

**THE ROLE OF TRANSLATORS AND INTERPRETERS IN THE  
ADMIMISTRATION OF JUSTICE**

**BY**

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## **INTRODUCTION**

Today, it is said that with globalization we are entering a borderless world, in which international forces are rapidly eroding the significance of territorial boundaries. Capital, labor, goods, and ideas move largely without regard to political borders, thereby putting a great deal of international pressure on national systems through social and economic changes on global, regional and local levels: European unification, world-wide treaties, global institutions etc. More people coming from different social and cultural backgrounds are able to take part in communication thanks to translation and interpretation. Translation is always part of global communication effort within a discipline.

Let us recall that the translator is a special type of receiver who chooses the information elements he deems necessary to achieve a given purpose and transfers them, constructing a new text for the target culture. Thus the target culture represents information offered on some information provided in the source text. Vermeer Explains the skopos rule:

Each text is produced for a given purpose and should serve this purpose. The Skpos rule thus reads as follows: translate/interpret/speak/write in a way that enables your text/translation to function in the situation in which it is used and with the people who want to use it precisely in the way they want it to function” (translated and cited in Nord 1997:29)

From the above, we can safely state that translation as part of communication is “intimately linked to a discipline and the package information should conform to a discipline norms, values and ideology.

Reasons why we have various branches of interpretation and translation. In this study, we shall briefly state some of these branches with particular emphasis on Court translation by attempting answers to some frequently asked questions in order to highlight the role of translators and interpreters in the administration of justice.

### **What is judiciary interpretation?**

There are several different branches of interpretation: (1) legal, (2) conference, (3) medical/mental health, (4) escort, (5) seminar, and (6) business. Legal interpretation is divided into two main categories, judicial (commonly known as court interpreting) and quasi-judicial (interpreting that takes place in other legal settings). Judiciary interpreters work in courtrooms and in out-of-court settings, in any matter related to law or a legal case.

Judiciary interpreters are highly skilled professionals who fulfill an essential role in the administration of justice (Hewitt, 1995: 199) by providing complete, unbiased, and accurate interpretation between speakers of a given language (English for instance) and non-English or limited-English-proficient (LEP) defendants, litigants, victims, or witnesses. As officers of the court, interpreters help ensure that such persons may enjoy equal access to justice, and that

court proceedings and court support services function efficiently and effectively. They are impartial officers of the court, with a duty to serve the judicial process. The judiciary interpreter's role is to help remove the linguistic barriers that impede an LEP individual from full and equal access to justice under the law.

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited Language proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier.

It towards this, that institutions like ECOWAS Court of Justice put a particular emphasis on translation and interpretation. Article 19 of the Rules of procedure of the Court states thus: ***“The Court shall set up a translating service staffed by experts with adequate legal training and a thorough knowledge of several official languages of the Court in accordance with Article 87 (2) of the Treaty”.***

It is worth mentioning that the official working languages of the Community Court of Justice, ECOWAS are: English, French and Portuguese.

Before assuming duty just like any officer of the Community, translators and interpreters take an oath.

### **What does a legal translator do? And What kinds of cases do court interpreters work in?**

A legal translator prepares written translations of documents related to criminal and/or civil matters, such as medical or psychological evaluations; forensic reports (drug analyses, DNA reports or medical reports); divorce decrees; foreign judgments; extradition documents; statutes and contracts, or other relevant documents. The translation may be from the foreign language into official language of the court or from the official language into the foreign language.

Judiciary interpreters cover virtually every kind of case (civil and criminal). The cases may include drug or arms trafficking, human smuggling, money laundering, kidnapping, hijacking, terrorist attacks, cross-border or international crimes.

In the sub region, the Community Court of Justice which is competent to interpret and apply the treaty had its jurisdiction expanded to violation of human rights. The bulk of case filed are related to human right abuses. The work load of translators and interpreters is on this aspect of the law.

Legal proceedings may include initial appearances, pretrial conferences, pleas, evidentiary hearings, judgments hearings. Judiciary interpreters also work outside of the courtroom in other legal or quasi-legal settings such as attorney-client interviews, prosecutor and victim or witness interviews, law enforcement meetings and interrogations. In addition, they may interpret for court support personnel or other justice services (e.g., medical personnel conducting psychiatric evaluations, law enforcement personnel conducting examinations); administrative hearings; depositions; and worker's compensation hearings.

As the court interpreting profession has developed, standards have been adopted to govern the conduct of interpreters in the judiciary setting. The Grotius project sponsored by the European Union stated, “Without competent qualified and experienced legal translators and interpreters there cannot be an effective and fair legal process across languages and cultures. ... Reliable standards of communication across languages are therefore an essential pre-requisite to deal effectively with this increasing number of occasions when there is no adequate shared language or mutual understanding of legal systems and processes” (Hertog, 2001: 11-12). These standards vary somewhat from country to country, but they all have certain universal features.

Most of the norms governing court interpreters in different countries (indeed, most codes of ethics for interpreters in general) emphasize the requirement for messages to be interpreted faithfully and completely. For example, Canon 1 of the U.S. Model Code states:

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation. (Hewitt, 1995: 200)

The assertion that an accurate interpretation is one that contains no alterations, omissions, additions or explanations is common in writings on the role of interpreters in the judiciary. As Morris (1995, 1999) has pointed out, it is lawyers and judges who have defined the functions of interpreters in the legal sphere. Language is one of the main tools used by legal professionals, especially in adversarial legal systems, and they are understandably concerned that interpreters might interfere with the outcome of a case by distorting meaning. To be sure, an interpreter who edited out offensive language, added explanatory phrases, or volunteered background information could have a disastrous impact on a court case.

Many discussions of what constitutes an accurate interpretation do caution that a literal interpretation may not adequately convey the sense of a message, and that interpreters should give priority to meaning over form:

(I)nterpreters are obligated 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. Verbatim, “word for word” or literal oral interpretations are not appropriate when they distort the meaning of the source language, ... (Hewitt, 1995: 200). In some instances, lawyers may insist on every word as some have a knowledge of the two working languages. In such situation, the interpreter uses his skill to ask question and make sure he conveys the right meaning, not word for word.

### **Is interpreting in court and other legal settings difficult?**

Yes, because the practitioner is multi-tasking in two languages, listening and speaking at the same time, striving to maintain a high level of accuracy at challenging rates of speech. Additionally, the interpreter must maintain confidentiality and uphold ethical standards. It can be difficult mentally, emotionally, and ethically. Interpreting in court is widely considered to be the most challenging and demanding of all legal settings.

In ECOWAS Court of Justice for instance, due to the confidentiality of documents, hardly documents are given out for translation.

## **Is legal translation and interpretation difficult?**

I will say yes, because it requires a rigorous standard of exactitude. Translated documents may be introduced into evidence or used for other legal purposes. A true and accurate translation must be produced at all times. When working with foreign language documents from different legal systems, a translator must find accurate equivalents in A language for legal terms, at the same time taking care not to mislead the reader to assume that the underlying legal concepts are identical in the two legal systems, when in fact they may not be.

## **Is judiciary interpreting and translating an interesting field?**

The activity can be fascinating, sometimes dramatic, always challenging, mentally stimulating, and can even be perceived of as fun. After a few years of experience, certain types of jobs can appear formulaic and predictable, but generally a judiciary interpreter or translator never knows what his or her next assignment will bring, and that keeps interpreters and translators on their toes. Sometimes the work is exhausting and stressful. Sometimes interpreters struggle to hear under less-than-optimal conditions. Translators can work long hours on rush assignments.

Under normal circumstances, interpreters are suppose the work for 25 minutes in turn, which is not the case in most of the booths in our institutions whereby an interpreter can work hours and hours without pause. Committee meetings also are stressful

## **What skills should a court and legal interpreter or translator have or develop?**

Judiciary interpreters and translators prepare themselves through college or continuing education courses, court-sponsored training, self-training materials, mentorship opportunities, and professional workshops or conferences. Local interpreter and translator associations should be contacted as well. **NITI's Annual Conference** provides a forum for training and information exchange among interpreters and translators.

It is worth noting that many institutions endeavor to train their interpreters and translators with regard to the field their workload relates more.

## **CONCLUSION**

Translation is a specific type of multilingual communication. It represents nowadays with a single text, a meeting of two linguistically and culturally different backgrounds. The profession is becoming more and more specialized particularly court translation. In Europe most courts and the legal community prefer to use interpreters or translators who have been certified. The more certifications a practitioner holds, the wider the potential job market. Certification means an interpreter or translator has been tested by a clearly defined method and has demonstrated a minimum threshold of competence. That threshold may be established by a professional association.

On this note, I would like to call upon NITI to use all available avenues to see that its bill becomes law in order to play its role in certifying translators and interpreters.

Thank you.

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