



Court interpreting practice in Rwanda: Challenges and strategies for fair justice

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Abstract: This paper discusses the practice of court interpreting in Rwanda. It examines the existing legal framework for court interpreters, their practical and professional challenges as well as the strategies towards improving court interpreting practice. Using qualitative methods, this study identified a number of challenges including the selection of court interpreters, the equipment used in court interpreting, the language proficiency of court interpreters, misconceptions of the general public towards court interpreters as well as lengthy court proceedings. The paper further shows the consequences of using unprofessional interpreters, which include miscarriage of justice due to inaccurate interpretation or delayed proceedings. The paper argues, therefore, that Rwanda needs professional court interpreters who are not only equipped with the required skills in judicial interpretation through high level training and qualification in relevant fields but who also demonstrate a high command of court working languages. It is also suggested that in order to comply with the legal standards of international human rights law, Rwandan Judiciary should equip its courts with adequate facilities and equipment for interpreters.

Keywords: Court interpreting; international human rights law; fair justice; challenges in court interpreting; strategies for improvement

1. Introduction

With facility in movement for varied purposes, most of the time people face language challenges in different areas, including justice. This situation is confirmed by Dingfelder Stone (2018, p. 1) as follows: “in the past few decades, the increased rates of international trade, travel and migration have led to a rising number of civil, criminal defendants and courtroom participants who do not speak the language of the court in which they find themselves”. With regard to Rwanda, following the 1994 Genocide against the Tutsi, besides handling genocide-related

cases in which the traditional system referred to as *Gacaca*¹ played an exceptional role, the country reformed its judicial system in terms of human and material resources. From a human resources perspective, as a result of significant investments in educational and judicial reforms, many judges and lawyers have been trained while many courts have been rehabilitated and new ones constructed and equipped with material resources. In this respect, Rwanda has made several attempts to review its judicial structure to accommodate a new Chamber for International Crimes at High Court level. This is in line with implementing Objective 3 of the 2013-2018 Strategic Plan of Rwanda's Judiciary which targeted the following major actions: (1) Constructing and furnishing sufficient courtrooms for the created chamber, (2) Providing a sufficient number of judges and supporting staff in the Judiciary Chamber and (3) Acquiring modern equipment and technology to facilitate legal practice.²

Although a number of initiatives have been launched to modernise access to quality justice,³ a judicial interpreting system that ensures fair justice seems to be underdeveloped so far despite the existence of some relatively recent legal provisions that provide for it. To be specific, the use of court interpreters in Rwanda is provided for by Law No. 027/2019 of 19/09/2019 relating to the Code of Criminal Procedure in Rwanda⁴ and Law No. 22/2018 of 29/04/2018 pertaining to civil, commercial, labour and administrative procedures.⁵ In addition, Rwanda's National Legal Aid Policy of 2014 makes mention of interpreting as one of the services that the Ministry of Justice should support. The above provisions allow interpreters to mediate between the parties involved in court proceedings (local and international) who speak different languages.

The above documents do not, however, provide all that it takes to provide interpreting services that would adequately guarantee fair justice, especially for those who cannot speak Kinyarwanda. Yet, Rwanda handles international cases in which defendants, suspects, witnesses or advocates do not understand the court's major working language.⁶ Moreover, court cases that involve foreigners who do not speak or understand Kinyarwanda (those that require interpreting) continue to exist in the country given that Rwanda has opened its borders for people from all over the world.⁷

Incidentally, foreigners are not the only party that may need interpreting services. Rwanda's history has compelled innumerable Rwandans to live in

¹ *Gacaca* is Rwanda's traditional law system in which perpetrators and victims resolve their differences before a community and a panel of eminent persons (Ngarambe, 2015).

² See the Strategic Plan of the Republic of Rwanda on Justice, Reconciliation, Law & Order Sector from July 2013 to June 2018.

³ See Government of Rwanda (2017a), whose Priority 4 places emphasis on improving "Access to quality justice by modernising the Criminal, Commercial and Civil Justice System, enhancing professionalism in the judicial system and establishing specialised units in areas of criminal, commercial and civil justice system".

⁴ Law No 027/2019 of 19/09/2019 relating to the Code of Criminal Procedure in Rwanda, O.G No. special of 08/11/2019 (articles 204-2013). This was provided also in the former law on the same subject No. 30/2013 of 24/5/2013 in articles 78, 79 and 80.

⁵ Law No 22/2018 of 29/04/2018 relating to the civil, commercial, labour and administrative procedure, O.G No. Special of 29/04/2018.

⁶ Article 69 of Rwanda's Law No 22/2018 of 29/04/2018 relating to the civil, commercial, labour and administrative procedure states that the language of the court is Kinyarwanda.

⁷ Decision No. 4 of Rwanda's Cabinet *communiqué* of 06/03/2020 on approval of waiver of entry visa requirements to foster the implementation of the country's openness policy.

different continents for several years. Given the ties with their country, some Rwandans voluntarily choose to return to live in or visit their country or to claim their properties back. Other Rwandans have also been deported back to their country to face charges. In either of the above scenarios, many of these Rwandans often resort to interpreting services in Rwanda's courts of law as they may not convincingly plead in Kinyarwanda because they are confronted with considerable challenges and limitations in this language. Yet, Article 8 of the 2003 Constitution of the Republic of Rwanda (revised in 2015) provides for three official languages (Kinyarwanda, English and French). The number was brought to four by Organic Law No. 02/2017/OL of 20/04/2017, which added Kiswahili (Government of Rwanda, 2017b).

2. Research aims and questions

This paper seeks to examine the framework and practice of court interpreting in Rwanda as well as the challenges faced in this field. It also aims to propose interpreting-related strategies towards achieving fair trial in Rwanda's courts.

This study seeks to answer the following three research questions:

- In which ways does court interpreting relate to national legislation and international human rights law?
- How is court interpreting practised in Rwanda and what are its inherent challenges?
- What strategies should be implemented to improve court interpreting in order to meet international fair trial standards?

3. Methods

Qualitative methods were used to collect data from different respondents concerned with court interpreting in Rwanda. Although court participants may vary according to legal systems, this study relied on a sample composed of judges, court administrators, prosecutors, lawyers, interpreters, defendants and witnesses. For interpreters, the study considered those who had served in court interpreting in Rwanda either on a part-time or permanent basis. Regarding the witnesses and defendants, the study involved Rwandan residents with zero or low fluency in Kinyarwanda but who, for different reasons, had participated in Rwanda's judicial processes.

Non-random sampling methods were applied to select purposively a total of 28 respondents. For the sake of balance in constituting the above sample, an equal number of respondents was selected and grouped into categories after assigning them codes for purposes of anonymity as follows: Court Administrators: Category 1 [Resp. (1)1, Resp. (1)2, Resp. (1)3 and Resp. (1)4]; Judges: Category 2 [Resp. (2)1, Resp. (2)2, Resp. (2)3 and Resp. (2)4]; Prosecutors: Category 3 [Resp. (3)1, Resp. (3)2, Resp. (3)3 and Resp. (3)4]; Court Interpreters: Category 4 [Resp. (4)1, Resp. (4)2, Resp. (4)3, and Resp. (4)4]; Lawyers: Category 5 [Resp. (5)1, Resp. (5)2, Resp. (5)3 and Resp. (5)4]; Defendants: Category 6 [Resp. (6)1, Resp. (6)2, Resp. (6)3, and Resp. (6)4]; and Witnesses: Category 7 [Resp. (7)1, Resp. (7)2, Resp. (7)3 and Resp. (7)4]. In other words, Category 1 included court presidents or vice presidents, court registrars and court clerks while Category 4 included

interpreters fully employed by the court as well as freelance interpreters who may at times be engaged in case of need.

The seven categories were deemed to have sufficient and reliable information on the conduct of court interpreting in Rwanda. They were also assumed to be knowledgeable on the challenges faced by Rwanda's court interpreters. Research clearance was sought via the Director of Research and Innovation of the College of Arts and Social Sciences of the University of Rwanda. After examining the project and its ethical implications, the directorate issued a letter (Ref.: DRI./35./2020) introducing the research team and inviting the relevant institutions and persons to cooperate with the research team. The consent of individual respondents was also negotiated and obtained before data collection. Interviews were conducted in the second half of the year 2020. Despite some interruptions occasioned by the Covid-19 pandemic measures, all the scheduled interviews and visits were fully conducted.

In order to study the current context of court interpreting in Rwanda, the researchers deemed it necessary to establish a real picture of courtroom settings and proceedings in Rwanda. Accordingly, four main courts were selected and visited: The Supreme Court of Rwanda (located in Kigali), the High Court-Chamber of International Crimes (located in Nyanza-Southern Province), the Intermediate Court of Nyarugenge (located in Kigali), and the Nyarugenge Primary Court (located in Kigali). The choice of these courts was based on a relative representation of courts in Rwanda at each level as classified in Article 152 of the Constitution of the Republic of Rwanda, and the predominance of international cases handled. The researchers made visits to these courts in order to observe the physical settings of courtrooms, especially to check on the availability and state of interpreting equipment. During this period, some hearings involving the use of court interpreters were attended. They include the case *Prosecution v. Munyagishari* before the High Court-Chamber of International Crimes.⁸ This enabled the researchers to observe and acquaint themselves with court interpreting proceedings and conditions.

Besides the documentary method applied to glean detailed data and available written information related to court interpreting, primary data was also collected by means of questionnaires, interview guides, and observation. The data was coded and processed following selected thematic areas, namely: court interpreting training, perceptions about court interpreting, challenges of court interpreting, opportunities for court interpreting, performance of court interpreters, strategies for court interpreting improvement. The collected data was analysed following a system of identified patterns, categories and themes.

4. Concept of legal/court interpreting and its legal basis in international human rights law

In discussing the key concepts and their legal basis under international human rights law, this section first encapsulates the definition of court interpreting and

⁸ The case of *Munyagishari Bernard* was transferred to Rwandan National Jurisdictions by the International Criminal Tribunal for Rwanda. See Case *Prosecution v. Bernard Munyagishari* on the Prosecutor's Request of referral of the case to the Republic of Rwanda (<https://unictr.irmct.org/sites/unictr.org/files/case-documents/ictr-05-89/trial-decisions/en/120606.pdf>)

the role played by court interpreters. It then expounds on the legal basis of the right to an interpreter and the experiences on domesticating and applying the above right to different settings.

4.1. Legal/court interpreting: role and skills

Like any other type of interpreting, court interpreting entails rendering oral messages from the source language (SL) to the target language (TL). However, where this type of interpreting differs from other types is the setting in which the interpreting activity is conducted. Whether within or outside the booth, the interpreter is physically expected to be in the courtroom, listening to and interpreting the speech of the parties involved in court proceedings.

While court interpreting seems to be the commonest designation for this service, it is sometimes referred to as “legal interpreting” (European Commission) or “forensic interpreting” (Russell and Hale, 2008). Whatever the name given, the term often confines the interpreting activity to the courtroom setting. However, Mikkelson (2017) extends the setting far beyond the courtroom: “court interpreters work not only in courts of law but also in law offices, law enforcement agencies, jails and prisons, and other public agencies associated with the judiciary” (p. 1). This extension justifies the term “judiciary interpreting”, used by the Supreme Court of Pennsylvania (2022). In this connection, Jacobsen (2002) citing Mikkelson, considers this type of interpreting as “interpreting [that is] conducted in various other institutions associated with the judiciary, for example law offices, law enforcement agencies, and prisons, also tend to come under the heading of court interpreting” (p. 3).

As far as the role of the court interpreter is concerned, it seeks to make “communication possible despite language barriers that exist between litigants and court personnel” (Mikkelson, 2017, p. 1). Hwa-Froelich and Westby (2003) consider the interpreter as a bridge between communicators and cultures. Laster & Taylor (1994) assert that the interpreter is expected to play an active and discretionary role, taking into account the cultural dimensions of communication between members of different ethnic, cultural and linguistic communities.

It is imperative to also highlight some of the major competencies required to accomplish the role of interpreters, especially court interpreters, and the need for those competencies to be assessed by qualified individuals or bodies. In this regard, NAATI (2016, p. 8) highlights the following eight competencies: language competency, intercultural competency, research competency, technological competency, thematic competency, transfer competency, service provision competency, and ethical competency. This implies that anyone involved in the certification or recruitment of court interpreters is also expected to possess minimum levels of those competencies to ensure objectivity and reliability. However, Mikkelson (2017) criticised the fact that in many countries all the decisions about the need for an interpreter and relevant requirements are left to the discretion of the judge. It would not be fair for judges to be the only ones to make decisions regarding court interpreters’ recruitment, as they may not be qualified to do so. This therefore casts some doubt on the competency of interpreters recruited through such loose processes. To ensure more objectivity and reliability in the process, some countries organise tests for court interpreters who become “certified”, “accredited or “sworn” court interpreters if successful (Mikkelson, 2017).

4.2. Right to court interpreters: legal basis

The right to have an interpreter in court proceedings is provided for in legal instruments at both international and national levels. This sub-section attempts to discuss its basis under international human rights law and their domestication in national legislations.

4.2.1. Basis under international human rights law

As this paper posits, the right to fair trial is an international human right provided for by core international instruments. Among the most known legal texts is the Universal Declaration of Human Rights, Article 10 of which states that “everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal” (United Nations, 2015). Likewise, according to Article 14 of the International Covenant on Civil and Political Rights, free assistance of an interpreter is one of the minimum guarantees in the determination of any crime against person.

As such, when a hearing is conducted in a language that is not understood by a party before the court, the right to fair trial is jeopardised. Engaging an interpreter would guarantee that justice is achieved (through fair trial) as any misunderstanding of the charges and any other matter discussed in courts of law would affect one’s capacity to defend themselves.

This right is recognised in other relevant instruments at continental level. For instance, Article 6 of the European Convention on Human Rights clearly stipulates the same right. The American Convention on Human Rights provides for the same in Article 8 paragraph 2 (a) (European Court of Human Rights, 1950). Though the African Charter of 1986 on Human and People’s Rights does not contain an express provision for a court interpreter, it provides in Article 7 for the right to fair trial in which the necessity to have a court interpreter is implied.

In some literature on legal interpreting, some sources look at it as one of the preconditions of the right to fair trial (Dingfelder Stone, 2018). Moreover, the defendant must be able to participate in their own defence by communicating effectively with the court or their counsel. In this context, the interpreter is the only person who can help to achieve the principle of fair trial when there is a language difference (African Commission on Human & People’s Rights, 2019).

4.2.2. Basis of court interpreting within national legislations

Most countries have modified and bolstered their regulations on court interpreting to meet the needs of their communities as per international human rights obligations. Without purporting to have an inventory of all states that have domesticated the international obligations pertaining to court interpreting as a component to the right to fair trial, it is worth pointing out some examples of states that have made significant efforts in this regard.

In Europe, Mikkelsen (2017) notes that virtually all countries guarantee the right to an interpreter for litigants with low-language proficiency (LLP). In the United States, this right is guaranteed by the Constitution itself in its Fifth and Sixth amendments, which emphasise the right to “due process of law” and “to have the assistance of counsel” for the defence of the accused. More specifically, the right to an interpreter is recognised in Title VI of the Civil Rights Act (1964), and, in line with this, the Court Interpreters Act of 1978 established a certification programme to ensure the competency of interpreters working in federal and in state courts (González et al., 2012).

The same right is also guaranteed by Canadian legislation. In Section 14, the Canadian Charter of Rights and Freedoms of 1982 states that “a party or witness in any proceeding who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right of assistance of an interpreter” (Government of Canada, 1982). In Asian countries, some improvements have been made in guaranteeing the right to an interpreter, but this varies from one country to another. Some countries like Singapore are reported to have modernised their court interpreting systems by adopting video-conference interpreting (Mikkelson, 2017).

In Australia, at state and federal levels, regulations have been put in place to govern quality and qualifications for court interpreters. More specifically, Hale (2011, p. 11) refers to “guidelines and recommendations produced by the various Departments of Justice, Bench books, and state tribunal guidelines”. At the federal level, she notes the existence of “specific guidelines for the different federal courts and tribunals” (Hale, 2011, p. 11). The most recent of these documents are the *Interpreter Protocols* (ACT Courts and Tribunal, 2020).

In Africa, some countries have regulated the practice of interpreting to accommodate multilingualism in their courts. This is the case of South Africa’s Constitution of 1996, Chapter 2 on the bill of rights, and Kenya’s 2010 Constitution, Chapter 4 (50). Likewise, as noted earlier, Rwanda revised its legal framework to include court interpreting in its court procedures.

From the major provisions pertaining to the right to fair trial under international law as noted in this section, there seems to be no disagreement among the cited texts on whether pleading in a language that each party understands very well is a component of the right to fair justice. However, having provisions on this matter in both national and international instruments may be one thing and having them applied, another. As already discussed, the process of court interpreting seems to be complex and challenging. Thus, there is a need to explore the application and practice of court interpreting in Rwanda as a case study.

5. Practice of court interpreting in Rwanda: challenges of fair justice

On the basis of the data collected from the ground and supported by literature, this section discusses the actual application and practice of court interpreting in Rwanda. It does this by examining the existing legal framework of court interpreting and its application. It then goes a step further to discuss the major challenges faced in implementing fair justice standards.

5.1. Legal framework on court interpreting in Rwanda

Although the Constitution of the Republic of Rwanda does not expressly mention the right to a court interpreter, it is implied in Article 29 under the right to due process of law. According to that article, the right to due process of law “includes the right: to be informed of the nature and cause of charges and the right to defence and legal representation” (Republic of Rwanda, 2015). This implies that for one to be validly informed, they must be addressed in a language they understand.

In criminal matters, the right to a court interpreter is expressly provided for in the relatively recent law on the code of criminal procedure in Rwanda. Article 204 of the above law states: “The language of the court is Kinyarwanda. However, the

court can conduct the hearing in another official language. The party in the proceedings can litigate in a language that they understand very well, and the court seeks the services of an interpreter”. Article 205 also adds: “Any person duly requested to assist as an interpreter, a translator, can do so if there is nothing to prevent him or her from doing so.” This same provision provides that if the interpreter “is not a civil servant, he/she is entitled to remuneration proportional to his or her assistance” (Government of Rwanda, 2019).

In civil matters, the right to a court interpreter is reflected in the law relating to civil, commercial, labour and administrative procedures. Article 69 of the same law states that “the language of the court is Kinyarwanda.” It adds however that, “the court may conduct the hearing in any other official language of Rwanda. A party may plead in another language he/she understands well, provided that he/she him/herself finds an interpreter at his/her own expenses. In any case, the submissions to be filed to the court are in Kinyarwanda” (Government of Rwanda, 2018).

The major provisions pertaining to this matter in both criminal and civil matters underscore the issue of pleading in a language that each party understands very well. However, a major difference is noticed in the focus of the two provisions: for criminal matters, the responsibility for engaging an interpreter seems to lie with the court, while in civil matters it is expressly noted that it is the responsibility of the concerned party. It is worth noting, therefore, that the existence of these provisions in the Rwandan legislation is quite a sound development. However, the question is whether what is granted by these texts is implemented.

5. 2. Court interpreting practice in Rwanda

On the basis of interviews with the respondents in different settings of Rwanda’s justice system and in consideration of the existing legal framework, this subsection discusses the practice of court interpreting in the country.

Given that the language used in the court is Kinyarwanda, it follows that the notes taken during the hearing are also drafted in Kinyarwanda. For cases that involve people who speak foreign languages, they are also conducted in Kinyarwanda, and recourse is made to interpreting to facilitate communication. In some cases, however, according to Resp. (1)1: “some litigants are assisted by their advocates”. In relation to this, Resp. (1)2 noted that to his knowledge, only one hearing has been conducted in a language other than Kinyarwanda ever since he started working in Rwanda’s courts. Whether in criminal or civil matters, one of the major questions raised relates to the criteria considered in selecting interpreters to participate in hearings. For criminal matters, the data collected indicate that for the moment, Rwanda’s Judiciary employs two staff on a full-time basis at the Supreme Court, both of whom serve as translators and interpreters. Another question raised in the interviews echoed the challenge of the management and supervision of interpreters. The data collected from the respondents in Categories 1, 2, and 4 indicated that the two court interpreters worked under the supervision of the Advisor to Rwanda’s Chief Justice. However, their scope of operation transcended the jurisdiction of the Supreme Court. They also serve in other courts in criminal matters (either in Kigali or upcountry).

Regarding the qualifications of the two interpreters/translators employed at the Supreme Court, they both hold degrees in Law. One of them holds another degree in languages. However, they admitted that they had not undertaken any training in court interpreting. In relation to their recruitment, they responded that

it was done in accordance with the Government of Rwanda's public servants' recruitment procedures. They also specified that before recruitment, they sat a recruitment test that consisted of language skills and legal terminology. In an attempt to probe the recruitment process of the interpreters, the respondents in Category 1 revealed nothing about the recruitment panel (their qualifications). As for the respondents in Category 1, they also indicated that in civil matters, no staff is employed for interpreting business. They confirmed that litigants are responsible for finding and paying for their interpreters.

During the court hearings, the respondents in Category 2 reported that judges can appoint someone of their choice from the audience to act as an interpreter (this applies to both criminal and civil cases). According to the respondents in Categories 2 and 5, in some courts, whenever judges fail to identify professional or freelance interpreters, they resort to bilingual court staff like court clerks or accountants. In some other cases, the respondents indicated that some litigants are helped by their lawyers or co-accused when they happen to be bilingual.

As for the interpreting exercise in the courtroom, it was revealed that interpreters work singly while interpreting for the prosecutor (in criminal matters), the judge, witnesses and defendants (in all matters). As such, they interpret to and from all the three versions (Kinyarwanda and French or Kinyarwanda and English, or Kiswahili and English). The mode of interpreting is always consecutive, and no relays are done for the litigants when the latter are not addressed directly. This was confirmed by the respondents in Categories 1, 2, 3 and 4. As for Resp. (4)3, he commented: "time for note-taking is not enough at all, no control measures are taken to stop the speakers because such powers are only vested in the judge". Resp. (4)4 also added: "It is a very taxing task to interpret in court because interpreters have to stand near the persons who need them; they listen to the intervention from other persons involved, and then they stop to allow the speaker to come in". In this connection, the respondents in Categories 5, 6 and 7 complained that, after closing the hearings, all the parties are requested to sign hearing minutes drafted in Kinyarwanda whose content may sometimes be unknown to them.

According to the above-described *modus operandi*, it seems that the work of court interpreters in Rwanda does not meet the required standards for fair justice. This state of affairs entails significant challenges and consequences as presented in the next sub-section.

5.3. Major challenges facing court interpreting in Rwanda and consequences for fair justice

Court interpreting in Rwanda is confronted with challenges that are heterogeneous in nature. These pertain to (a) selection of court interpreters, (b) interpreting set-up and equipment, (c) language proficiency, (d) professional practice, (e) misconception of the role and designation of court interpreters, and (f) the length of proceedings.

a. Challenges relating to selection of court interpreters

This study revealed that Rwanda's criminal and civil justice systems do not set any criteria for the selection of court interpreters. They simply give the discretion to the judge or court to use anyone with skills in the required language without indicating how to assess that ability. Except for the two permanent staff of the Supreme Court who have been recruited on the basis of their background in language and law, in most cases, judges select, on an *ad hoc* basis, some persons

such as bilingual court staff to serve as interpreters. In other cases, all the respondents from Categories 2, 3 & 5 confirmed that bilingual lawyers or even co-accused are requested to serve as interpreters in the hearings. Resp. (5)¹ added that the judge may even pick someone from the audience who happens to be bilingual to serve as interpreter. Resp. (4)¹ noted that in such cases improvised interpreters who intervene at a later stage of the court process may not have time to understand and familiarise themselves with the case from the initial stages, and this makes them look like intruders in the case. All Category 5, 6 & 7 respondents viewed this as a significant challenge as those who are requested to intervene as interpreters from the audience are not qualified to do so. In fact, they lack knowledge of legal terminology and court interpreting skills. All the respondents further expressed their concerns that unprepared interpreter interventions during the court process may have a negative impact on the outcome of the case, leading to a miscarriage of justice. Commenting on the same issue, Resp. (6)⁴ complained that the use of unqualified interpreters played a significant role in his own imprisonment. When asked to elaborate, he said that during the hearings he hardly grasped what was going on during the interactions in the court.

The practice of using unqualified interpreters was deemed inconvenient by the majority of the respondents from all the seven categories. The respondents from Category 2 went a step further to mention cases where judges were obliged to interrupt or correct the “interpreter” during the hearing because the interpreter’s rendition was not clear. Similarly, Resp. (1)¹ reported a more complicated scenario when rare languages are used in Rwanda’s courts. These include Chinese, Luganda, Arabic, etc. The fieldwork data proved that the two interpreters deployed at Rwanda’s Supreme Court are too few to meet the needs of court interpreting in the entire country. Moreover, it seems that this small number of court interpreters may have inadequate facilities and equipment to facilitate their task.

b. Challenges related to the interpreting set-up/equipment for simultaneous interpreting

The data from the interviews and observations conducted in Rwanda’s courtrooms indicated that there is no equipment for simultaneous interpreting in their settings. All the interpreters interviewed stated that they have never used any interpreting equipment while discharging their duties. As for the respondents from all the categories involved in court proceedings (judges, prosecutors, and lawyers), they complained that this scenario leads to major delays in proceedings. This situation contradicts the view held by De Jongh (1992), who recommends that interpreting for the defendant’s benefit should always be performed simultaneously. It was observed that interpreted court hearings take longer than expected. The practice on the ground was that the interpreter has to first listen to each intervener. Then, he/she comes back to the one who needs interpreting and then returns to each of the interveners after the accused has reacted to each of the interventions. The problem reported was that such a system does not only cause delays in the proceedings, but it also puts the interpreter in a very stressful and complex condition of taking notes and accurately reproducing whatever is said in the court.

In some other cases, due to lack of interpreting equipment, it was observed that most of the interpreters resorted to the whispering mode when interpreting for the person in their proximity. This mode was described by interpreters as tiresome while the judges described it as disturbing. In relation with interpreting equipment, Resp. (6)⁴ suggested that it would be more professional if hearings

were recorded. He had this to say: In my court hearing nothing was recorded. It was difficult to check the accuracy of the interpreting for further crosschecking during the judge's deliberations and examinations, and drafting of the minutes by the clerk. This statement means that when a hearing closes, there is no further checking done by the interpreter or any other person to see whether the clerk accurately recorded the court proceedings.

All the data collected on the use of interpreting equipment in Rwanda's courts prove that lack of court interpreting equipment in Rwanda's courts is quite a major challenge. This challenge seems to jeopardize the principles of fair trial.

c. Language proficiency-based challenges

In the view of all the respondents, despite the numerous educational reforms in Rwanda, students do not master any of the country's official languages. Resp. (2)2 attributed this deficiency to the 2009 education reform, which affected the teaching and use of languages, and most judges and clerks trained subsequently do not master neither Kinyarwanda nor foreign languages (English or French). Though the law permits court cases involving foreigners to be conducted in the language of their choice, most respondents from Category 2 admitted that they always use Kinyarwanda in most of the hearings. The respondents from all the sampled categories reiterated the issue of poor proficiency in foreign languages (and sometimes in Kinyarwanda) as a major factor affecting the entire interpreting process. In this connection, Resp. (1)2 expressed concerns that even mastery of Kinyarwanda is still a major problem given the increasing number of international schools (that attract many nationals) where Kinyarwanda is not taught. Categories 1, 2, 3 & 5 of the respondents were worried that even for the few international schools which produce candidates with proficiency in foreign languages (in this case English or French), the above problem remains unsolved. Instead, many international schools, which have multiplied rapidly, have given rise to another issue – that of having brilliant candidates in either English or French but who hardly contribute to court interpreting because they do not study Kinyarwanda, although it is considered as a source language for court interpreters in Rwanda.

Unfortunately, the issue of poor proficiency in English and French is also felt by the interviewed court interpreters. According to the views by the respondents from Category 4, resorting to judges and clerks (as interpreters) whose proficiency in foreign languages is limited, and resorting to interpreters with a similar problem, especially without a legal background will, for a long time, continue to pose a real challenge in dispensing fair justice.

d. Profession-based challenges

This study found that adherence to ethical principles is equally extremely necessary in achieving better performance and fair justice in court interpreting. In this regard, Schweda Nicholson & Martinsen (1995) discuss ethical guidelines that should be followed in court interpreting with a focus on four principles: accuracy and completeness, impartiality, confidentiality and conflict of interest.

While the first principle implies faithful and complete rendition of the SL message into the TL, the second preserves the neutrality and objectivity of the interpreter. The third principle of confidentiality compels interpreters to uphold professional secrecy. In this context, court interpreters are strictly forbidden to divulge information related to their professional task. The last principle, which pertains to conflict of interest, presupposes that when discharging their duties, court interpreters must ensure that they do not have any personal or professional

relationships with court parties as this would have an adverse impact on the judicial process.

The application of the above principles to Rwanda's situation is complicated given that there are no clear rules governing the interpreters' professional code of conduct. For instance, Resp. (4)3 revealed that according to his experience as a court interpreter, he has noted that many interpreters tend to go beyond their interpreter role and perversely act as advocates of sorts, defending the position of the parties they are interpreting for. The above view was corroborated by Resp. (4)4, who also admitted that, in some cases, he has ended up playing an advisory role to the litigant by sometimes correcting what was wrong in the speaker's message.

During the data collection process, some other professional issues were raised. These included the interpreters' acceptance to do work in unacceptable conditions. Resp. (4)1 deplored that due to lack of respect of professional ethics, some interpreters accept to work in any conditions. For example, the respondent attributed the lack of interpreting equipment in courtrooms to lack of negotiation powers between interpreters and the court personnel. Resp. (4)2 commented that performing court interpreting in the consecutive mode with only one interpreter is not only time-consuming and tiresome for interpreters, but it also leads to misinterpreting speakers' messages. All the data collected on the issue of professionalism showed that court interpreting practice is highly likely to affect the principles of accuracy and completeness as well as the principles of impartiality and objectivity.

In the same vein, none of the respondents in Categories 4, 5, 6 & 7 supported engaging court staff as interpreters. In this connection, Resp. (7)1 expressed concerns that such staff may be influenced by their knowledge about the case rather than rendering what is actually said by the parties involved in the hearing.

The data collected pinpointed to key issues which are likely to affect the principle of impartiality. In this regard, if the current state of affairs in court interpreting is left unabated, the issue of professionalism associated with court interpreting in Rwanda's courts is likely to be at stake.

e. Challenges related to misconceptions about the role of court interpreters

According to the majority of Category 4 respondents, working on a full-time basis as a court interpreter in Rwanda is not an attractive venture. This view was supported by Resp. (4)3: "Freelancing seems to be more paying and could offer more opportunities than being fixed in one institution". Resp. (4)1 complained about the state of unequal treatment for Rwanda's court interpreters in terms of remuneration compared to their counterparts elsewhere. The last question asked sought to know whether all the stakeholders in court interpreting understood the role of court interpreters in the same way. According to all the respondents in Categories 1, 2 and 3, interpreters are merely considered as language intermediaries. In this respect, Resp. (3)1 specified that a court interpreter is a communication facilitator who intersects between the judge and the parties that do not understand the court's language. In an attempt to address this issue, all the respondents from the category of interpreters admitted that despite their efforts to improve their performance, the role of interpreters remains largely misperceived. They even noted that the existing misconceptions about interpreters make them undervalued by other law professionals in law courts and those who benefit from their services. This is why Resp. (4)1 reacted: "the public does not know that we assume more roles than any other actor in the court." According to Category 4

respondents, this situation could hamper the development of court interpreting as it is not perceived as a profession worth specialising in. The next section seeks to elaborate on how the Rwandan context affects the length of court proceedings.

f. Challenges related to the length of proceedings

In compliance with the norms of fair trial, international human rights law compels states to conduct trials without undue delay. In the case of Rwanda, the language issue is a source of constant postponements of court proceedings, especially for cases that involve foreign litigants. On this point, Resp. (1)2 admitted that the search for interpreters, especially those for lower courts, usually takes a long time. Accordingly, this process affects the length of the proceedings. Yet, this contradicts the old legal maxim that says: “Justice delayed is justice denied”. Lastly, when asked about delays in Rwanda’s court cases, all the respondents in Categories 5, 6 and 7 confirmed that delays are common. Resp. (6)1 mentioned that about five postponements were made on his court hearing due to lack of an interpreter.

6. Strategies for improving court interpreting in Rwanda

The data collected in this study show that there is a high need for court interpreters in Rwanda to respond to an increasing number of court cases that involve non-Kinyarwanda speakers. The following strategies were suggested by the respondents to improve court interpreting in the country. They included educational, material, professional and institutional strategies.

a. Strategies to address educational challenges

Considering the geo-localisation of the East and Central African countries, the respondents suggested that language teaching in Rwanda’s schools should be improved to include Kiswahili to cater for a growing number of Kiswahili speakers. In this connection, Respondents (2)2 and (4)1 suggested that sign language interpreting should be introduced in Rwanda’s school system to facilitate litigants with hearing impairment. This move can help to comply with international standards which recommend the introduction of sign language interpreting in courts (see for example Mathers, 2006 and Hale, 2020). As far as court interpreter training is concerned, all the respondents in Category 4 recommended that the interpreter’s role should not be restricted to language proficiency and mastery of legal terminology but should extend to the interpreters’ cultural and thematic knowledge. This would be achieved by focusing on specific areas such as criminal law and civil law. To enhance the linguistic competency of legal professionals, the respondents in Categories 1, 2, 3 & 4 suggested that language training for staff in the justice sector should be organised to facilitate communication for those who may not understand Kinyarwanda.

b. Strategies to address material challenges

This study found that courtrooms in Rwanda are not interpreter friendly. To facilitate smooth and effective court interpreting, interpreting equipment should be installed. This strategy can facilitate the use of the simultaneous interpreting mode as recommended by a number of authors (e.g., De Jongh, 1992 and González, et al. 2012). Apart from installing equipment for simultaneous interpreting, Resp. (6)3 suggested the installation of voice automatic translation

systems that embed Kinyarwanda with other languages. According to him, this can help to avoid human bias and mistranslations. However, he stressed the appropriateness of human interpreters who are the best option because they can easily render defendants' emotions.

c. Strategies geared towards solving practice-related challenges

In order to improve the practice of court interpreting in Rwanda, the respondents in Categories 1, 2, and 3 insisted on providing interpreting services in the initial stages of court procedures such as the interrogation stage in Rwanda's Investigation Bureau (RIB) as well as the prosecution level. For this to happen, the respondents suggested that interpreters should be recruited to serve at all the justice structures. Furthermore, they suggested that the number of interpreters should be increased to serve all the courts in Rwanda.

Another strategy proposed was to allow all the litigants to use the language of their choice among the four official languages recognised in Rwanda's Constitution. Alternatively, it was proposed that before the court interpreting system is improved, lawyers may interpret for their clients when they are proficient in such languages. This was also emphasised by Resp. (6)1, who said: "My lawyer can serve as a better interpreter because he understands my case very well". However, some respondents criticised the above assertion saying that it is "difficult to find lawyers in Rwanda who at the same time master the English language because Rwanda was recently a French-speaking country". Lastly on this point, Resp. (6)2 suggested that the simultaneous mode of interpreting should be adopted in Rwanda's courts as this facilitates the process and saves time.

d. Strategies to address professional challenges

This study also found that one of the major challenges hindering the professional practice of court interpreting in Rwanda is the absence of a national professional association for interpreters. In this respect, Resp. (2)2 suggested that a national association of interpreters should be established to oversee interpreting practice in the country. This was supported by all the respondents in Category 4. The association would promote interpreter specialisation in different areas, including court interpreting, which is essential in promoting professionalism. In fact, such a national association would be in charge of the following: (1) offering training opportunities and networking to court interpreters as well as providing official recognition by quality regulatory bodies; and (2) establishing a code of conduct for Rwanda's court interpreters. The above recommendations are corroborated by a number of studies on court interpreting in many countries (NAATI, 2016; Salimbene, 1997; Jacobsen, 2002; Lipkin, 2008; Lebesse, 2011; Camayd-Freixas, 2013; Al-Tenaijy, 2015). These studies recommend a code of ethics that spells out the role and expectations of interpreters. As pointed out in the above studies, the code of conduct establishes ethical boundaries that should be followed by court interpreters to avoid interfering with the tasks of judges or court administrators.

e. Strategies to address institutional challenges

The current study also revealed that court interpreters in Rwanda are seemingly undervalued compared to the profession of lawyers. Thus, there is a need for public awareness about the role of court interpreters within the justice system. This can be achieved through organising awareness campaigns among all the court stakeholders.

In order to ensure the quality of interpreting, the current study suggests that structural changes should be made in Rwanda's court hierarchy by establishing appropriate coordination at different levels. In this respect, Respondents (4)3 and (5)1 advocated for the creation of a strong language unit in the court structure as is the case with the International Criminal Court (ICC) in The Hague. Such a unit would cater for space and staff challenges as well as quality control issues for each language used. In this connection, Respondents (4)1 and (4)2 recommended that lower courts located at the country's main borders should be equipped with permanent interpreters as this would help to avoid heavy expenditures on mission fees incurred in deploying interpreters from the Supreme Courts to different parts of the country. Lastly, the respondents suggested that the remuneration of court interpreters should be revised upwards to match the services provided by court interpreters.

7. Conclusion

Fair justice cannot take place without involving interpreters in courts where litigants do not understand the language of the court. However, though the major findings of this paper show that Rwanda has embarked on establishing an enabling environment for court interpreting, the respondents pinpointed a number of factors impeding fair trial. These are associated with the following challenges: selection of court interpreters in an environment where there is a limited number of professionally trained court interpreters, inadequate equipment for court interpreting, lack of experience and professionalism as well as the presence of negative perceptions towards court interpreters. As a result, wrong court decisions are highly likely, and this may impact negatively on the rights of litigants who seek fair justice in the courts of law.

To address the above issues, the number of court interpreters should be increased, while all the language training challenges should also be addressed. Additionally, interpreter trainees should undertake sufficient training at university. Another recommendation is that interpreters should be involved right from the initial phase of the court case (investigation phase). In addition, a national association of interpreters is highly needed to ensure court interpreting professionalism. The association would establish a code of conduct for court interpreters in the country, and more importantly, organise continuous training for new and in-service interpreters. Lastly, the association would conduct public awareness campaigns on the role of court interpreters in the justice sector.

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