

AT THE MERCY OF OTHERS' VOICES: AN ILLUSTRATION OF FREQUENT INTERPRETER LANGUAGE ERRORS IN KENYAN COURTROOMS

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This paper reports on a study of interpreter language errors carried out in a sample of courts in Kenya between January and March 2008. Drawing from data mainly consisting of transcriptions of audio-taped discourse of official proceedings in the sample courts, the paper illustrates the most prevalent language errors made by interpreters in the course of interpreting judicial proceedings. Using a typology of interpreter language errors documented in the literature, the paper identifies and illustrates the occurrence of grammatical, lexical, omission and intrusion and distortion errors as the most frequently occurring in the sample courtrooms, as they accounted for the bulk of the interpreter errors encountered in the data. Illustration and discussion of each of this type of errors show that reveal the extent to which these errors can alter the intended meaning of the interlocutors in the court set-up, which in turn can lead to a miscarriage of justice, especially where the judicial process depends entirely on the interpreter's capacity to facilitate communication by mediating between languages.

1. INTRODUCTION

1.1. The necessity for an interpreter in court proceedings

The centrality of language in the administration of justice is most evident during the process of a trial, more so in the common law system where the proceedings in court are adversarial and "take the form of a ritualized battle between the prosecution and defense" (Gibbons, 2003: 6), with each side presenting a conflicting set of "facts". Language use in the courtroom facilitates the creation of facts and the discrediting of those facts by the opposing parties.

This metaphor of a trial as a battle vividly captures the gravity with which litigants approach it and gives credence to the concern about trials that depend on interpreters, as there is little guarantee that interpreter errors do not cause alterations to the litigants' and lawyers' trial strategies, to their detriment. The court interpreter gives voice to the witnesses and litigants who do not understand the official language of the court so that they can present their testimony and, for the unrepresented accused person, they cross-examine the prosecution's witnesses. Fact finders as well as other officers of the court also depend on the interpreter to communicate with such litigants and witnesses. In such situations, given that it is the interpreter's renditions that constitute the court record on the basis of which decisions are arrived at, the need for accurate interpreting cannot be overemphasized, as the consequences of an interpreter language error can lead to miscarriage of justice. In instances where interpreting is the only way communication in the courtroom can be achieved, it would be no exaggeration to say that the success or failure of the whole dispute resolution process is at the mercy of the interpreter.

Researchers have come up with different classifications of interpreter errors. For instance, Mead (1985: 11) reports that

Lang (1976) lists five types of improper interpreting in his discussion of local courts in Papua New Guinea: derogatory remarks made by the interpreter of his client, misinterpreting due to carelessness, misinterpreting resulting from "the substitution of a command by the reasons for that command"..., careless paraphrasing, and misinterpreting due to auditory misperception.

From his own study of courtroom discourse in Malaysia, Mead (1985: 11), identifies these same problem areas but substitutes the first type with that of interpreters deserting their neutrality and providing positive evaluation of their clients through the way they formulate their interpretations. He also adds to the list errors that stem from interpreters, the fact of departing from the first person role to the third person. By virtue of the role they play in the social order, law courts in Kenya are a stage on which people of diverse linguistic and cultural backgrounds meet. *Part Five of cap. 75, Criminal Procedure Code, Laws of Kenya*, directs that the language of the high court be English and the language of the

subordinate courts be English or Kiswahili. Despite the status accorded to these languages in the Kenyan society in general, and in the judicial system in particular, not all persons who appear before court are competent in both. For this reason, where testimony is given in a language not understood by the accused person, the law requires that it be interpreted for him/her. The same provision is made when testimony is given in any language other than English that is not understood by an accused person's advocate. These legal provisions constitute an acknowledgement that from time to time the services of a mediator between languages are required if court business is to proceed smoothly.

1.2. Illustration of how interpreter errors can lead to misunderstandings

The following three paragraphs illustrate with authentic cases of how language errors made by the interpreters led to misunderstandings on the part of the person whose interventions were being interpreted in the court. Example 1 below illustrates a grammatical error where there is a mismatch in grammatical number between what the witness says and the interpreter's utterance.

Example 1:

WITNESS [in the Gĩkũyũ language]:

Ndoiga ndakinya ndamũkorire nyũmba na anake acio erĩ.

(I have said **when I arrived** I found him in the house together with those two young men.)

INTERPRETER:

I have said **when we came** you were in the house with two other men.

In this example, whereas what the witness, who is being cross-examined by the accused, clearly shows that she was alone when she went to the house where she found the accused in the company of two other men, the interpreter's rendition, which is meant for the official record, has the witness suggest that she was accompanied by others. This might seem a minor alteration but in the context of a trial, it could lead to contradictions with far-reaching consequences.

Example 2 illustrates how lexical errors are likely to result when court interpreters have an inadequate repertoire of specialized vocabulary, such as the legal jargon or the jargon relating to crime and police investigations. In the example, the interpreter's choice of the term *divorced* is potentially harmful to one of the parties given that the case in question involved a dispute over a deceased person's wealth. The law could have a different view on a person's right to inheritance if at all the person had been divorced by the deceased before his death.

Example 2:

WITNESS [in Gĩkũyũ]:

Nĩ onangĩmũmenya matiakaranagia na mũthuriwe ona nĩacokete kwao.

(By the time I came to know her, she was estranged and she had even gone back to her parents' home.)

INTERPRETER: By the time I knew her, she had already been divorced by her husband.

González et al. (1991: 285) note that "language-deficient interpreters" at times "rely on false cognates, or invent words in order to express the meaning for which they have no lexicon available", and this seems to be what the interpreter has done in this instance.

Example 3 is an illustration of how the lack of register conservation results in a distortion error. This is a type of error that results in a change of meaning of a source language utterance. In the example, the interpreter's rendering systematically distorts the meaning of the original. The meaning of the lexical item *scuffle* is distorted and the accused is also shown to have wilfully and maliciously caused damage to the car referred to.

Example 3:

PROSECUTOR:

He resisted arrest and grabbed the city council officer's shirt. **In the ensuing scuffle, he tore the officer's shirt and broke off the side mirror of the vehicle the officer was trying to put him into.**

INTERPRETER [in Kiswahili]:

Ulikataa kukamatwa na ukashika shati yake. Ulianza kumpiga na ukamraruria shati yake. Pia, ulivunja vioo via ile gari maafisa hao walikuwa nayo.

(You refused to be arrested and held his shirt. You started beating him and tore his shirt. You also broke the glass panes on the vehicle the officers had.)

Example 4 is an illustration of errors of omission. These involve “omitting words, phrases, clauses, ideas, sentences or large portions of discourse” (González et al., 1991: 288) in the interpreted utterance. In the example, the information left out specified that on the said date there would be a *defence hearing* and that the court had issued summonses for the accused person’s witnesses to attend court on that date. The omission of this information is probably what led the accused to declare that he had not understood the statement, given that in the earlier context he had informed the court that he intended to call two witness but had faced the following dilemma: he was in custody and had not seen a relative in court on that day whom he could have sent to his would-be witnesses. He naturally expected the court to respond to this. Unfortunately, the interpreter assumed that the lack of comprehension on the part of the accused was due to the fact that he did not understand Kiswahili, and that that is why he, the interpreter, switched to Gĩkũyũ. But this did nothing to rectify the error as the interpretation in Gĩkũyũ still omitted information about the court summons and the fact that this would be the defence hearing which was in the original utterance but never got to be heard by the accused for whom the interpretation was meant.

Example 4:

MAGISTRATE:

Defence hearing on 31st January, summonses issued for the defence witnesses.

INTERPRETER [in Kiswahili]:

Tarehe thelathini na moja mwezi huu.
(The 31st of this month.)

ACCUSED: [in Kiswahili]

Ee... Mimi sijaelewa.
(Eh... I have not understood.)

INTERPRETER: [in Kiswahili]:

Hujaelewa nini. Cira waku ũgacirwo mweri mĩrongo ĩtatũ na ĩmwe mweri ũyũ.

(What haven't you understood? Your case will be heard on the 31st of this month.)

The preceding paragraphs offer a good idea of what kind of language errors we would expect in the process of court interpreting, and the damage they are likely to cause to comprehension. The rest of the paper discusses different categories of linguistic errors extracted from court proceedings from a sample of courts in Kenya. But, before discussing them, it describes the methodology used to collect data in the errors in question appear.

2. The source and nature of the data used in this paper

The data illustrated with in this paper was collected in 2008 for my Master's degree research in the practice of court interpreting in Kenya. The research was driven by several objectives but this paper focuses on a single objective, which is to establish some of the categories of interpreter errors that occur in the course of interpreting court proceedings in a sample of magistrate courts in Kenya. This sample comprises the Chief Magistrate's Court in Nairobi, the Chief Magistrate's Court at Thika and the Resident Magistrate's Court at Kigumo in Maragwa District. The three courts were purposefully chosen to represent a wide spectrum of society, ranging from the highly cosmopolitan to the rural people: indeed, Nairobi is a metropolis, Thika an industrial town whose population includes people from different parts of the country, while Kigumo is a small shopping centre in rural central Kenya. In each of the three courts, court sessions that involved interpretation in English, Kiswahili and Gĩkũyũ were purposively sampled.

An audio-tape recorder was used to capture the interpreted verbal discourse which was later transcribed. In addition, detailed notes were made during the observation to capture details of context that were felt to be relevant for the understanding of the tape recordings when they were replayed later.

From the transcriptions of the tape recordings and observation notes, interpreter errors were identified by comparing source language utterances

and the interpreter's renderings in the target language. The errors were then categorized using the typologies already identified in the literature and mentioned above.

A total of nine types of interpreter errors were identified in the data collected for the Kiguru (2008) study: (1) grammatical errors, (2) distortion and intrusion errors, (3) lexical errors, (4) omission errors, (5) errors arising from an undefined role, procedure and ethics, (6) added information errors, (7) ambiguity-related errors, (8) literal translation errors, and (9) errors arising from the work environment. The study found grammatical errors on the one hand, and distortion and intrusion ones, on the other, to be the most prevalent, with either set of errors accounting for 20% of the total number of errors identified. They were followed by lexical errors (17%) and omission errors (16%). Each of the other types of errors recorded percentages of less than ten. The present study will just focus on the four types which were observed to be the most frequent. In all the examples cited, boldface will be used to highlight the specific interpreter error.

3. THE MAIN LINGUISTIC ERRORS MADE BY INTERPRETERS IN THE STUDY SAMPLE

3.1. Grammatical errors

Grammatical errors manifest themselves in changes in tense and aspect and number agreement, in wrong use of pronouns and even wrong word order. Among these, the most prevalent in the data were changes in tense and aspect as well as those in word order. One particular manifestation of the latter will be looked at here: the substitution of declarative questions by tag questions.

3.1.1. *Tense and aspect errors*

Example 4 below illustrates how an erroneous interpreting of the tense and aspect of the verbs used in the utterance in the source language (SL)

produces something totally different, tense-wise, in the target language (TL).

Example 4:

WITNESS [in Gĩkũyũ]:

Ngĩkora enjete mũtaro gwakwa mũgũnda.

(I found **she had dug** a trench on my piece of land.)

INTERPRETER:

I found her **digging** a tunnel in my *shamba*.

The verb in the original utterance *enjete*, ('she had dug') is in the past tense and perfective aspect, which means that the digging had been completed. The TL utterance, however, has the verb in the progressive aspect, expressed in the *-ing* ending on *digging*. This has the effect of placing the two participants (the one digging and the one finding) at the same place at the same time. This is of great significance in the context of a trial because it implies that the witness is in a position to positively identify the one who did the act. The original statement does not explicitly make this the case. She could have dug the trench and left or was still there but not digging. There is also a distortion of meaning due to the use of the lexical item *tunnel* instead of *trench*; the latter is actually the correct rendering of the lexical item *mũtaro* in the source language, Gĩkũyũ.

3.1.2. Substituting a declarative question with a tag question

During trial, the crime narrative is developed through a series of question-answer interactions between the prosecutor, the defence lawyer or the accused person, and the presiding magistrate. For the defence lawyer, questions are a tool for discrediting the story offered by the prosecution so as to meet the threshold of reasonable doubt that can lead to an acquittal. It is to be expected that the questions posed are usually well thought out and goal-oriented and that the interpreter should strive to maintain both their form and propositional content. But as example 5 below shows, the interpreter in this case substituted a question in a declarative form with a tag question.

Example 5:

COUNSEL:

That cow was sold to you by the accused person or by his son?

INTERPRETER [in Gĩkũyũ]:

Ng'ombe ĩyo wendeirio nĩũyũ ũthitangĩtwo, naithĩ tiguó?

(That cow was sold to you by the accused person, *isn't that so?*)

THE CORRECT INTERPRETATION SHOULD HAVE BEEN [in Gĩkũyũ]:

Ng'ombe ĩyo wendeirio nĩũria ũthitangĩtwo kana nĩ mũriũ?

(That cow was sold to you by the person who has been sued or by his son?)

The tag question *naithĩ tiguó?* ('isn't that so?') in the interpreter's version is asking the person to agree with the statement made, while clearly the counsel's question wanted the accused person to name which of the two people named had sold the cow. According to González et al. (1991), court interpreters have to be particularly careful when interpreting questions. This is because interrogatives are "multifunctional" in that "each question form can do more than question; they can direct or command". And indeed in our example here, the tag question *isn't that so?* posed by the interpreter is structured in a way that demands an affirmative answer. The requirement is that the interpreter should not in any way alter "the kind, form or content of question asked of a witness", as doing so could have far reaching consequences (González et al. 1991, 275).

3.2. Lexical errors

Lexical errors are those that arise due to "inadequate grasp of both general and specialized vocabulary", leading interpreters to "paraphrase, define, invent, omit or guess" the meaning of words (González et al., 1991:284). This is what examples 6 and 7 illustrate.

Example 6:

PROSECUTOR:

It was reported to the police that the members of the **outlawed sect** were **extorting** money from drivers of *matatus* plying the Kangare-Kaharate route.

INTERPRETER [in Gĩkũyũ]:

Borithi nĩ ciahũrĩrwo riboti atĩ andũ agĩkundi kũu warĩ nimonganagia mbeca kuma kũri matereba ma ngari cia ruti ya Kangare-Kaharate.

(Police were informed that members of the group in which you were, were collecting money from drivers of the vehicles plying the Kangare-Kaharate route.)

In this example, the interpreter renders the term *extorting* as *collecting*. This removes the aspect of threat and probably violence conveyed by the former term. In addition, whereas the prosecutor uses the expression *the outlawed sect*, the interpreter renders it as *gĩkundi*, which means ‘group’. A more effective rendering should have included a description of the group, for example by saying *gĩkundi gĩtarĩgĩtikĩrie nĩ watho*, which means ‘a group that is not allowed by the law’.

In example 7, the lexical error leads to misunderstanding, as the parties involved draw contradicting conclusions.

Example 7:

COUNSEL:

Can you confirm or deny to this court that you have previously been charged with the offence of stock theft and **convicted**.

INTERPRETER [in Gĩkũyũ]:

No wĩre igoti nĩma kana tima atĩ nĩũrĩwathitangĩrwo mahĩtia ma kuiya ng’ombe na ũkiohwo?

(Can you tell the court whether it is true or not true that you have previously been charged with the offence of stealing cows and **jailed**?)

WITNESS [in Gĩkũyũ]:

Nĩmaheni, ndiohirwo.

(It is a lie, I was not **jailed**)

INTERPRETER:

It is not true, I was not **convicted**.

COUNSEL:

Are you sure?

INTERPRETER [in Gĩkũyũ]:

Wĩna ma?

(Are you sure?)

WITNESS [in Gĩkũyũ]:

Ĩĩ, ndiohirwo

(Yes, I was not **jailed**)

INTERPRETER:

I am sure, I was not **convicted**.

COUNSEL:

Do you know it is a crime to lie to the court while under oath?

INTERPRETER [in Gĩkũyũ]:

Nĩũraririkana nĩwĩhĩtĩre atĩ ũkuheana wũira wama?

(Do you recall you took an oath that you will give truthful testimony?)

WITNESS [in Gĩkũyũ]:

ĩĩ.

(Yes)

INTERPRETER [in Gĩkũyũ]:

Nanĩĩ nĩmahĩtia kũhenania igotĩnĩ thutha wa kwĩhĩta?.

(And do you know it is wrong to lie in court after taking the oath?)

WITNESS [in Gĩkũyũ]:

Ĩĩ nandĩroĩga ndiohirwo.

(Yes and I am saying I was not **jailed**.)

INTERPRETER:

I know and I was not **convicted**.

This lengthy exchange was brought about by the wrong interpretation of the term *convicted*. The term means ‘to be found guilty of a crime by court of law’, but the interpreter interprets it to mean ‘to be jailed’. A pronouncement of guilt by a court of law does not always lead to imprisonment, which is what the interpreter seems to assume. The original question by the counsel, *Can you confirm or deny to this court that you have previously been charged with the offence of stock theft and convicted?*, should have been rendered as *No wĩre igoti nĩma kana tima atĩ nĩũrĩwathitangĩrwo mahĩtia ma kũiya ng’ombe na ũkĩoneka wĩna mahĩtia?* (‘Can you tell the court whether it is true or not true that you have been charged with the offence of stealing cows and found guilty?’). This would have eliminated any misunderstanding and the negative picture the court was getting that the witness was perjuring himself. In fact, the counsel went ahead to demand that the file of the previous trial be produced so that he could prove that the witness had perjured himself!

3.3. Omission errors

These involve “omitting words, phrases, clauses, ideas, sentences or portions of discourse” in the interpreted utterance (Gonzalez et al., 1991: 288). When information is omitted, the party for whom the interpretation was meant does not get to hear it. This can lead to anxiety, misunderstanding or the exclusion of one of the parties in a trial. In the following example, what was omitted, in the interpreter’s summary of both the prosecutor’s and the magistrate’s utterances, has been put in bold type in the original utterances.

Example 8:

PROSECUTOR:

Your honour, in this matter I wish to apply for an adjournment. My next witness, **who is the investigating officer, has not resumed duty from leave.**

MAGISTRATE:

Yes, **when is he expected back?**

PROSECUTOR:

I have been informed he will be back in two weeks’ time, your honour.

MAGISTRATE:

Yes, any objection?

INTERPRETER [in Kiswahili]:

Kiongozi wa kesi anaomba kesi ihairishwe kwa sababu yule shahidi alikuwa aite leo hayuko. Unakubali au unapinga?

(The leader of the case is requesting that the case should be adjourned because the witness he was to call today is not here. Do you agree or object?)

The original statement by the prosecutor makes it clear that the witness who was to testify is the investigating officer and that he is unable to attend court as he is on leave. This information is not captured in the interpretation. Also omitted are both the magistrate’s query as to when the witness would be available and the prosecutor’s reply. The main function of interpreting court proceedings is to make the accused “linguistically present” so that she/he participates effectively in proceedings to which she/he is a party (Hewitt, 1995: 17). To achieve this, everything said in a

given case by the triers of fact should be interpreted for the litigants. In our example above, a large part of the exchange between the magistrate and the prosecution was omitted. What was done was a summary interpretation of the exchange.

Omission of information meant for the court record is also evident in the following misinterpretation of the witness's statement, where what is in bold type was simply not rendered by the interpreter.

Example 9:

WITNESS [in Gĩkũyũ]:

Nĩndakũmenyire tondũ gũtiarĩ na nduma. Kwarĩ ta thaa ĩmwe na nuthu na kwarĩ na ũtheri mũiganu tondũ kwarĩ na mweri.

(I recognized you because there was no darkness. It was around **seven thirty and there was enough light as there was moonlight.**)

INTERPRETER:

I knew it was you because it was not dark. There was enough light.

A positive identification of a suspect at the crime scene is considered crucial in a criminal trial. This is why the information on the time and there having been moonlight, as clearly stated in the witness's statement in the source language, was crucial. But it was omitted in the interpreter's rendering. This, coupled with the lexical error arising from the fact that the interpreter uses the word *knew* instead of *recognized* when interpreting *Nĩndakũmenyire* ('I recognized you'), could end up making the witness's assertion that he made a positive identification seem less certain.

Interpreters can also take the liberty, as it were, to consider lengthy discussions between presiding magistrates and prosecutors as "off-the-record" remarks and thus not bother to interpret them, even when they are uttered in the presence of litigants. This is illustrated in example 10 below, where the lengthy exchange between the magistrate and prosecutor was not interpreted at all.

Example 10:

MAGISTRATE:

Just a minute, who are the witnesses in this case?

PROSECUTOR:

There are three more, your honour... the two girls are the complainants of the doctor and the investigating officer... They are four, your honour.

MAGISTRATE:

Have you looked at the P3 form...the doctor's conclusion?

PROSECUTOR:

I just got the file yesterday, your honour. I have not had time to...

MAGISTRATE:

You have one in your file there...

PROSECUTOR:

Yes...

MAGISTRATE:

Look at what it says at the back, the last part... "the court can convict on the basis of other evidence brought before it"... do you see that?

PROSECUTOR:

Yes, your honour.

MAGISTRATE:

So the doctor's evidence won't really help you... he will only read what is in that form anyway. The investigating officer will also tell us what was reported to him and so on.

PROSECUTOR:

Yes, it seems...

MAGISTRATE:

How old are the girls... the victims

PROSECUTOR:

They are... both of them are 6 years old, your honour.

MAGISTRATE:

Are there no adult witness, a person who maybe saw the accused with the girls? You know... because the only real evidence you have is what the girls will say. There is no way the court will convict somebody on the basis of the testimony of six year olds about something that happened over a month ago. Do you get what I am saying? This won't work.

PROSECUTOR:

Yes. Your honour, I think I will link with the investigating officer to find out if there are other witnesses so that...

MAGISTRATE:

You will know what to do. For now let's take a hearing date.
Eh...16th March?

PROSECUTOR:

Most obliged your honour.

INTERPRETER [in Gĩkũyũ]:

Cira waku ũgacirwo mweri ikũmi na ithathatu, mweri wa gatatũ.
(Your case will be heard on 16th March.)

For the interpreter not to have interpreted the exchange between the prosecutor and the magistrate is a case of what Frishberg (1986), cited in Gonzalez et al. (1991), calls “the classic dilemma for the interpreter”, but one which goes against the ultimate goal of the court interpreting: to place the litigant who does not speak the official language of the court in the same position as the one who does. To this end, “Anything and everything that is said in English during the course of a legal proceeding should be interpreted for the non-English speaking participant” (Gonzalez et al., 1991: 500).

3.4. Meaning distortion and intrusion errors

These are errors that change or in some way alter “the overall or partial meaning of the original message” (Gonzalez et al., 1991: 287). An intrusion error is illustrated in example 11 below. The interpreter’s intrusion is in bold type.

Example 11:

ACCUSED [in Gĩkũyũ]:

Naingĩra igoti wahũrirwo tondũ wemenyeretie gũka gwĩtana gwakwa ũtukũ mũthuri wakwa atarĩkuo nongorwo ngĩhenania?
(If I tell the court you were beaten up because you had developed a habit of coming to call me at my house when my husband is not there, would I be lying?)

INTERPRETER:

If I tell the court you were beaten up because you had developed a habit of coming to call me at my house when my husband is not there, would I be lying?

WITNESS [in Gĩkũyũ]:

Úcio nĩ ũgũrũki wĩnaguo; ĩyo nĩmĩario ya mũgũrũki.
(That is madness you have; that is talk of a mad person).

INTERPRETER [in Gikũyũ]:

Wee, nĩũramenya wĩ igoti-inĩ wee...
(You, do you realize you are in court you...)

MAGISTRATE:

What is his answer?

INTERPRETER:

Those are lies, your honour.

The witness in the exchange above is clearly incensed by the accused person's question and his response is abusive. When the presiding magistrate asks for a rendition of the witness's answer, the interpreter's response is, *Those are lies, your honour*, which is a distortion of the original utterance, *Úcio nĩ ũgũrũki wĩnaguo, ĩyo nĩmĩario ya mũgũrũki*. ('That is madness you have; that is talk of a mad person'). In this instance, in an apparent attempt to protect courtroom etiquette, the interpreter departed from his neutral role as a medium for the transfer of information to reprimand the witness for making a statement which he felt was not suited for the court setting. And yet, according to Gonzalez et al. (1991),

Interpreters must not make value judgments about the language or demeanour of the parties they interpret for.... Interpreters should not display any verbal or non-verbal behaviours to convey to others that they deem the testimony improper or unfaithful. (p. 495).

A meaning distortion error is illustrated in example 12, where the interpreter distorts testimony by a medical expert by using vague and general statements and refusing to be as specific as the witness.

Example 12:

WITNESS:

On examination, it was found that the patient's vagina and vulva were bruised. The hymen was also broken. This was conclusive evidence that somebody had had carnal knowledge of her that involved actual penetration.

INTERPRETER [in Kiswahili]:

Daktari alipomkagua alipata ushahidi kuwa ulimfanyia kitendo hicho.
(When the doctor examined her, he found evidence that you had done that act on her).

The testimony of the witness, a medical doctor, was about the physical signs he had seen in the patient that proved someone had had sexual intercourse with the complainant. But the interpreted version avoided the description of the physical signs and instead categorically asserted that the doctor's examination had found evidence that the accused had raped the victim. The "act" the interpreter's utterance is referring to is rape, as this was the charge against the accused. The interpreter equated *having carnal knowledge with somebody* with *rape*, a clear distortion of the meaning of the expression, which is neutral as to whether there was coercion or not. Distortion of meaning also came about through a syntactic restructuring, by the interpreter, of the witness's utterance: whereas the witness used an agent-less passive structure, and thus does not point to any culprit in particular, the interpreter changed this to an active voice structure with the accused person being the agent, and, automatically, the culprit.

4. CONCLUSION

This paper illustrated the major language errors made by interpreters of court proceedings from a sample of three courts in Kenya. Those are errors that are related to the grammatical aspects of tense and aspect question structure, the choice of lexical items, the omission of words from the original utterance in the source language, and the distortion of the meaning of the original utterance. Mistakes like those illustrated in this paper will give credence to Berk-Seligson's (1990) observation that the presence of an interpreter will always impact on "the verbal outcome of attorneys' and judges' questions, and witnesses' and defendants' answers" (p. 25). They will equally support the point made in Mikkelsen (2000), Moeketsi (1999), Hewitt (1995), and González et al. (1991), among others, that that court interpreting is one of the most complex types of interpreting and that the fact that one is bilingual cannot replace the need for one to get specialized training, if interpreter errors are to be minimized.

REFERENCES

- Berk-Seligson, S. 1990. *The Bilingual Courtroom: Court Interpreters in the Judicial Process*. Chicago: The University of Chicago Press.
- Gibbons, J. 2003. *Forensic Linguistics: An Introduction to Language in the Justice System*. Oxford: Blackwell Publishing Ltd.
- González, R., Vázquez, V., and Mikkelsen, H. 1991. *Fundamentals of Court Interpretation: Theory Policy and Practice*. Durham: Carolina Academic Press.
- Hewitt, W. 1995. *Court Interpretation: Model Guides for Policy and Practice in State Courts*. Williamsburg: National Centre for State Courts.
- Kiguru, E. 2008. Strategies employed by court interpreters and categories of interpreter error in selected Kenyan courts. Unpublished M.A. Dissertation, Kenyatta University.
- Laws of Kenya. The Criminal Procedure Code*. 1987. Revised Edition. Nairobi: Government Printer.
- Mead, R. 1985. *Courtroom Discourse*. Birmingham: University of Birmingham Press.
- Mikkelsen, H. 2000. *Introduction to Court Interpreting*. Manchester: St. Jerome Publishing.
- Moeketsi, R. 1999. "Redefining the role of the South African court interpreter". *Proteus: Newsletter of the National Association of Judiciary Interpreters and Translators*.
http://www.najit.org/proteus/v8n3-4.moeketsi_v8n3-4.htm
- Wangia, J. 2003. Aspects of mistranslation in the 1951 Lulogoli Bible. Unpublished PhD thesis, Kenyatta University.

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