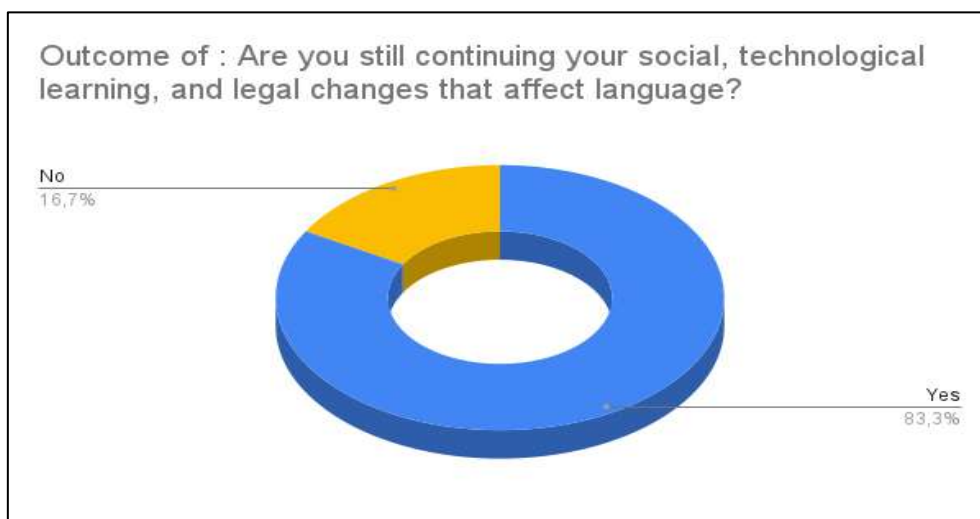
**Figure 12: Responses to conserving tone, style and utterance**

(57.1)% of respondents asserted that they are able to maintain speech tone, style and utterance of all messages. (42.9%) of them answered that it is not possible for them to do so the entire time.



**Figure 13: Responses of interpreters applying of short-term memory skills**

For the application of short-term memory skills in retaining small units of information, the pie chart data illustrates that the majority of the participants adopt the application of short-term memory when interpreting making up (85.7%) of the whole study, on the other hand, just one interpreter replied with no representing (14.3%) of the whole chart. Overall, from this evidence it is noticeable that most interpreters use short-term memory while interpreting to maintain small units of information in memory, keep it available for a short period of time, and thus facilitate interpretation within few seconds.

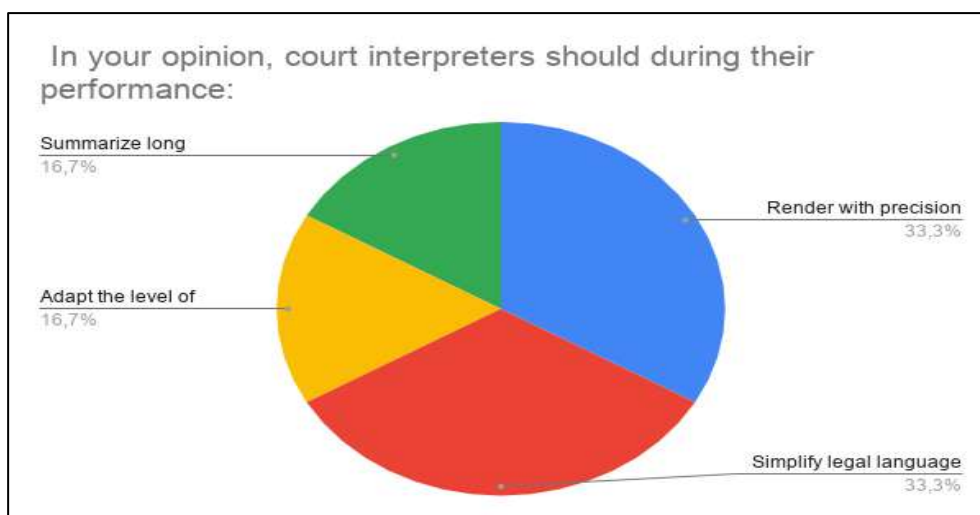


**Figure 14: Responses to court interpreters updated with changes in the field**



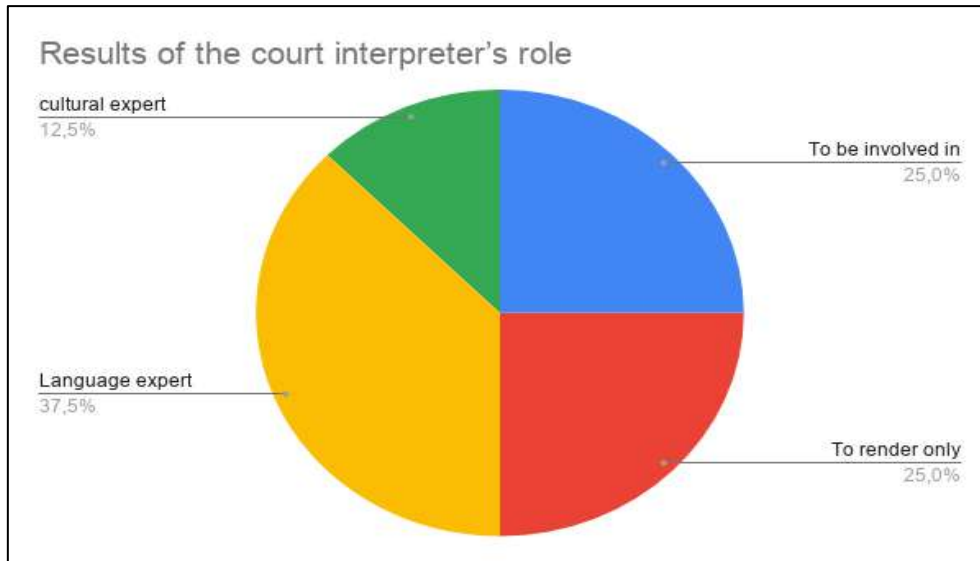
As for continuing the social, technological learning, and legal changes that affect language, the most prominent features of this data is that five participants representing the highest percentage of court interpreters who are still continuing their social, technological and legal learning with (83.3%) of the total results, whereas, just one of the respondents replied with No making up (16.7%) of the chart, while one interpreter skipped the question. In conclusion, this indicates that the majority of court interpreters have a great capacity for continuous formation of their knowledge, their scientific and professional achievements and raising their competencies to high levels, which has a positive impact on the validity and reliability of the translation field.

### 3.3.2 Regarding the role of the court interpreter



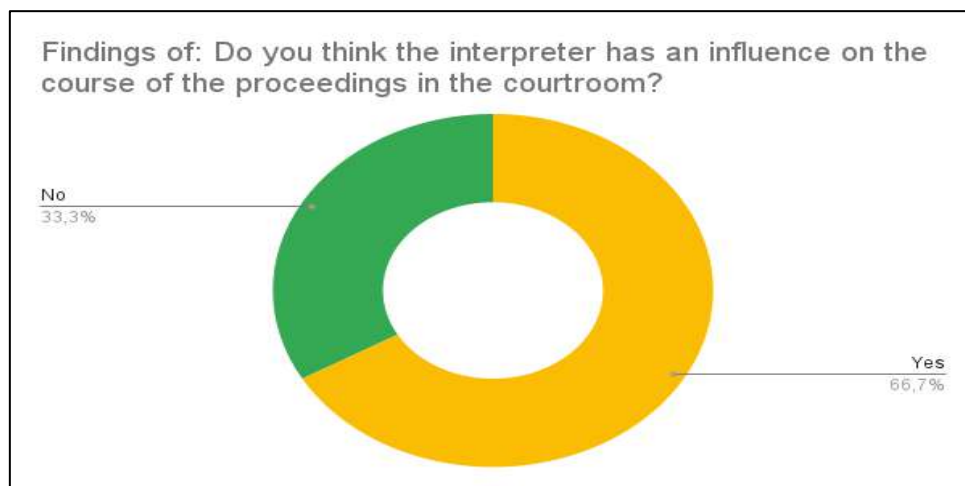
**Figure 15: Responses to the court interpreters' performance role**

The graph shows that (33.3%) of the respondents believe that the ultimate goal of the court interpreters during their performance is to render with precision, to simplify legal language and explain legal terms. A total of (16.7%) interpreters answered “summarize long utterances for immigrants”, while (16.7%) see that their role is to adapt the level of discourse to the receptors. We can conclude that the role of the court interpreter while performing his duties depends on what is considered a priority in each situation, all the answers are in favour of achieving one ultimate goal which is transmitting the messages between the relevant parties.



**Figure 16: Responses to the role of the court interpreter**

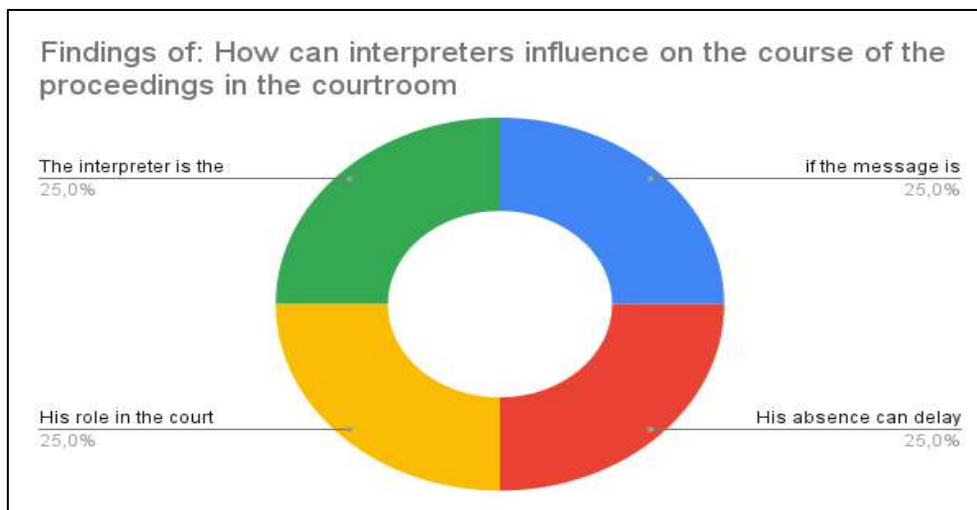
As for the role of the court interpreter, the results show that (37.5%) of court interpreters in Ouargla see that the role of the court interpreter is a language expert merely. Where (25%) of the respondents believe that the interpreter should be involved in the rendition process and not to simply render as the other (25%) believes, while one interpreter representing (12.5%) sees the that court interpreters are cultural experts as well.



**Figure 17: Responses to the interpreter's influence on the proceedings in the courtroom**

For the influence of the court interpreter on the course of the proceedings in the courtroom, the pie chart has shown that the majority of court interpreters representing (66.7%) of the whole sample agree that the interpreter has an impact on the course of the proceedings in the courtroom. In comparison, two of the participants making up (33.3%) of the chart see the opposite. However, just one of the respondents didn't give

any answer in this regard. Overall, from the results obtained, we conclude that the majority of interpreters consider themselves as more than just a medium to facilitate communication between the court parties, and it reveals that the court interpreter has a great impact on the outcome of the court process and therefore the right and fair application of the law, as he has the ability to turn all the tables with just a single word.



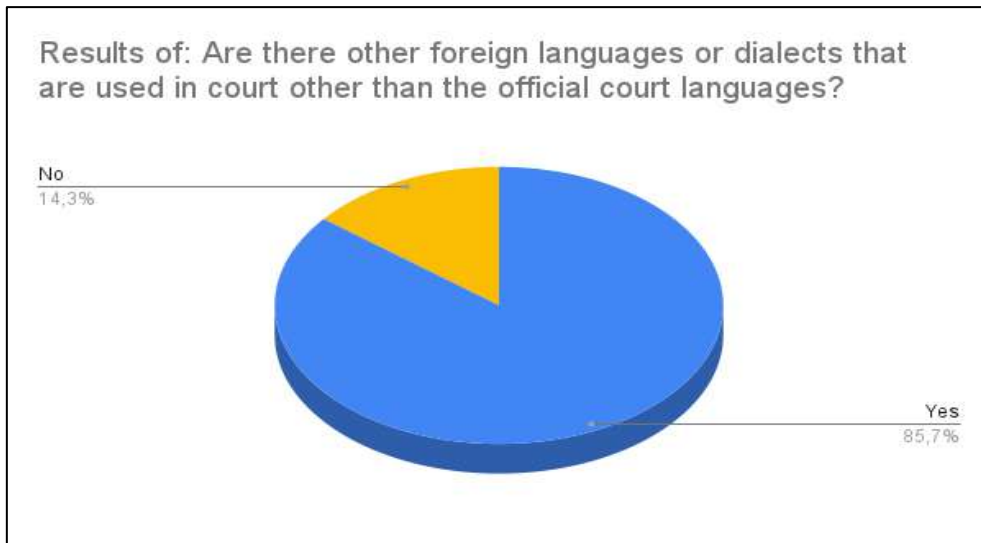
**Figure 18: Responses to how can court interpreters influence the proceedings in courtrooms**

In response to the question of how interpreters can influence the course of court proceedings, the first participant, who represents a quarter of the chart with (25%) of the total results, stated that the interpreter is the voice of the suspect, whereas the second participant, who represents (25%) of the total results, believes that the role of the court interpreter is mandatory. In contrast, the third respondent answered that if the message is interpreted well, the proceedings go smoothly, making up with his answer (25%) of the chart results. Finally, the fourth one stated that the absence of the court interpreter could delay the trial hearings with (25%) of the total sample. While certain interpreters did not provide their opinions. Overall, the results demonstrate that each interpreter has a different perspective on the essence of the interpreter's role in terms of influencing on court proceedings.

### 3.3.3 Commonly encountered challenges

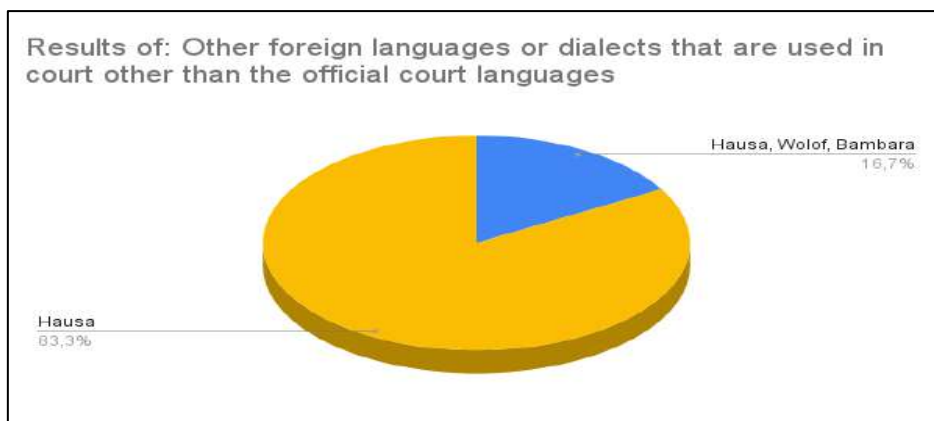
This section covers the online survey results concerning the frequency of the challenges which were collected through a little research on the common problematic issues pointed out by researchers in the field, and mentioned in this study's theoretical part; along with the challenges which our participants cited in the survey's comment sections. The current survey includes some potential difficulties and asks the interpreters to provide their feedback, and the results are going to be listed according to nature of the challenge: linguistic, information processing and acoustic, institutional, and other diverse challenges.

**Linguistic challenges**



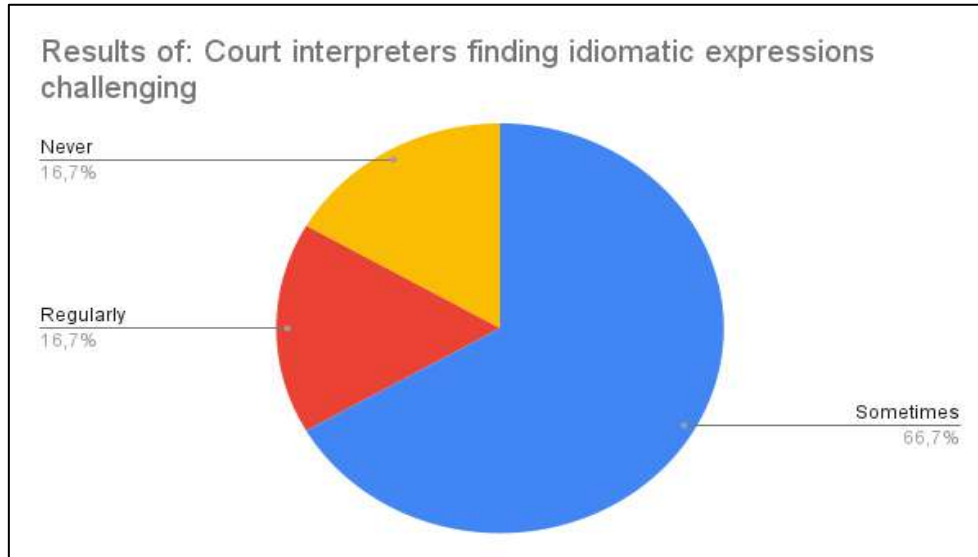
**Figure 19: Responses to other languages or dialects used in the court**

Concerning the existence of other languages or dialects used in court other than the official ones, the pie chart data illustrates that the majority of court interpreters revealed the presence of additional languages and dialects in addition to the official languages, by representing (85.7%) of the total results. In contrast, just one participant replied with No making up (14.3%) of the whole chart. Overall, from the results obtained above, we conclude that, in addition to the official languages, numerous other languages and dialects are used at the level of Algerian courts, highlighting the country’s cultural and linguistic diversity.



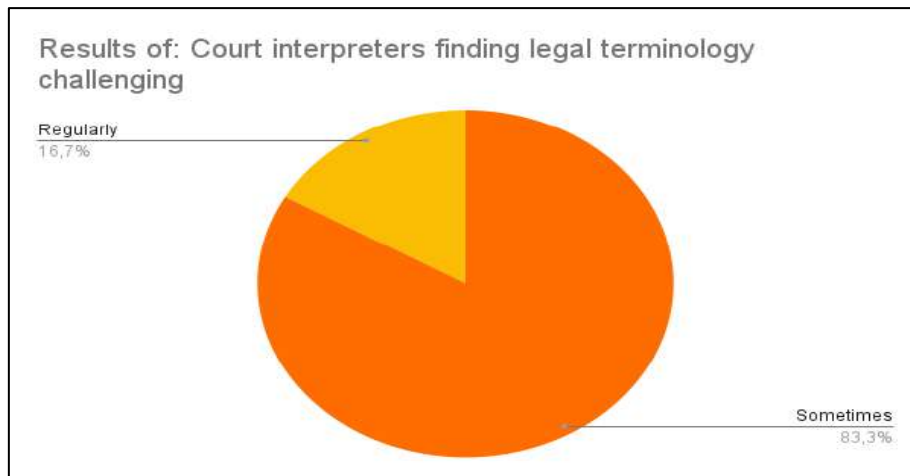
**Figure 20: Responses to the nature of other foreign language or dialects used in the court**

When asked about what are the other dialects or languages that are used in court, the majority of the interpreters representing (83.3%) of the whole chart answered with the same answer, which is Hausa, while just one participant stated three languages, Hausa, Wolof, Bambara making up (16.7%) of the chart. In conclusion, it is noticeable that the most encountered language used in Ouargla court other than the official ones is Hausa, in addition to Bambara and Wolof that are rarely used.



**Figure 21: Responses to interpreters and the challenges of idiomatic expressions**

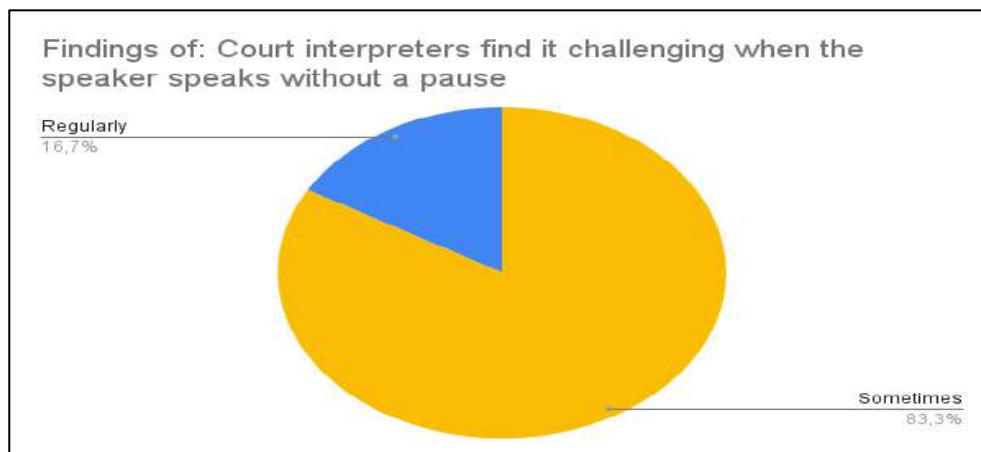
For the question if idiomatic expressions are difficult for a court interpreter to understand, comparing between the obtained answers the pie chart data indicated that the largest percentage of respondent replied with “Sometimes” making up (66.7%) of the whole study. In contrast, one participant answered with “Regularly” representing (16.7%) of the chart. Meanwhile, one interpreter has the same range of percentage (16.7%) answered “Never”. While, just one interpreter did not give any answer in this regard. Overall, it is clear that most interpreters sometimes find it difficult to translate idiomatic expressions of the language or dialect from which they are interpreting, and the reason for this is likely to be due to the lack of familiarity with the immigrant’s culture.



**Figure 22: Responses of challenges of legal terminology**

For finding legal terminology challenging, the pie chart data has shown that a high percentage of the interpreters stated that sometimes they encounter this challenge, representing (83.3%) of the total. whereas, just one interpreter replied with regularly making up (16.7%) of the total sample. However, one interpreter did not offer his personal experience. Overall, this emphasizes that court interpreters are constantly challenged with the interpretation of legal terminology, which is generally difficult, and that this may be related to differences in national laws and their amendments.

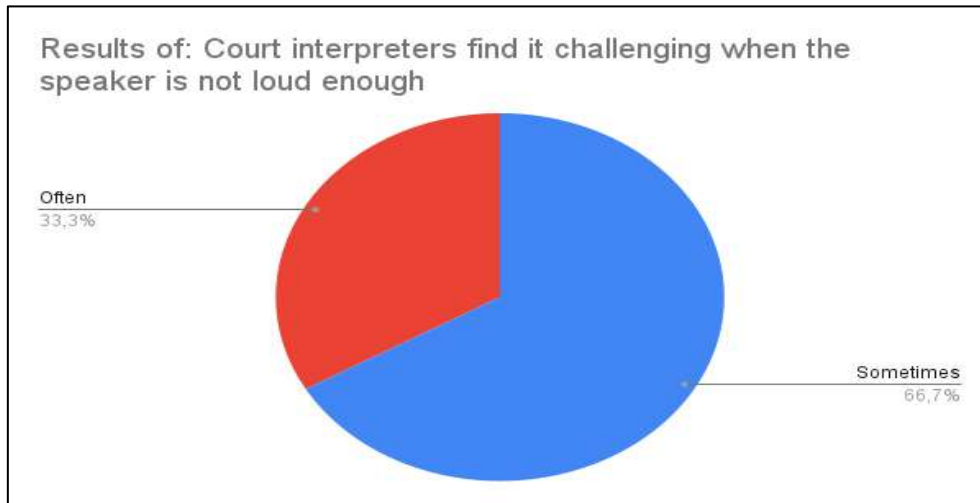
### Information processing and acoustic challenges



**Figure 23: Responses of challenges of speaking without a pause**

The pie chart shows that more than half of the respondents (83.3%) found difficulty “Sometimes” understanding the speaker when speaking too fast. As well as, a total of (16.7%) respondents selected “Regularly” or “Often. P1 commented that he sometimes encounter this challenge with EXPATS who came from the US, as they speak too fast and with no pause; along with African immigrants who came from Mali According to him, they speak French in strongly accented and fast way which sometimes makes their statements not clear enough for the listener and for interpretation mainly when there

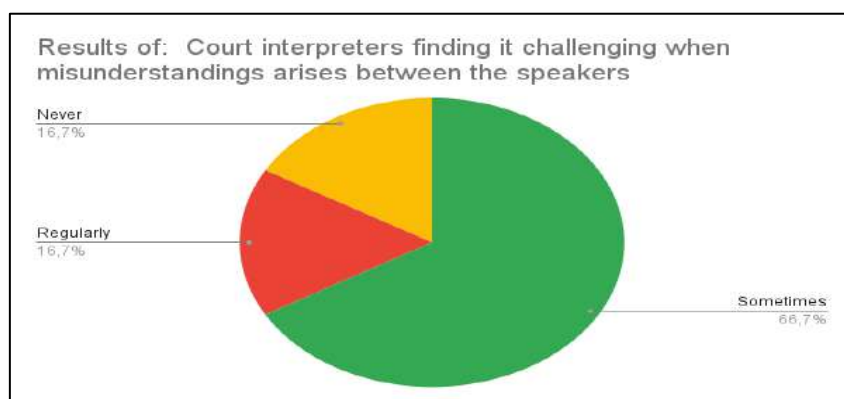
is too much information. Names, numbers and events can be very important in some cases and the interpreter has to be accurate in order not to lose any necessary details.



**Figure 24: Responses of the challenges of tone**

Concerning the question if court interpreters find it difficult when the speaker is not loud enough, the pie chart data demonstrated that the majority of the interpreters revealed that sometimes they face this challenge, making up (66.7%) of the whole chart. In comparison, two respondent answered with often making up (33.3%) of the results. However, one interpreter did not share his personal experience in this regard. Overall, from the chart results we conclude that when the speaker’s voice is not loud enough, the majority of court interpreters have difficulties comprehending or picking up the speech, and this provides a problem for them, thus result a failure in the success of the communication process between the court’s parties.

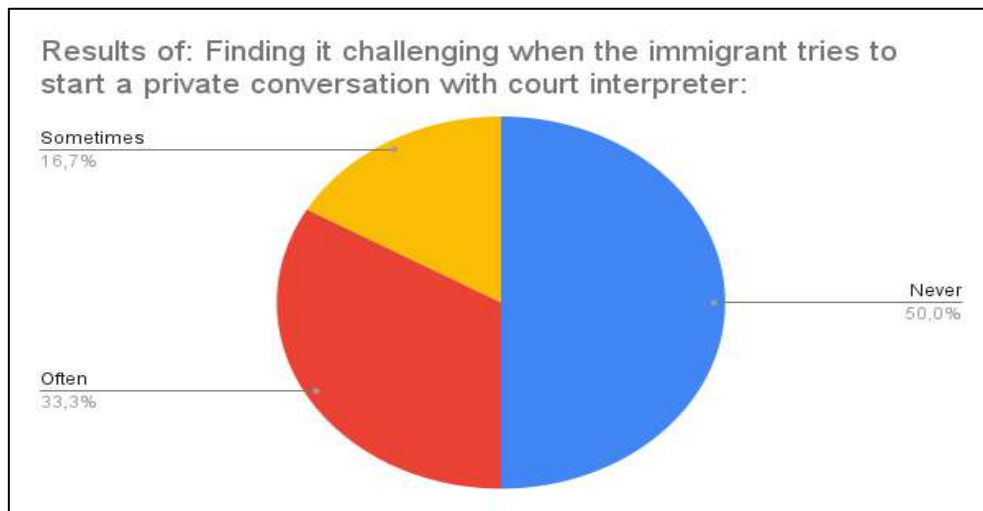
**Interactional challenges**



**Figure 25: Responses of the challenges of misunderstandings**



The collected answers reveal that more than half of the interpreters (66.7%) think that it is sometimes challenging when a conflict or a misunderstanding arises between the parts of the trial or the investigation, especially if it is between the judge and immigrants or between immigrants themselves. Moreover (16.7%) of the respondents find it regularly challenging when this happens. Where one interpreter making up (16.7%) of the whole participants said that he never feels that the issue is challenging. To sum up, we can say that interpreters' first priority is to render the message accurately and honestly without being affected by any outside influences or external pressures.

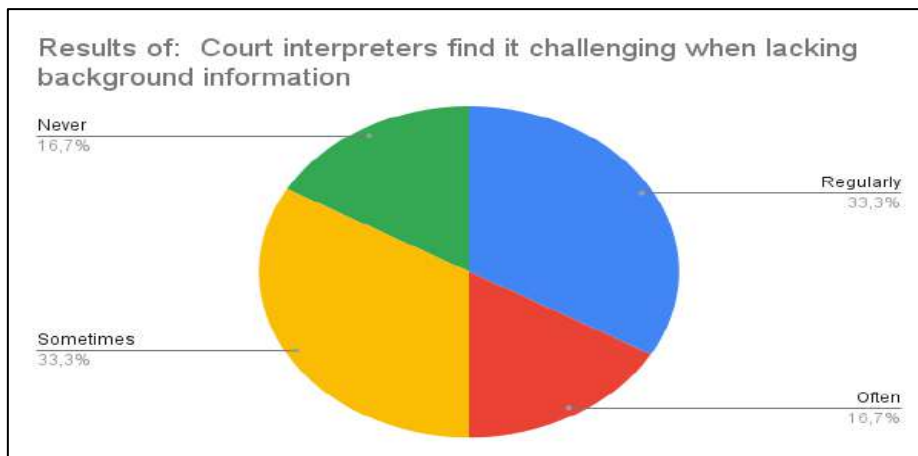


**Figure 26: Responses of the challenges of subjectivity with immigrants**

This was considered the third least challenging issue by all the respondents for this online survey. The pie chart shows that half (50%) of the interpreters surveyed thought that when the immigrant turn to them for advice or consultation or when they start private conversations with them is “Never” as a problematic issue. (33.3%) answered that they “Often” feel the immigrants is mostly waiting for interpreters to out-be on their side. One interpreter making up (16.9%) of the whole participants said that he sometimes feels that. But no one said it directly.

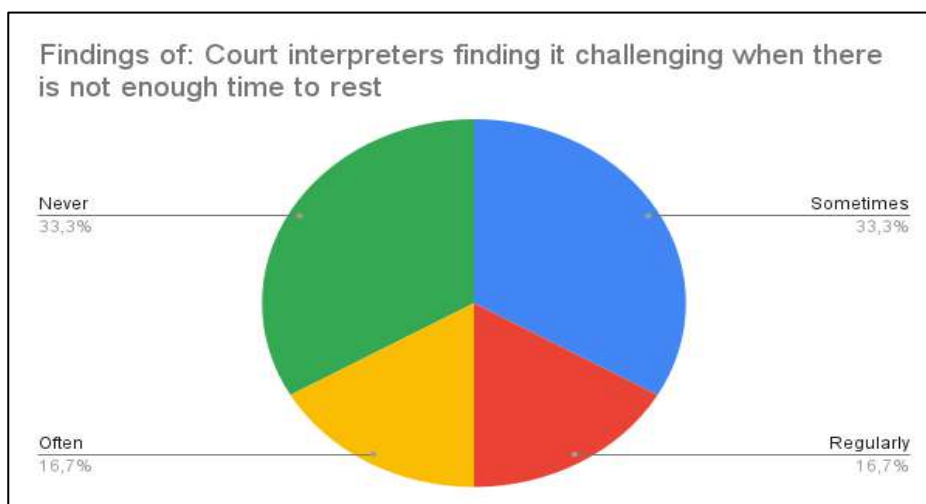


**Institutional challenges**



**Figure 27: Responses of the challenges of the lack of background information**

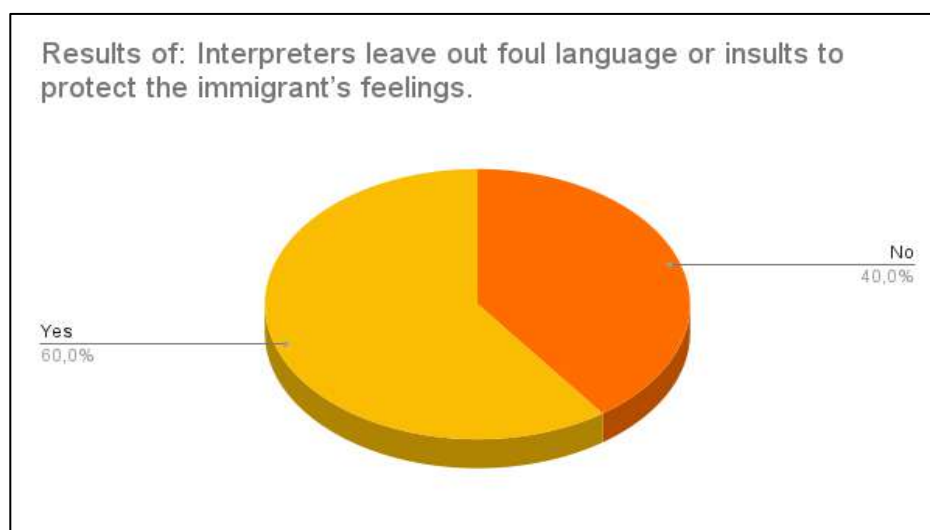
The lack of background information, where too little or no information about the case is provided prior the interpreting process turned out to be a serious challenging issue. (33.3%) of the respondents on both sides consider that this issue is “Sometimes” or “Regularly” challenging. In addition, (16.7%) answered with “Often”. Only (16.7) interpreters found that this issue is not a difficulty at all. Interpreters highlighted this in their comments. P1 said: “The interpreter is sometimes called at the last minute. Without having an idea about the subject or the number of persons he would do the interpretation for”. Another interpreter sees that courts have to provide access to the case file before working on it.



**Figure 28: Responses to the challenges of long periods of work**

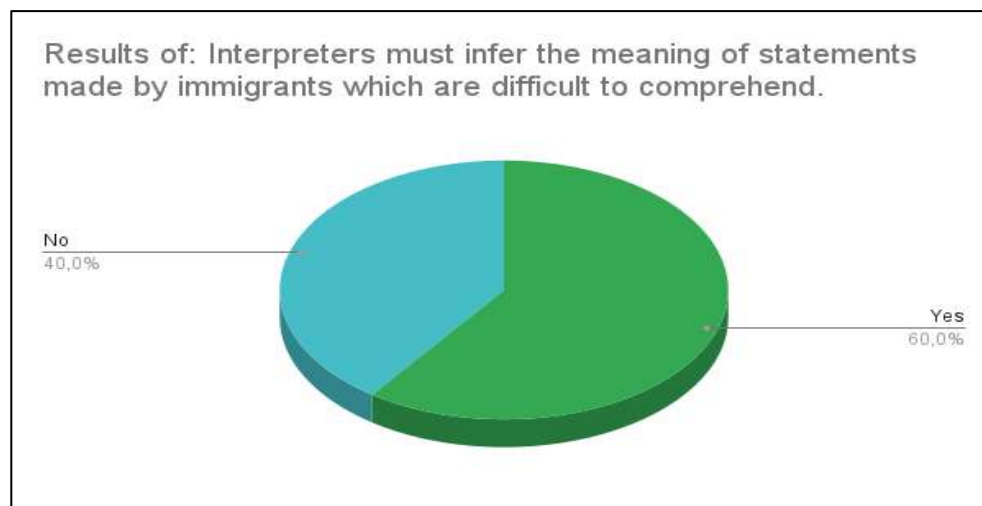
The data provided show that (33.3%) of the interpreters are sometimes faced by difficulties of not getting the chance to rest when working for long time, and (16.7%) of them said that they “Regularly” and “Often” find it challenging to maintain the interpreting without resting. However, (33.3%) of the interpreters are never faced by those difficulties. This may prove that some court interpreters find problems with trials or investigations taking long period of time whereas other don’t; which due to getting familiar with them. Based on the results obtained from this section, we can draw a conclusion that the majority of interpreters of Ouargla courts are adapted with lengthy trials and investigations; but they also see that it is not sufficient for one interpreter only to be asked to work for extended periods.

### 3.3.4 Challenges regarding immigrants



**Figure 29: Responses of taboo words and foul language**

For omitting foul language or insults in order to protect the feelings of the immigrants, the pie chart data has shown that the majority of respondents making up (60%) of the total sample have chosen to neglect foul language and insults in order to protect the immigrant’s feelings. In contrast, the rest of the participants representing (40%) of the whole study replied that they are against leaving the insults or foul language out. Overall, this demonstrates how much the majority of interpreters value the ethics of the court interpreting profession and regard it as humanitarian work rather than a job with financial benefits.



**Figure 30: Responses to inferring the meaning of statements made by immigrants**

For the necessity to infer the meaning of the difficult statements made by immigrants the pie chart data results show that three out of five interpreters making up (60%) of the total sample, had replied that the interpreter must infer the meaning of all the statements made by immigrants including difficult ones that are hard to comprehend, whereas, two out of five participants representing (40%) of the chart sees the opposite. Based on the results obtained from this section, we can draw a conclusion that the majority of interpreters of Ouargla courts see that the court interpreter must interpret the text correctly, by preserving all of the meaning and concepts mentioned in the source text and adhering to it by trying to deduce the content of the message, despite its difficulties in comprehension, in accordance with the rules of both the source and target languages.

### 3.3.5 The interview results

As mentioned earlier, the interview questions were included within the online survey questionnaire, as the researchers could not conduct a face to face interview due to Covid19 restrictions and other factors. The questions are extended to provide the researchers with data about the surveyors' work experience in courts with more focus on interpreting to gain more understanding of the qualifications, knowledge and skills required to surpass the issues confronting the court interpreters with immigrants. The interview questions will shed light on the challenges and problematic issues experienced by court interpreters in Ouargla, in addition to the changes that should be considered to improve the practice of court interpreting in the region, then in Algeria.

#### Question 01:

In interpreting for a case, please briefly share a difficult experience you had in dealing with an immigrant and how you handled the situation?

One interpreter stated that once he had to work in an investigation for a whole day, he added “the interpreter has to be highly experienced translator that has to be smart, patient and competent in languages to survive such situations”. One has determined number of problems like time management, linguistic competence of the court system official languages, interpreter P3 reported “One time, after the trial started and after about quarter an hour, an immigrant claimed that he was not the person who is claimed to be sentenced and that, his identity is different. I told the jury's president about that”. The best way to deal with such situations according to P3 is to inform the jury members clarifying the case. Another interpreter stated that one of the major difficulties he faced was an immigrant who refused to answer the judge’s question that was related to a terror act, and kept pretending that the question is misunderstood, so the interpreter was obliged to repeat himself many times till the immigrant cooperated and provided the appropriate answer. Interpreter P4 reported “The suspect tried to not answer the question correctly. To remedy such situation, I have asked the judge to intervene”. However, all court interpreters interviewed stated that such situations usually became familiar to them, and they have developed their own methods to come to terms with them. . So we figure out that problems of the profession differ from an interpreter to another through trial.

**Question 02:**

During your career in court interpreting, provide an example where your ethics were tested?

Two interpreters answered that they have never been into a situation where their ethics as translators were tested. Another interpreted declared that he felt a certain amount of pressure interpreting for an unquestionably innocent immigrant, but the examining magistrate was trying to frame him. The interpreter stated that base on his conscience had to interfere in the situation with pride and self-respect as a valued member in court. Whereas another interpreter claimed that “sometimes, the immigrants do not tell the truth and I know that he is laying, but you will be obliged to render it as it is”. The other interpreters have confirmed that they feel so as well; one said that he is used to such situations where his ethics are tested; he later added “The suspect that was an immigrant has tried to influence me several times during a trial, but I just neglected and interpreted faithfully what has been said”. So, it is crucial for court interpreters to know their rights and duties and to give themselves self-respect in order to manage such stressful situations.

**Question 03:**

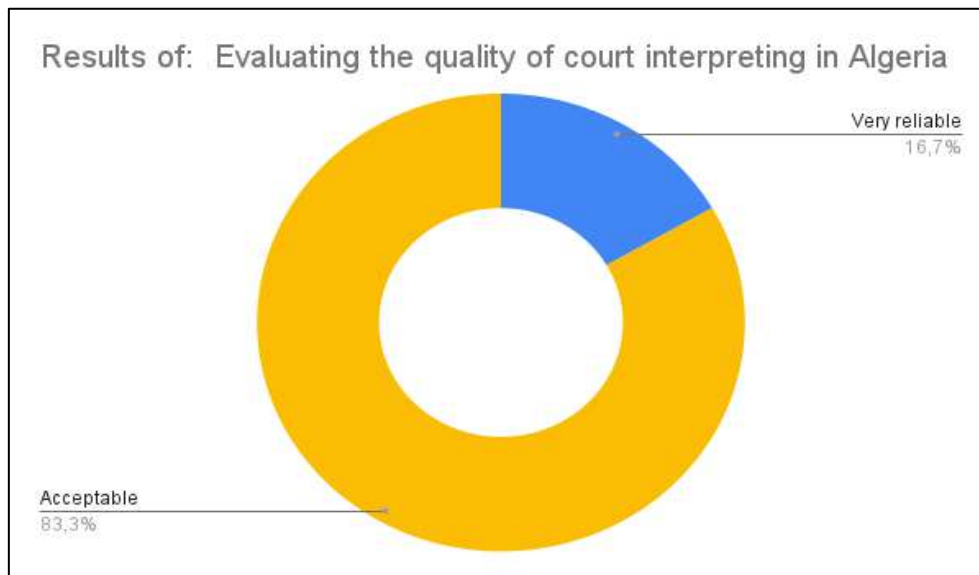
Based on your experience in interpreting for a case or an investigation, what are the general competencies required for court interpreting?

All of the interpreters gave different but reliable recommendations to master court interpreting. The first one stated three points; experience, professionalism, and fidelity. The second highlighted what he called “full translational skills” in particular

language proficiency, to not be distracted, and to keep professional secrecy. He also stressed on each interpreter knowing their role and the function of each present party during the trial; as well taking into consideration that court interpreting is selective rather than objective. For the third, he first mentioned the capacity to vulgarize discourse, the non-interference of objectiveness, then the capacity to jump into the shoes of the immigrant, adding to that the capacity to master and to use interpreting techniques correctly. While the two other interpreters recommend master the legal terminology aspects and language aspects, excellent hearing skills, and the ability of rapid language rendering are also emphasized. In addition, mastering the ST and TT language, to be well informed about legal systems and cultural differences, having a good memory, and to be familiarized with crisis management.

#### Question 04:

According to your experience in the field of court interpreting, evaluate the quality of court interpreting in Algeria?



**Figure 31: Responses to the quality of court interpreting in Algeria**

This pie chart clarifies that most of court interpreters (83.3%) find that court interpreting in Algeria is acceptable to some extent, where (16.7%) of them answered that it is very reliable. So, we can say that court interpreting in Algeria is a prosperous and flourishing field.

## Conclusion

This study has contributed to investigate the different challenges existing in court interpreting in Algeria and aims at highlighting the reality of interpreting in courtrooms and on examining the reality and perspective of court interpreting in Algeria, along with the difficulties and challenges encountered by court interpreters with immigrants at various levels them being a part of our community, ways to improve the interpreters' work, and to proceed with interpretation in the courts as a whole; implemented on Ouargla jurisdictions. The achievement of these aims serves to answer the research questions that we cited henceforth along with the hypotheses we set to confirm or deny.

Tackling such a crucial and fundamental topic led us to the main findings of the study indicating that compared with other countries, Algeria continues to hang back and has a long way to go in terms of the development of court interpreting, underestimation of the interpreter's vital role, the lack of training programs that will improve interpreters' competencies, the lack of a specific scheduling of cases, the absence of effective professional organisations, cases notification in a short time, and the improvement of hardships of working with the immigrants. Still, it should be a shared responsibility of expertise, and court interpreters to work together to change this fact and to improve the practice of court interpreting in general. As there are still no accredited professional associations for interpreters to voice their concerns, present their interests and to be provided with the adequate support and sufficient training programs, in addition to organize and systemize the issues and challenges facing them; particularly coping with different categories of immigrants in their work setting. Due to the shortage of such association, it was difficult for the researchers to inspire court interpreters to share their experience or even to find the basic information, data, and references to carry out this study or to contact some of the parties concerned.

When examining the challenges of legal court interpreters with immigrants, it was found that, future studies may consider a larger scale survey including the perspectives of immigrants and court staff involved in the interpreting process. Their opinions could have provided a more comprehensive insight and a different view onto the challenges and how to overcome them. Additionally, the methods of in relation to immigrants 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 interpreters. Furthermore, a study maybe conducted to focus on interlingual communicative challenges of court interpreters with immigrants. It is hoped and expected that this thesis provided a further knowledge and a better understanding of the challenges and difficulties of legal court interpreting with immigrants. It is also hoped that the study results will raise the awareness of the judicial authorities, the community and those dealing with the court interpreters of their professional challenges with immigrants primarily and with clients broadly, the immense need to work and collaborate in order to bring forth an elevated level of respect to this profession and to effect social change.

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# APPENDIX A

16/05/2021

Examining the Challenges of Legal Court Interpreters with Immigrants in Algeria. Ouargla Jurisdictions.

## Examining the Challenges of Legal Court Interpreters with Immigrants in Algeria. Ouargla Jurisdictions.

This questionnaire is made on the challenges that legal court interpreters face with immigrants in Algeria, and in Ouargla particularly. The questionnaire is designed to be done by the official translators/interpreters in Ouargla region. The purpose of this questionnaire is to examine the different challenges and to analyze the specific factors that influence the interpreting process when dealing with immigrants.

Throughout the answers, we seek to understand your ideas and opinions regarding the topic as they are extremely appreciated and have a significant impact on our research results.

We would like to inform you that your answers will be used to fulfill our research practical part needs only, and all of the answers you provide in this questionnaire will be kept confidential.

It should take about 30 minutes to complete it, thank you so much for your support and cooperation, and for taking the time to fill in this questionnaire.

We appreciate your response.

\*Obligatoire

1. Years of experience in court interpreting?

*Une seule réponse possible.*

1-5 years



3. How often do you interpret in court?

*Une seule réponse possible.*

- Never  
 Sometimes  
 Regularly  
 Often

4. How many court sessions have you interpreted in?

*Une seule réponse possible.*

- Less than five  
 Five or more

5. Have you received any special training in court interpreting?

*Une seule réponse possible.*

- Yes  
 No  
 Autre : \_\_\_\_\_

6. Have you read the code of ethics of the translator/ interpreter?

*Une seule réponse possible.*

- Yes  
 No

7. Do you think that the only way of obtaining a high degree of professionalism in court interpreting is by following the rules and norms mentioned in the code of ethics?

*Une seule réponse possible.*

- Yes  
 No  
 Autre : \_\_\_\_\_

8. Do you have the ability to conserve tone, style and utterances of all messages:

*Une seule réponse possible.*

- Yes  
 No

9. Do you apply short-term memory skills in retaining small units of information:

*Une seule réponse possible.*

- Yes  
 No

10. Are you still continuing your social, technological learning, and legal changes that affect language?

*Une seule réponse possible.*

- Yes  
 No  
 Autre : \_\_\_\_\_

11. Interpreters leave out foul language or insults to protect the immigrant's feelings.

*Une seule réponse possible.*

Yes

No

12. Interpreters must infer the meaning of statements made by immigrants which are difficult to comprehend.

*Une seule réponse possible.*

Yes

No

13. Do you think the interpreter has an influence on the course of the proceedings in the courtroom?

*Une seule réponse possible.*

Yes

No

14. If yes, how?

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15. Are there other foreign languages or dialects that are used in court other than the official court languages?

*Une seule réponse possible.*

Yes

No

## 16. If yes, what are they?

*Plusieurs réponses possibles.*

- Hausa
- Wolof
- Geordie

Autre :  \_\_\_\_\_

## 17. For you, the court interpreter's role is:

*Plusieurs réponses possibles.*

- To render only
- To be involved in rendition
- Language expert
- Cultural expert
- Advocate for the immigrant

## 18. In your opinion, court interpreters should during their performance:

*Plusieurs réponses possibles.*

- Simplify legal language for the participants
- Explain legal terms to the participants
- Summarize long utterances for the immigrant
- Explain cultural differences

Autre :  \_\_\_\_\_

## 19. I find legal terminology challenging:

*Une seule réponse possible.*

- Never
- Sometimes
- Regularly
- Often



20. I find idiomatic expressions challenging:

*Une seule réponse possible.*

- Never
- Sometimes
- Regularly
- Often

21. I find it challenging when the speaker is not loud enough:

*Une seule réponse possible.*

- Never
- Sometimes
- Regularly
- Often

22. I find it challenging when the speaker speaks too fast:

*Une seule réponse possible.*

- Never
- Sometimes
- Regularly
- Often

23. I find it challenging when the speaker speaks without a pause:

*Une seule réponse possible.*

- Never
- Sometimes
- Regularly
- Often

24. I find it challenging when lacking background information:

*Une seule réponse possible.*

- Never
- Sometimes
- Regularly
- Often

25. I find it challenging when I do not have enough time to rest:

*Une seule réponse possible.*

- Never
- Sometimes
- Regularly
- Often

26. I find it challenging when misunderstanding arises between the speakers:

*Une seule réponse possible.*

- Never
- Sometimes
- Regularly
- Often

27. I find it challenging when the immigrant tries to start a private conversation with me:

*Une seule réponse possible.*

- Never  
 Sometimes  
 Regularly  
 Often

28. *Une seule réponse possible.*

- Never  
 Sometimes  
 Regularly  
 Often

29. What are the major challenges you face when interpreting to immigrants?

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30. In interpreting for a case, please briefly share a difficult experience you had in dealing with an immigrant and how you handled the situation? \*

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31. During your career in court interpreting, provide an example where your ethics were tested?

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32. Based on your experience in interpreting for a case or an investigation, what are the general competencies required for court interpreting?

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