Court interpreting: The effect of omission, code-switching, and self-generated utterances on interpreter performance

by

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DECLARATION

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Court interpreting: The effect of omission, code-switching, and self-generated utterances on interpreter performance.

I declare that:

- the above thesis is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

- I submitted the thesis to originality checking software and that it falls within the accepted requirements for originality.

- I have not previously submitted this work, or part of it, for examination at Unisa for another qualification or at any other higher education institution.

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ABSTRACT

This study examines court interpreting from a sociolinguistic point of view. It seeks to understand how interpreters use language in a courtroom involving Tshivenḓa and English. Court interpreters are viewed to be active and using language choice to cement their new role rather than being conduits. This study uses the participation framework and the agency and role theory as the springboard of this research. Its focus is on studying three sociolinguistic focus areas namely omission, code-switching and self- generated utterances. These focus areas are manifested in a variety of ways, such as explanations, repetitions and responses to questions, to mention a few, and seek to understand their effects on interpreter performance. I argue that court interpreters have started shifting away from being mere conduits and are using language to influence the proceedings in courts, which is signified by several omissions, code-switching and self-generated utterances that are prevalent during communication events.

This is an exploratory and heuristic qualitative research which uses both quantitative and qualitative approach in data analysis. It is exploratory because it is intended to investigate human behaviour in the form of language and heuristic since it allows the researcher to discover knowledge by himself. Primarily, the study was conducted in the Ṱhohoyanḓou High Court, but also proceeded to the Ṱhohoyanḓou and Vuwani Magistrates' Courts to ensure the validity of the study.

Data were gathered ethnographically by attending court cases where interpreters working from Tshivenḓa to English and vice versa are involved. Permission to be present and writing was sought and granted by the authorities involved. Using extra-linguistic knowledge of interpreting, the researcher also recorded observed interpreter behaviour to complete spoken speech.

Using conversation analysis and tools of analysis, such as the SPEAKING acronym, data were interpreted based on the frequency of the occurrences of the three sociolinguistic aspects in question, their types and possible causes. For example, in omission or code-switching, it could be about different interpreters committed and the possible causes. The study concluded that court interpreters were not mere conduits, but were active participants in court proceedings, adding, clarifying, omitting and choosing a language to shape discourse. All 10 court cases produced evidence that

interpreters omit, code-switch and generate statements not uttered by the speakers. While most of them were voluntary pickings, some were, albeit few, due to constraints. Omissions seemed to dominate, followed by self-generated utterances, while code-switching was the lowest preferred tool of involvement.

The findings were consistent with the springboard of this research and also presented some findings that were never anticipated.

Keywords: heuristic; ethnography; conversation analysis; omission; code-switching; self-generated utterances; court interpreting; interpreting strategies; language choice; participation framework; sociolinguistics; triangulation.

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ABBREVIATIONS

AIIC	:	International Association of Conference Interpreters
BICS	:	Basic Interpersonal Communication Skills
CALP	:	Cognitive Academic Language Proficiency
CI	:	Consecutive Interpreting
CS	:	Code-Switching
ESL	:	English Second Language
EVS	:	Eye Voice Span
KM	:	Kilometres
LCII	:	Linguistic and Culturally Induced Information
NJSFITS	:	New Jersey Supreme Task Force for Interpreter and Translation Services
NCIHC	:	National Council of Practice for Interpreters in Health Care
OCS	:	Omission, Code-Switching and Self-generated utterances.
SL	:	Source Language
SI	:	Simultaneous Interpreting
SOV	:	Subject Object Verb
SVO	:	Subject Verb Object
TL	:	Target Language

CHAPTER 1: INTRODUCTION TO THE STUDY

1.1 Introduction

This study examines court interpreting from a socio-linguistic point of view. It seeks to understand how interpreters use language in a courtroom involving Tshivenḓa and English. It seeks to discover if sociolinguistic aspects such as omission, code-switching and self-generated utterances manifest in interpreters' language use, and how they impact interpreter performance. This chapter presents the statement of the problem, purpose of the study, research questions, definition of terms, delelimitations and limitations of the study and significance of the study.

Court interpreting is a dominant field that employs the largest number of interpreters in South Africa. No court can sit without interpreters working from English to vernacular in South Africa, if not all over the world. The role played by court interpreters in South Africa is as crucial as that which is played by other role players, such as judges and attorneys to mention a few. As long as court cases are administered, there will always be interpreters. Clients (plaintiffs, defendants, litigants, witnesses, and members in the gallery) have a right to receive information in the language they understand better, and to achieve that, court interpreters are crucial. The role of court interpreters has widely been accepted as a conduit, where they are supposed to pass information as it was given without altering it. Recently, studies have suggested a shift from the conduit role to a more active role (Davidson, 2000; Angermeyer, 2010; Roy and Metzger, 2014; Usadolo, 2016). While this has been an emerging trend outside the borders of South Africa, the quest has been to find out what the situation in South Africa, Limpopo Province, Vhembe district, specifically focusing on Ṱhohoyanḓou High Court, Ṱhohoyanḓou and Vuwani Magistrates' courts. Do court interpreters at these courts dogmatically stick to being conduits or they play a more active role, which can be signified by how they shape language? Do court interpreters at these courts exhibit the use of sociolinguistic aspects, such as omission, code-switching and self-generated utterances, and, if so, what is their effect? Such ethical dilemmas are examined through the analysis of data observed during court interpreting.

1.2 Purpose of the study

The purpose of this research is to examine the occurrence of omission, code-switching, and self-generated utterances during communicative events that happen in court interpreting, in the Ṱhohoyanḓou High Court, Ṱhohoyanḓou and Vuwani Magistrates' Courts. It springs from the study done by Wadensjo (1998:160) who mentions that researchers have begun "to move away from concerns of error, correctness and source text/target text comparisons and to focus on the multiparty interaction with the interpreter as coordinator and negotiator of meanings". Besides, Mason (1999), Roy and Metzger (2014), Roy (1992), Davidson (2000), Angermeyer (2010) and Usadolo (2016) also hold the same view.

It further leans on Roy and Metzger (2014:160), who posit that it is not only the scholars who have shifted, but also the interpreters; they moot that "the interpreter rather than being a neutral conveyor of messages is an active participant who can potentially influence the direction of an event". Interpreters are viewed to be active and using language choice to cement their new role. This is the springboard of this research. Its focus is on studying three sociolinguistic focus areas: omission, code-switching and self-generated utterances, which manifest in a variety of ways, such as "explanations, repetitions and responses to questions" (Roy and Metzger, 2014:160). My argument is that court interpreters have started shifting away from being mere conduits and are using language to influence the proceedings in courts, which is signified by several omissions, code-switching and self-generated utterances that are prevalent during communication events.

This observation had already been put forward by Roy (1992) in the study on the analysis of the interpreter's role in simultaneous talk. She demonstrates this by analysing simultaneous talk in a face-to-face interpreter dialogue. In this meeting, the interpreter is not a neutral conduit, an implicit assumption behind much training and testing of interpreters. Instead, the interpreter's role is active, governed by social and linguistic knowledge of the entire communicative situation (Roy, 1992:21). She refutes and brushes aside the notion that interpreters serve as nearly robotic conduits of information, who have little or no impact on a communicative situation.

Davidson (2000) studied the interpreter's role from a sociolinguistic point of view in a study that focused on English-Spanish medical discourse and discovered the following about the interpreters' role:

- They are found not to be acting as 'neutral' machines of semantic conversation, but are rather shown to be active participants in the process of diagnosis. (Ibid:379).
- They are found to be uniquely positioned to control the flow of information necessary for the achievement of the participant's medical and social roles (Ibid: 380).
- They are an institutional form of cross-cultural encounter, with the interpreter acting as the point of negotiation and exchange between the social contexts inhabited by the physician and patient. (Ibid: 380).
- They serve as conversational participants - they do not merely convey messages; they shape, and in some real sense, create those messages in the name of those for whom they speak. (Ibid: 382).
- Their presence helped in shaping the course and content of the interviews. (Ibid: 385).
- They are acting, at least in part, as informational gatekeepers who keep the interview on track; they also interpret selectively. (Ibid: 400).

Davidson (2000) concludes that "interpreters are not and cannot be neutral machines of linguistic conversion. (Ibid: 401).

Angermeyer (2010) studied interpreter-mediated interaction as bilingual speech focusing on code-switching and discovered that:

- Interpreters have been found to coordinate talk between other participants, and in the legal sphere, they have been shown to influence the evaluation of primary participants through their speech style. (Ibid:469)
- Language choice is not primarily a matter of competence, but it is influenced by sociolinguistic factors of the institutional setting and the larger social context. (Ibid: 472).
- Interpreters differ in their speech styles and their attitudes towards code-switching or code-mixing.

Recent research by Usadolo (2016) in which he studies sociolinguistic influences on the quality of interpreting for foreign African immigrants in South African courtrooms reveal similar results regarding the interpreter's role. He shares that code-switching, which is one of the focus areas of this research, is a common practice by interpreters. This argument, that court interpreters have started to shift away from being conduits and were using language to influence the proceedings in courts, is the focus of this study.

1.3 Research aims, objectives and questions

This sections defines research aspects such as aims, objectives and questions.

1.3.1 Research aim

This study aims to examine court interpreting by conducting a sociolinguistic study of the effect of omission, code-switching and self-generated utterances (hereafter referred to as OCS) in court interpreted dialogues involving English and Tshivenḓa.

1.3.2 Research objectives

The objectives of this study are as follows:

1. To determine the role of court interpreters in an interpreting situation involving English and Tshivenḓa.
2. To determine the extent to which sociolinguistic aspects, such as omission, code-switching and self-generated utterances, manifest during interpreted situations involving English and Tshivenḓa.
3. To understand the effect of omission, code-switching and self-generated utterances on interpreter performance.
4. To learn about interpreters' choice of words and language usage in an interpreting situation involving English and Tshivenḓa.

1.3.3 Research questions

The main research question that arises and guides the methodology of this study is:

What can omission, code-switching and self-generated utterances teach us about the role court interpreters portray in a bilingual courtroom involving English and Tshivenḓa?

Thus, the research questions are as follows:

1. What is the role of court interpreters in a bilingual courtroom involving English and Tshivenḓa and vice-versa?

2. How are sociolinguistic aspects, such as omission, code-switching and self-generated utterances, used in the interpreting situation involving Tshivenḓa and English and vice versa?

3. What is the impact of omission, code-switching and self-generated utterances on interpreter performance?

4. What can we learn from an interpreter's choice and use of language in the interpreting situation?

1.4 Definition of key concepts

The following sections defines the key conceps in this study.

1.4.1 Omission

Interpreters find themselves omitting words, either intentionally or unintentionally, in their acts of reformulating sentences. *Legal dictionary.com (2011)* defines omission as, "inadvertently leaving out a word or phrase or another language from a contract, deed, judgement or other document" (The People's Law Dictionary by Hill & Hill: 2021). Omission is, therefore, inadvertently, and sometimes knowingly leaving out a word from a spoken sentence. It can be intentional or unintentional. Roy and Metzger (2014:162) mention that whether omissions are intentional or not, they have some significance. Napier (2001) states that sociolinguistic aspects, such as the context of a situation, familiarity with the discourse environment and knowledge of the topic, affect the types of omission occurrences.

In summary, omissions in this study centres on the argument that court interpreters intentionally omit words. This view is also augmented by Roy and Metzger (2014:162)

who mention that omissions should be "strategically designed to support the quality of the produced message".

1.4.2 Code-switching

The concept of çode-switching is formed by two words: code and the gerund, switching. A code is a kind or variety of language. The concept of language should be understood to include dialects and registers. Milroy and Muysken (1995:7) describe this concept as follows: "The alternative use by bilinguals of two or more languages in the same conversation". It occurs when a speaker knows that two varieties exist, but chooses to use one over the other. Gould (2000:1) bluntly puts it as those human beings that have the freedom to speak, and as they speak, they make choices. Code-switching is, therefore, a choice that speakers make during sentence production to enhance meaning. That choice will usually come from a medium of instruction or a dominant language. Dweick and Qawar (2015) concur that the dominant language influences the language choice of a speaker, just as Pillai (2006) affirms. Other definitions include:

- Alterations of linguistic varieties within the same conversation (Myers-Scotton, 1993a:1).
- The use of two or more languages within the same conversation (Mabule, 2015:2).
- The practice of selecting and altering linguistic elements to contextualise talk in interaction (Nilep, 2006:1).

1.4.3 Self-generated Utterances

These are utterances initiated by the interpreters themselves in the form of adding and clarifying, to mention a few during a communicative activity. The fact that court interpreters are explaining, adding, repeating, and clarifying on their own could be an infringement on their responsibilities from the traditional belief that court interpreters should be conduits. The net should be widely cast. Seeing court interpreters as gate-keeping, clarifying, broking and advocating, should be appreciated as a way of shaping communication. Interpreters should be trusted as using their experience and expertise to produce good speeches that will help those marginalised because they do not

understand. According to Roy and Metzger (2014:160), self-generated utterances, manifest in a variety of ways: "explanations, repetitions and responses to questions".

The next section discusses the role of court interpreters.

1.4.4 The role of court interpreters

The Oxford Advanced Learners Dictionary (2022) defines a role as the function or position that somebody has or is expected to have in an organisation, society or relationship; it is the degree to which somebody or something is involved in a situation. The second definition spells out the extent to which court interpreters may do their duties. Wiemann and Knapp (1975) suggest an overarching role that must be remembered before anything else: one role that is basic to almost all other roles that an interactant can present is the role of human being, one worthy and deserving consideration and respect. This is the role that is infringed when interpreters are expected to be conduits. They are prevented from reacting to situations even though they might feel that their interventions could help shape communication. Merlini (2009:64-65) categorises the general interpreter role into nine (9) roles which are:

- The translator: The interpreter minimises his presence and simply facilitates communication. This is the conduit role. Analysts do not accept this role because it reduces interpreters to mere machines or instruments like a tap of water that merely serves as a water exit. They believe that interpreters are human beings with feelings, and who have awareness capabilities of seeing when things go wrong and should not just fold their arms and do nothing.

- Active translator: The interpreter engages either party and clarifies minor points and linguistic details. This role is much acceptable, but interpreters need to guard against partiality.

- Cultural informant: The interpreter addresses the service provider and informs him/her about the user's cultural norms and values.

- The advocate: The interpreter addresses the service provider to defend and promote the service user's interests.

- Culture broker/cultural mediator: The interpreter negotiates between two conflicting value systems and helps parties arrive at a shared model.

- Bilingual professional: The interpreter leads the interview with the service user and reports to the service provider.

- Monolingual professional: The interpreter expresses his/her views on the matter at hand to the service provider, acting as his/her peer.

- Welcomer: The interpreter welcomes the service users before the service provider meets them.

- Support: The interpreter meets the service users in the community as a follow-up to the encounter.

The most obvious role is that of representing the litigant who cannot speak or understand English. Colin and Morris (2001) mention that an interpreter serves as a linguistic mouthpiece of that person.

1.4.5 Court Interpreting

Interpreting is the transfer of a verbal message from one language (source language) to another (target language). Nolan (2012:3) summarises it as "conveying understanding". Court interpreting is the kind of interpreting which takes place in court. It is a subsidiary of legal interpreting that refers to interpreting which takes place in a legal setting. Gonzalez, Vasquez and Mikkelson (2012:95-96) differentiate between two types of legal interpreting: quasi-judicial interpreting and courtroom interpreting. Quasi-judicial interpreting is defined as the "interpretation of interviews and hearings that typically occur in out-of-court settings but may have a bearing on in-court proceedings". Court interpreting or judicial interpreting is "interpreting which takes place in a courtroom. It encompasses numerous hearings, including initial appearances, arraignment on the indictment, bail hearings, the trial and proper sentencing, to mention a few" (Gonzalez et al., 2012:96).

Berk-Seligson (2006:262) mentions that "Court interpretation transcends nearly all aspects of the intersection of language and law. Whether it is in the realm of police work, pretrial lawyer/client conferences or courtroom appearances, whether a plaintiff, defendant or witness cannot speak or understand the language of the law, there is a possibility that an interpreter's services will be required". This statement infers that:

- Court interpreters are needed where certain people involved in court cases cannot speak or understand the floor language.

- Court interpreters are needed where some people do not understand the legal language.

- Court interpreters are used in courts per request.

1.4.6 Sociolinguistics

Early studies by Fishman (1972) and Hymes (1974) introduced sociolinguistics from two orientations: the descriptive sociology of language, which is concerned with describing how language should be socially organised in a speech community and the dynamic, which focuses on language change. However, Labov (1972a) is regarded as the one who cemented sociolinguistics. Hazen (2010) discusses the role of Labov in sociolinguistics. Labov's contribution is that of laying down the foundation of sociolinguistics as a discipline different from the sociology of language:

> The divide between academic disciplines can be seen in the names of the sociology of language and sociolinguistics, where the sociology of language denoted sociology done through the means of language, and sociolinguistics denoted linguistics done while maintaining a focus on social factors. Such distinctions were present at the time Labov was entering graduate school.

The challenge was whether there was anything that could be called sociolinguistics, and this led to the naming challenge. It was Peter Trudgill, an admirer of Labov, who noted that sociolinguistics meant many different things to different people, but he concurred with Labov that sociolinguistics was a "way of doing linguistics" (Trudgill, 1978:11 in Hazen, 2010:28).

A distinction is also made between micro- and macro-sociolinguistics where "micro-sociolinguistics investigates how social structure influences the way people talk and how language varieties and patterns of use correlate with social attributes of class, sex, age and ethnicity" (Coulmas, 1997:2). The focus is not on the whole society, but on a class group. For example, the youth may have their way of talking and addressing issues, which may permeate society in the form of slang. Macro-linguistics "studies what societies do with their languages, that is, attitudes and attachments that account

for the functional distribution of speech forms in society, language shift, maintenance and replacement, the delimitation and interaction of speech communities" (Wardhaugh, 2006:13).

Some researchers differentiate between the sociology of language and sociolinguistics. Wardhaugh (2006:13) analyses what they put forward:

> Sociolinguistics is concerned with investigating the relationships between language and society, with the goal being a better understanding of the structure of language and of how languages function in communication; the equivalent goal in the sociology of language is trying to discover how the social structure can be better understood through the study of language.

Coulmas (2001:563) defines sociolinguistics as "the empirical study of how language is used in society". Its major concern is how people choose words and codes when communicating, but transcends to cultural norms, expectations and contexts. It covers issues such as registers, politeness taboo, turn-taking, code-switching, cooperation and many other facets that are related to language and society.

1.4.7 Language Choice

Dweick and Qawar (2015:4) define language choice as a "careful selection of word, phrase, clause or sentence of another language within the speaker's language repertoire". This happens when speakers can speak more than one language. Gould (2000:1) mentions that "choice is a pivotal notion of sociolinguistics". Human beings find themselves exposed to various circumstances where they need to negotiate meaning. Some of this relates to context, where speakers check the nature of communication in place; some relate to interactants where it is necessary to consider speakers involved in terms of age, position and social status. Thus, context can influence the way we talk or the way we choose words when we speak. The nature and position of the addressee will also influence language choice. Davidson (2000), Fasold (1990), Coulmas (1997), Dweick and Qawar (2015) believe that language choice is triggered by various social factors and that people make linguistic choices for various purposes. Individuals and groups choose words, register styles and languages to suit their various needs concerning the communication of ideas (Dweick

and Qawar, 2015:4). Gould (2000) discusses the issue of choice in sociolinguistics as inevitable. There is no way speakers will avoid making linguistic choices because we formulate things differently or express ideas clearly, politely, formally or casually depending on context. However, such choices are constrained by various issues. Choice directs how we say things politely; choice controls how we code-switch and so on.

This research is based on the assertion that court interpreters exercise linguistic choice when interpreting, such as omitting, when they feel the meaning of the sentence is not going to be lost, code-switching, when they feel the meaning is going to be enhanced and generate own utterances if they need to clarify certain points. Just as Coulmas (2013:124) asserts, "It is not necessarily a lack of competency that speakers switch from one language to another, and the choices they make are not fortuitous". Court Interpreters make conscious decisions when they omit, code-switch and utter sentences because they are in control of the communicative event.

1.5 Delimitation and limitations of the study

Instead of concentrating on the much-studied area of accuracy and errors, which would have made it a linguistic study, this study took a different angle to fill a gap. While there is much done on code-switching alone, arguably, very little research has been done worldwide on the three sociolinguistics focus areas: omission, code-switching and self-generated utterances in one study. Most studies focused on one area only and not on all three. For example, Lowi's (2007) research focused on code-switching only. Auer (1999) explores the typology of code-switching. Both Davidson (2000) and Angermeyer (2010) dwell on code-switching and do not include omission and self-generated utterances. This is the specific gap that I identified - the lack of sociolinguistic studies in court interpreting focusing on omission, code-switching and self-generated utterances.

The setting of the communicative events is the Ṱhohoyanḓou High Court, the Ṱhohoyanḓou Magistrate's Court, and the Vuwani Magistrate Court; all in Vhembe district, Limpopo Province. This choice was done to triangulate the study by observing the trend at the Ṱhohoyanḓou High Court in comparison with the occurrences in Magistrate courts. It does not relate to the whole of Vhembe district or Limpopo province. Its resources are the speeches written down as they are uttered, since

securing audio material is unethical. Thus, the Department of Justice did not permit me to access the audio tapes so that I could transcribe and then analyse (it was unethical), but allowed me to observe and record the speeches as they occurred.

1.6 Significance of the study

Court Interpreting is a servicethat cannot be divorced from courts, since every person who appears in court has a right to hear proceedings and to be tried in the language they understand better. This right is evidenced in the way the court employ the services of interpreters. While interpreting, the court interpreters must ensure that their clients are advantaged. However, this is challenged by the long-held view that court interpreters must be conduits, whose duty is just to pass the message as it is. As already stated in 1.2 above, this view has been challenged. Court interpreters are viewed to be active participants in each trial and are seen to use language and their roles to influence and shape communication. This study, which explores the prevalence of such behaviours evidenced through omissions, code-switching, and self-generated utterances, hopes to help in confirming if such behaviour occurs in the Ṱhohoyanḓou High Court and the Ṱhohoyanḓou Magistrates' Court. It will also explore reasons for such occurrences, and probably suggest the way forward. Scholars and professional bodies might use the study to enhance the introduction, revision or monitoring of the roles and even ethics of court interpreting in augmenting, improving or discouraging certain tendencies related to the findings in the court interpreting profession. By conducting this study this researcher hopes that it will inform, influence, direct, shape and inspire policy, practice and thought regarding the role of an interpreter in the courtroom.

1.7 Conclusion

There is little available or known about the language choice and its usage by interpreters in bilingual courtrooms, involving Tshivenḓa and English. As stated earlier, an interpreter's choice of language, which is manifested in omission, code-switching and self-generated utterances, may portray interpreters as being manipulative and over-active, transcending their normal role of conduit. My argument is that court interpreters are human beings employed to represent those who do not understand a

given language better. They actively shape discourse by either omitting, code-switching and making self-generated utterances that are geared at making communicative events effective and fruitful.

CHAPTER 2: BACKGROUND TO COURT INTERPRETING IN SOUTH AFRICA

2.1 Introduction

In Chapter 1, I introduced the study by presenting the statement of the problem, purpose of the study, research questions, definitions, delimitation and limitations of the study and the significance of the study. This chapter presents the background of court interpreting in South Africa by examining the state of interpreting before and after 1994. The aim is to compare how court interpreting unfolded during the times of racial segregation (before 1994) after the new dispensation (after 1994); and see if there are improvements. It also discusses legal matters, interpreter ethics, roles, requirements of the court interpreter, and theoretical matters.

2.2 Court-interpreting in South Africa before 1994

Before 1994, South Africa was under the apartheid regime, which was characterised by racial segregation. Although several languages were spoken, only Afrikaans and English were official languages. It is, therefore, important to briefly check on how interpreting was viewed during that era and on how the role of an interpreter was perceived. The recognition of two official languages characterised all domains in South Africa before 1994. Act 32 of 1944/ Act 91 of 1977, as amended, allowed the conduct of proceedings in official languages, which by then were English and Afrikaans. However, a leeway was provided for the appointment of an interpreter if the court felt that the evidence giver was insufficiently conversant with the language in which the evidence was given. Therefore, it was not a right to have proceedings done in the language the evidence giver understood since the state did not feel compelled to employ interpreters who would serve help those disadvantaged by language barrier. Steytler (1993:39) mentions that the role of the interpreter was to facilitate communication if one party could not understand the language which was being used in court. Interpreters were the hope of the undefended people who did not have a lawyer. They explained defendants' rights and how they must participate in court proceedings. Most of the interpreters were untrained (Mahlangu, 1993), as they were required competency in the languages involved, but did not undergo formal training in interpreting.

2.2.1 Research in court interpreting before 1994

The role of the court interpreter was not regarded as crucial; only those who could not understand the language used in court could seek the assistance of an interpreter. Steytler's (1993) study is among the few that were done showing interest in the role of the interpreter. He states that the role of the interpreter "is to facilitate communication when one party is not conversant with the court language" (Steytler, 1993:39).

Steytler (1993) also discovered that although interpreters knew that they were expected to be conduits, they preferred to adopt other roles in court,

> The interpreter's task is unambiguous: to translate accurately, comprehensively and without bias all communications in court in a language which the accused can understand … a good interpreter must have the ability to translate faithfully without adding to the questions asked and to the answers given (Steytler, 1993:39).

However, as suggested in chapter 1, court interpreters face the dilemma of sticking to ethics as opposed to to managing the communication situation manifested when they modify and improve utterances by litigants. As agencies, they feel the need to be involved and might omit, decide to code-switch, or utter statements not otherwise spoken by litigants.

Steytler (1993) observes that court interpreters sometimes acted as team players in court proceedings, court orderlies, lawyers, magistrates and prosecutors or juries. In this sense, role relates to the extent of the interpreter's involvement in the court proceedings, which is marked by what they do or say. Sometimes interpreters got involved by arranging the accused in line, checking names, and even calling people to rise when the magistrate enters the court. This is the court orderly's role which is consistent to their intermediary role.

Interpreters also assumed the position of a lawyer, not by defending the accused, but by deciding how they interpret legal jargon. They sometimes preferred leaving latinisation, as it was, or deciding on interpreting it. Steytler (1993) also observes that there were situations where court interpreters prompted witnesses to speak or silence the accused. This act of controlling how the court proceedings unfold is a magisterial task, and interpreters were observed to be acting as such.

Steytler (Ibid: 50-51) also observes that court interpreters took sides; there were times when they intervened by commenting. If a prosecutor asked critical questions, they would smile and look at the accused as to say, they got you. This is against the ethic of impartiality for court interpreters. Some court interpreters acted as team players. Steytler (1993) observed that people acted as they wished and were not conduits. The fact that they considered themselves part of a team made them forget about the conduit role. They were part of a court hierarchy though inferior to judicial officers.

To sum up, the observations made by Steytler (1993) on the court interpreting situation before 1994 I conclude that:

- Court interpreters before 1994 adopted multiple roles since their role was undefined by legislature. .
- They considered themselves part of the court hierarchy, albeit juniors to judicial official officers.
- Their role was never considered crucial.

2.2.2 Court-interpreting in South Africa after 1994

Post-apartheid South Africa saw the recognition of eleven official languages, of these, two English and Afrikaans, and nine, indigenous African languages, through the Bill of Rights; section 35, 3 (k) of the Constitution of the Republic of South Africa. Section 35, 3 (k) states that it is every person's right to have a fair trial which includes being tried in a language one understands and if not, having the services of an interpreter. Given the nature of the multilingual society situation in South Africa, there is no way linguistic contact of different tribal languages can be avoided in courts. Cote (2005:45) affirms this by stating that "courtroom interpreting will always remain an essential part of the South African Justice System". Statistically, by 2004, 90% of court cases heard in the lower courts are between indigenous African language speakers (Hlophe, 2004:2). The courts conduct affairs mainly in English; interpreters are, therefore, always assigned to be present in each court. Their main tasks are to facilitate effective communication between the parties, the judge, attorneys and prosecutors.

Hlophe (2004), Pienaar and Cornelius (2006/2015), Lesch (2007), Cote (2005) and Devaux (2016) either observed a lack of training for interpreters or inefficient interpretation by court interpreters. Lesch (2007:2) remarks that knowing the

indigenous languages does not guarantee excellence in interpreting because these languages have several dialects and are not necessarily mutually intelligible. Hlophe (2004:4) warns against the assumption that knowing a language means being competent or being able to interpret it successfully only to discover that there are certain words that may have different meanings depending on the context.

This is also compounded by several registers that speakers portray, and interpreters must adapt. Courtroom interpreting employed around 2500 full-time interpreters and several part-timers in South Africa by around 2005 (Moeketsi and Wallmach, 2005). They worked and still work under difficult conditions which made and makes them perform dismally. Moeketsi and Wallmach (2005:2) state that most interpreters are assigned to work in a courtroom, where they must interpret all the cases brought to that court and where they could work from 1-5 different languages in a day. The shocking observation was that despite doing such a credible job, they still lacked training and were hired on the basis of knowing languages.

Hlophe (2004:2) argues that without competent interpreters, society risked injustice in courts. Court interpreters in South Africa have not only been found to be incompetent in language matters (Pienaar and Cornelius, 2015:3), but like other interpreters around the world, they have battled with understanding their roles. Mason (2009) bluntly presents their role as that of interpreting. Devaux (2016) mentions that the role of the interpreter poses greater challenges to interpreters than ethics. Thus, interpreters have no problems or have very few challenges sticking to ethics in their roles. Mainly, they have been expected to be conduits, which Devaux (2016:8) brandishes as mere ideology. However, Hale (2008) advances four roles that interpreters must portray: advocating for minority language; promoting the institution or the service provider, gate-keeping and being a faithful renderer of the message. Cote (2005:44-45) explains the situation in which court interpreters assume the role of being advocates. They may add information that magistrates simply ignore to present like explaining why the service user must accept aid from Legal Aid. They may also explain the rights of the accused or even take some duties that are supposed to be done by other officials in the interests of time.

Hlophe (2004:5) mentions that while doing all the tasks stated above, court interpreters must do so impartially and neutrally, never taking sides nor favouring the other party

and disadvantaging the other. Finally, Hlophe (2004:5) states that court interpreters can also serve as cultural brokers by translating, not only words, but ideas, laws and customs.

To sum up, court interpreting in South Africa is an institution that will always exist if cases are tried in courts. Initially, court interpreting was not regarded as a professional field whose practitioners must be trained. However, educational institutions are training court interpreters. Training alone, however, does not guarantee excellence in interpreting (Pienaar and Cornelius, 2015). The post-1994 era has seen court interpreters influencing decisions in court by faulty interpreting. The challenge of interpreting role still poses challenges to court interpreters today, hence the objective of this study, which examines whether they are omitting, code-switching and adding through self-generated utterances.

2.2.3 Comparison between court interpreting in South Africa before and after 1994

Table 1: Court interpreting before and after 1994 in South Africa

Before 1994	After 1994
Court interpreting was informal, no formal training was needed.	Institutionalised by Act 108 of 1996
Court interpreters present only if the accused/defendant does not understand the language used in court.	Every court of law must have an interpreter.
Only Afrikaans and English could be used as official languages.	Eleven official Languages (Afrikaans, English, Tswana, Sepedi or Northern Sotho, Sotho, isiNdebele, Siswati, Xhosa, Zulu, Xitsonga, Tshiveṇḓa).
Required based on knowing the language involved/ most untrained.	Trained interpreters who must at least have a Diploma in Legal/Court interpreting.
. The role of the court interpreter before 1994 undefined. Court interpreters	By 2015, their role was still undefined, most magistrates and other officials still

adopted multiple roles.	gave court interpreters responsibilities beyond their call of duty.
They considered themselves part of the court hierarchy albeit juniors to judicial official officers.	Their profession is institutionalised. The constitution of the Republic of South Africa, Language policy of The Department of Justice, and few, but crucial and effective Acts dealing with interpreting or languages were passed between 2012 and 2019. Act 8 of 2014, South African National Language Practitioners' Act; Act 12 of 2012, Use of official Languages Act and the South African Language Practitioner's Council Act of 2014 are a positive drive towards good interpreting in South Africa. The establishment of South Africa's Translator's Institute (SATI) a regulatory body for translators and interpreters, is a giant step in the quest to professionalise court interpreting and to develop a code of ethics.
Low key profession, research interest low.	More research and a keen interest in interpreting.
No articulation.	Currently, a court interpreter in South Africa articulates through six levels. The entry level is junior interpreter and the highest level is director, language services. The following presents the articulation levels: - Junior Interpreter - Senior Interpreter - Principal Interpreter

	- Cluster Interpreter
	- Provincial Interpreter
	Director: Language Services

2.3 Legislative Matters

This section discusses matters related to legislation in court interpreting in South Africa. It begins by examining the court levels which are the cites where court interpreters spend their time, by focusing on South Africa in general, and then Vhembe District Limpopo which is the setting of this study. The professional status of the court interpreter and the requirements for employment are then discussed, ending with an analysis of current issues related to court interpreting in South Africa. I start with the sub-section on court levels.

2.3.1 Court Levels in South Africa

The following discussion gives a short background on the structure of courts in South Africa without discussing their internal structures and functions. They are structured as follows in descending order:

-The Constitutional court.

- The Supreme Court of Appeal.

- High Courts.

- Magistrate Courts (These are divided into Regional Magistrate Courts and District Magistrate Courts).

- Periodical Courts.

This study focuses on court interpreting at the Ṱhohoyanḓou High Court, the Ṱhohoyanḓou Magistrates' Court, and the Vuwani Magistrate Court. The Ṱhohoyanḓou High Court deals with serious crimes such as murder and rape. The interpreters are expected to be top notch interpreters. Magistrate Courts handle less serious cases and employ interpreters starting at entry level. I chose these to compare the behaviour of court interpreters at different levels. This was also a way of

triangulating this study. They are in the Limpopo Province in the Vhembe District Municipality as in Figure 1.
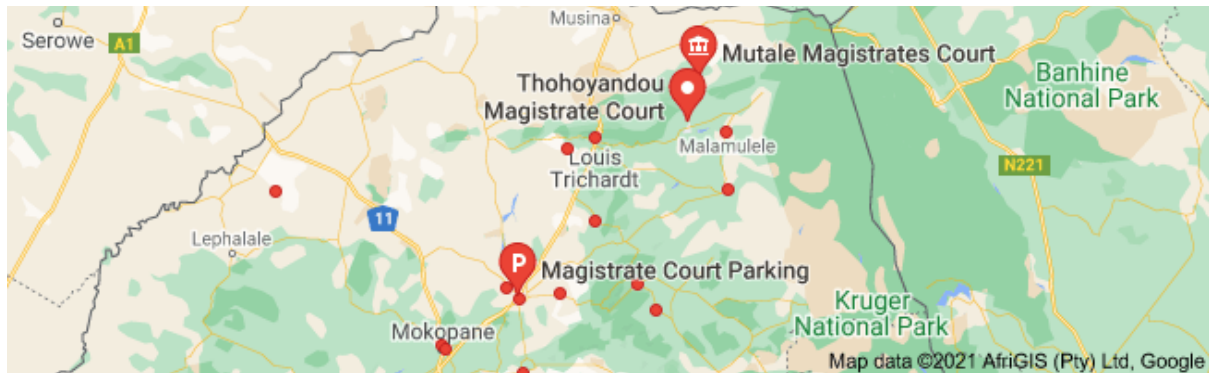
Figure 1 Map of some Limpopo Magistrates (Map data © 2021 AfriGIS (Pty) Ltd. Google)

2.3.1.1 High Courts

In this section, I briefly present the structure of the High Court as well as the Magistrates' Court. There are currently fourteen divisions of the High Court in South Africa. Ṱhohoyanḓou High Court (also known as the Limpopo High Court) has the following Important officers:

- The Registrar of the High Court.

- The Family Advocate.

- Master of the High Court.

- Sheriff of the Court.

- The Directors of Prosecutions

- The State Attorney.

High Courts hear serious criminal cases and issues relating a person's status such as adoption. The sub-divisions include Labour Appeal Court, Land Claims Court and Divorce Court. It is the only High Court in the District, this informs why it was chosen.

2.3.1.2 Magistrates' Courts

These courts handle less serious criminal and civil cases. They are split into regional and district courts. Regional Magistrates' Courts deal with criminal cases and civil cases, whereas District Courts try cases that are not serious. They cannot try cases involving murder and rape, to mention a few. Although there is Sibasa Regional Court in the Vhembe District, this study does not focus on it but on district magisterial courts. The following are the district magistrate courts in the Vhembe District:

- Makhado Magistrate Court. Periodicals are Waterpoort and Bandelierkop.
- Dzanani Magistrate Court.
- Musina Magistrate Court. The periodical court is Masisi.
- Muṱale Magistrate Court.
- Ṱhohoyanḓou Magistrate Court: Periodicals are Tshaulu, Masisi and Tshikombani.
- Vuwani Magistrate Court. Levubu is its periodical.
- Malamulele Magistrate Court. Saselamani is its periodical.
- Tiyani Magistrate Court (Sub-district). Periodicals are Tiyani branch and Senwamokgope.
- Tshiṱale Magistrate Court.
- Tshilwavhusiku Magistrate Court.

Ṱhohoyanḓou and Vuwani Magistrates were chosen for this study because languages mainly spoken are Tshivenḓa and English unlike in some of these where Xitsonga, and Sepedi are dominant.

2.3.2 The Legal Position of the Court Interpreter

This section explores the status of the court interpreter As well as current issues in court interpreting in South Africa.

2.3.2.1 Court Interpreter Levels

Currently, a court interpreter in South Africa articulates through six levels. The entry level is the junior interpreter, and the highest level is director, language services. The following presents the articulation levels:

- Junior Interpreter
- Senior Interpreter

- Principal Interpreter
- Cluster Interpreter
- Provincial Interpreter
- Director Language Services.

Junior interpreters can only serve in lower courts. They cannot serve in high courts. However, senior interpreters and principal interpreters can interpret in both Magistrates' and High Courts. The expectation is that interpreters in High Courts are experienced interpreters, since they are required to have at least a Diploma and five years experience in interpreting. Entry level court interpreters are required to have grade 12 or equivalent qualification with tertiary qualification as something that will add advantage to incumbents, passing a language test, and the possession of a driver's license.

2.3.2.2 Current Issues in Court Interpreting in South Africa

Court interpreting in South Africa before and after 1994 was briefly discussed in this chapter (see 2.1 and 2.2). In this section, I present current views on interpreting as posited by Pienaar and Cornelius (2006/15), Mooketsi (1999), and Lebese (2014). The position of an interpreter in South Africa emerged from being ordinary to an interesting one. Two main issues are regarded to have triggered the world's interest in the state of interpreting in South Africa: The Nelson Mandela Memorial service Sign Language interpreter and the Oscar Pistorius murder court case trial. These two are believed to have affected the way interpreting is done in South Africa by tarnishing its image and by confirming that South African court interpreting lacked quality and competent interpreters (Pienaar and Cornelius, 2015:186). Although, the two cases cited here appear to have been the most influential ones, Pienaar and Cornelius (2015:188) list other seven newspaper headlines that involved interpreters who were either incompetent or who influenced the directions of courts because of their absence or corruption. However, not all is lost for some positive developments are mentioned in Pienaar and Cornelius (2015:189) as follows:

- A few, but crucial and effective, Acts dealing with interpreting or languages were passed between 2012 and 2019. Act 8 of 2014, the South African National Language Practitioners' Act; Act 12 of 2012, the Use of official

Languages Act and the South African Language Practitioner's Council Act of 2014 are a positive drive towards good interpreting in South Africa.

- An increased number of students enrolling in language practice courses has been noted.
- SATI, a body representing language practitioners has seen a rising number of language practitioners needing accreditation.
- There is an increase in educational or classroom interpreting at selected universities in South Africa.
- Research in interpreting is also on the rise.

Lebese (2014) admits that there has been improvement in legislation for interpreters although some areas, such as the role of interpreters are not yet defined by law. He mentions and describes the following crucial Acts:

- The Magistrate Court Act 44 of 1944 (amended) regulates how court procedures should unfold, define and explain the roles of court officials (excludes interpreters) (Lebese, 2014:192).
- Personnel Administration Standard for court interpreters regulates employment and post-classification salaries (Lebese, 2014:193).
- The Oath of Office of Interpreters requires interpreters to take an oath before they interpret (Lebese, 2014:193)

While this is good for interpreting, the challenge is that some of the recommendations posited by researchers are not heeded by authorities. Pienaar and Cornelius (2015:189-190) present a few examples where recommendations seem to have gone unnoticed:

- The study by Pienaar and Slabbert (2000) recommended that the public gallery in Gauteng Legislature be equipped with earphones. By 2015, this had not been done.
- Mooketsi (1999) recommended legislation that specified the role of interpreters in South Africa to be passed. Lebese (2012:1), thirteen years

later still writes "In South Africa, legislation that clearly defines the role of the court interpreter does not exist; court interpreters find themselves performing tasks which should be the responsibility of other court officials". It needs a check on the adverts of interpreting posts in South Africa to understand if the call has been addressed. It is baffling to learn that 22 years later, since Mooketsi (1999), the requirements of a court interpreting post still read:

- Interpret in Criminal Court, Civil Court and quasi-judicial proceedings.
- Interpret during consultation.
- Translate legal documents and exhibits.
- Record cases in a criminal record book.
- Draw case records on request of the Magistrate and Prosecutors.
- Make arrangements for foreign language interpreters in consultation with the prosecution.

Sign Language competence remains an area of concern, and now that South African Sign Language is in the process of being endorsed as the twelfth official language in South Africa, more Language Practice students need to be trained in it. The challenge is that there are few instructors in this field. The passing of legislation related to language should be commended, and so, the number of students registering in Language Practice that is increasing. The challenge is on the relevant authories to ensure that these student get employed after graduation. Research in interpreting that is rising will, if the results are taken seriously by authorities concerned, help improve the status of the profession. This study, is one of those that could add some value because it is about how court interpreters behave or role play in the court room. Do they stick to the generally acclaimed role of conduit or do they participate actively by manipulating discourse? Do authorities have the moral right to question if there is no specific role legislated for court interpreters to play as observed by Mooketsi (1999) and Lebese (2014)? I believe, authorities need to do more; they must develop relevant legislation, sponsor studies in court interpreting, and effect the recommendations from those studies.

2.4 Court Interpreter Ethics

As stated in the introduction, it is assumed that interpreters have little or no problem adhering to ethics; they have problems with understanding their roles (Devaux, 2016). Chapter 3 of the South African Language Practitioners'Council Act, 2014 spells out the conduct and ethics expected from Language Practitioners such as competency, integrity, confidentiality,impartiality, quality, responsibility and dignity of the profession (SALPC Act 2014:16-18). Kalina (2015:75-79) argues that both ethics and role pose challenges to interpreters. The question is whether these ethics are flaunted or not, for if flaunted, it would suggest that interpreters have problems with them too. Ethics refer to moral principles that govern a person's behaviour or the conduct of an activity.. Gentile et al. (1996:56) define ethics as "the science of morals", "the science of human duty", "a group of morals or set of values", and "the principles of conduct governing an individual or a professional". Gonzalez, Vasquez and Mikkelson (2012) and Mason (2008) equate ethics with canons. However, there are also professional ethics that govern the conduct of interpreters towards their clients. Ethics are crucial in the interpreting profession and should be adhered to. Similarly, Kalina posits,

> Adherence to ethical principles in the act of interpreting, however, presupposes also the awareness that an interpreted discourse is always dependent on the source text, the setting, context and the individuals participating in an act of communication (Kalina, 2015:8).

The ethics-suggested canons in Gonzalez, Vasquez, and Mikkelson (2012) are as follows:

- Canon 1: The interpreter shall render a complete and accurate interpretation. Taylor-Bouladin (2001:227) emphasise accuracy for accuracy is paramount, and the interpreter must on no account attempt to clarify or improve when a speaker is being vague. The New Jersey Supreme Task Force for Interpreter and Translation Services presents the purpose of interpreting, Interpreting is precision, accuracy and completeness (NJSFITS, (1994). García-Beyaert et al. (2015:13) interpret every message without omissions, additions, distortions or any other changes to the original message.

The canon also requires completeness of the interpretation. Mason (2008:107-109) adds that "Guessing should be avoided. Interpreters who do not hear or understand what a speaker has said should seek clarification. Interpreter errors should be corrected on record as soon as possible". By completeness, it is meant that nothing should be omitted owing to the nature of word rating. Gonzalez, Vasquez and Mikkelson (2012: 1097) mention some of the items that must be interpreted and not left out or omitted. The items follow hereunder:

- Complete interpretation: The interpreter must never alter the language level of the source language message when rendering it into the target language for enhancing understanding or avoiding offence. Interpreters are expected to convey every element of the meaning of the source-language message, without adding, omitting, editing, simplifying or embellishing. In other words, they must maintain the tone and register of the original message, even if it is inappropriate, offensive or unintelligible (Mikkelson, 1998:1).

- Word choice: Changes in word choice can alter a witness's recollection of events, for example, hit/smashed/collided/bumped/contacted each other.

- Obscenities: If witnesses use foul language or say anything that might be damaging to the case, the interpreter should not edit out the offending terms and must interpret exactly what is heard, conserving the original meaning.

- Repetition: It is an aspect of hesitation - the interpreter must translate, for example, yes, yes, yes. It is true.

- Self-correctness: When witnesses revise statements, do not correct.

- Third person references: Only use the first person and ask the judge to tell the witness to do the same.

- Canon 2: The interpreter shall remain impartial. Mason (2008:107-109) advises court interpreters to "abstain from comment on cases in which they serve. Any real or potential conflict of interest shall be immediately disclosed to the court and all parties as soon as the interpreter or translator becomes aware of such conflict of interest". Gentile et al. (1996:58) set the parameters of impartiality as

follows: "a professional must be able to carry out duties to the best of his/her ability regardless of who the client is in terms of gender, race, social status, ethnicity, etc". Kalina (2015:75) argues that impartiality is not a strict requirement, since it is not mentioned in the AIIC code; there will be instances when interpreters deviate from impartiality, depending on context and find themselves adding, clarifying and acting as the advocate.

- Canon 3: The interpreter shall maintain confidentiality. "Privileged or confidential information acquired during interpreting shall not be disclosed by the interpreter without authorisation" (Mason, 2008:107-109).

- Canon 4: The interpreter shall confine herself to the role of interpreting. Court interpreters are to use the same grammatical person (First person singular pronoun 'I') as the speaker. When it becomes necessary to assume a primary role in communication, they must make it clear that they are speaking for themselves (Mason, 2008:107-109).

While the interpreter is expected to adhere to ethics or canons of interpreting, certain situations (that is, ethical dilemmas) occur where interpreters may fail to be impartial, and due to their knowledge of languages and cultures, they fail to conform to the verbatim requirement, which is fathered by the conduit role. Interpreters may add, omit or clarify in situations where "their verbal as well as non-verbal expressions and discourse patterns differ widely and need some explanation or comment to be understood by addressees in the target culture" (Kalina, 2015:77). She concludes (Ibid:81) that "the choice of behaviour and action is much determined by the requirements of a specific setting". The implication is that the court interpreters, though expected to observe the ethics, face tricky situations where they become more involved and act as advocates.

2.5 The role of the Court Interpreter in South Africa

This section discusses the role of the interpreter in South Africa beginning with the un-defined role to the paradigm shift which saw a movement from the traditional conduit. The nature of conduit that made it undesirable such as emphasis on verbatiom, limiting speakers' choices, and its prescriptivism are discussed. Section 2.5 dwells on the

active participant which can be considered an option to conduit. I start by discussing the role of the interpreter as un-defined.

2.5.1 The un-defined role

Court interpreters in South Africa have not only been found to be incompetent in language matters (Pienaar and Cornelius, 2015:3), but like other interpreters around the world, they have battled with understanding their role. Mooketsi (1999) and Lebese (2012) recommended the formal or legislated role of the interpreter be adopted in South Africa. The South African Language Practitioners' Act, 2014, is unfortunately not addressing the issue of role. By 2021, the recommendations had not yet been done. This has probably led interpreters to adopt any role they deem fit and rightfully so, considering Mason (2009) who bluntly presents the role of interpreters as interpreting.

Lebese (2012:1) recommends that defining the role of the court interpreter in South Africa might solve the confusion of magistrates forming their opinions regarding the role they must adopt. This lack leads court interpreters to do tasks that they should not be doing. One of the ethics of professionalism for interpreters, as spelt out by the AIIC, is that interpreters must not be charged with any other responsibility, except to interpret. Then, Lebese (2012: 13-23) presents some of the roles legislatures can adopt, and most of the roles are conduits in nature, although bearing different names:

- Communication facilitator: Interpreters facilitate messages from the sender to the receiver. They also play an active role by detecting cultural aspects and using their discretion on how to explain them.
- Bilingual specialist: Because of their knowledge of the two languages involved, including their cultures, they serve as specialists.
- Conduits: Mere tap approach where they simply pass the source language message into the target language without modifying its tone, nuances and register.
- Language mediator: They owe their allegiance to the original speaker. They do not alter slang for formal or crude for scholarly.
- The invisible pipe: Conduit approach where words are emitted completely unmodified.

- An instrument: a robotic language user, which is another form of conduit.
- "Shagri-La" of communication: being neutral and objective. The interpreter remains unaffected by what is being said.
- The invisible mediator: Does not change, add or omit.

The various number of roles may lead to court interpreters, especially the untrained ones, not knowing the role they must take. Therefore, it is imperative for legislators in South Africa to formulate the roles as a matter of urgency. Devaux (2016) mentions that the role of the interpreter poses greater challenges to interpreters than ethics by stating that interpreters have no problems or very few challenges sticking to ethics than to their role. Role refers to the extent of involvement in the interpreting situation while ethics involves conduct and behaviour of interpreters in relation to what took place in the interpreting situation. Thus, interpreters can keep secret (ethics) but may find it difficult not to add or omit (role). Pienaar and Cornelius (2015:3) note that interpreters have battled with understanding their role. Mainly, they have been expected to be conduits, where they must just interpret without adding or subtracting meaningfully from the content and intentions (Davidson, 2000:380), which Devaux (2016:8) brandishes as mere ideology. Taylor-Bouladin (2001:227) emphasises accuracy, which is a major feature in the conduit role, "accuracy is paramount, and the interpreter must on no account attempt to clarify or improve when a speaker is being vague". The interpreter is portrayed as a mere tap through, which information flows without getting involved.

Recent studies have suggested a shift from this view suggesting that the interpreter is an active participant in coordinating meaningful talk than a docile observant. Roy (1992:21) discovered in her study that the interpreter was not a "mere conduit, an implicit assumption behind much training and testing of interpreters; instead, the interpreter's role is active, governed by social and linguistic knowledge of the entire communication situation". Davidson (2000:401) strongly refutes conduit when he mentions that "interpreters are not and cannot be neutral machines of linguistic conversation". The interpreters are also found to be coordinating talk between participants through language choice, which is influenced by sociolinguistic factors". This view is shared by Wadenso (1998:160) who states that beyond coordinating talk the interpreter is a negotiator of meaning whose concern is no longer correctness or error when interpreting. Thus, as Cote (2005:44-45) suggests that interpreters may

add what they think was left out by the magistrate and code-switch to clarify certain things (Usadolo, 2016). This realignment of thought that interpreters have become active participants who coordinate talk as influenced by sociolinguistic factors is supported in this study.

2.5.2 Paradigm shift on the role of the court interpreter

Research suggests that there has been a paradigm shift regarding the role of the court interpreter (Davidson, 2001; Wadensjo, 1998; Cote, 2005; Usadolo, 2016). The shift suggests a move away from a conduit to an interpreter who is an active participant or institutional gatekeeper. Wadensjo (1998:160) mentions that researchers have begun "to move away from concerns of error, correctness and source text/target text comparisons and to focus on the multiparty interaction with the interpreter as coordinator and negotiator of meanings". Also, Mason (1999), Roy and Metzger (2014), Roy (1992), Davidson (2000), Angermeyer (2010) and Usadolo (2016) hold the same view.

Roy and Metzger (2014:160) posit that it is not only the scholars who have shifted, but also the interpreters. They moot that "the interpreter rather than being a neutral conveyor of messages is an active participant who can potentially influence the direction of an event". Interpreters are viewed to be active and using language choice to cement their new role. This is the springboard of this research. Its focus is on studying three sociolinguistic focus areas: omission, code-switching and self-generated utterances, which according to Ibid (2014:160), they are manifested in a variety of ways as in explanations, repetitions and responses to questions, to mention a few. My argument is that court interpreters have started shifting from being mere conduits and are using language to influence the proceedings in courts.

This observation was put forward by Roy (1992) in the study on the analysis of the interpreter's role in simultaneous talk. She demonstrates that by analysing simultaneous talk in a face-to-face interpreter dialogue that the interpreter in this meeting is not a neutral conduit, an implicit assumption behind much training and testing of interpreters. Instead, the interpreter's role is active, governed by social and linguistic knowledge of the entire communicative situation (Roy, 1992:21). She refutes

the notion that interpreters serve as nearly robotic conduits of information, who have little or no impact on a communicative situation.

Davidson (2000) studied the interpreter's role from a sociolinguistic point of view in a study that focused on English-Spanish medical discourse . He discovered the following about the interpreters' role:

- That interpreters are found not to be acting as 'neutral' machines of semantic conversation but are rather shown to be active participants in the process of diagnosis. (Ibid:379)
- Interpreters are found to be uniquely positioned to control the flow of information necessary for the achievement of the participant's medical and social roles (Ibid: 380).
- Interpreters are an institutional form of cross-cultural encounter, with the interpreter acting as the point of negotiation and exchange between the social contexts inhabited by the physician and patient (Ibid: 380).
- Interpreters serve as conversational participants - they do not merely convey messages; they shape, and in some real sense, create those messages in the name of those for whom they speak (Ibid: 382).
- The presence of interpreters helped in shaping the course and content of the interviews (Ibid: 385).
- Interpreters are acting, at least in part, as informational gatekeepers who keep the interview on track; they also interpret selectively (Ibid: 400).

Davidson concludes that "Interpreters are not and cannot be neutral machines of linguistic conversion (Ibid:401).

Angermeyer (2010) studied interpreter-mediated interaction as bilingual speech, focusing on code-switching and discovered that:

- Interpreters have been found to coordinate talk between other participants, and in the legal sphere, they influence the evaluation of primary participants through their speech style. (Ibid:469)
- Language choice is not primarily a matter of competence; but, it is influenced by sociolinguistic factors of the institutional setting and the larger social context (Ibid:472).

- Interpreters differ in their speech styles and their attitudes towards code-switching or code-mixing.

Recent research by Usadolo (2016), in which he studies sociolinguistic influences on the quality of Interpreting for Foreign African Immigrants in South African Courtrooms, reveal similar results regarding the interpreter's role. He discovers that code-switching, which is one of the focus areas of this research, "is a common practice by interpreters". This argument that court interpreters have started shifting away from being mere conduits and were now using language to influence the proceedings in courts, is the focus of this study.

2.5.3 General roles

What role must court interpreters play when they execute their duties? The definition of court interpreting includes one of the roles they play, the conduit. The Oxford Advanced Learners Dictionary (2022) defines a role as "the function or position that somebody has or is expected to have in an organiation, society or relationship"; and as "the degree to which somebody or something is involved in a situation". The second definition spells out the extent to which court interpreters may do their duties. This study is in line with the second definition. It seeks to understand the extent to which court interpreters are involved in the process of conveying meaning. It uses the sociolinguistic approach to determine that extent by assessing how court interpreters omit deliberately, code-switch and use self-generated utterances while interpreting. Wiemann and Knapp (1975) suggest an overarching role, which must be remembered before anything else, "One role that is basic to almost all other roles that an interactant can present is the role of human being, one worthy and deserving consideration and respect". Therefore, before court interpreters can be regarded as feeling-less (without feelings) conduits it must be remembered; they are human beings. Coulmas (2013:1) concurs when he mentions that "as human beings, we can change our behaviour. The idea that we act as free agents is fundamental to our self-conception. Every word we say reinforces this conviction, for whenever we speak, we make choices". Court interpreters are human beings. They are not tools; they shape discourse in courts.

Merlini (2009:64-65) categorises the general interpreter role into nine (9) roles, which are: the translator, active translator, cultural informant, advocate, cultural broker, bilingual professional, monolingual professional, welcome and the support role. Lebese (2013) lists twelve (12) roles, and four (4) are general; the helper, the communication bridge, communication facilitator and the bilingual/culturalist specialist. The remaining eight (8) are specific to court interpreting as follows: the conduit, the language mediator or language conduit, the invisible pipe, a traitor or instrument, (all of which can be categorised as a conduit), the Shangrila of communication, the invisible mediator (also conduit), the animator, and guarantor of defendant's rights. Together, Merlini (2009) and Lebese's (2013) roles can be grouped as conduit, mediator, cultural broker and advocate. Gonzalez, Vasquez and Mikkelson (2012:416) identify two roles that court interpreters play: being a court expert and an officer of the court. As experts, they serve as language access specialists, whose skills must include the expertise to "identify a potential language problem that could detrimentally impact the fair administration of justice" (Ibid 2012:425). They also advise the court regarding optimal language accommodation. Gonzalez et al. (2012) conclude that "the interpreter is perhaps the only 'Officer of the court' who is rendering expert services".

Arocha (2005) introduced a Multidisciplinary Interpreter Competence Model that was designed to move away from the conduit role. It is informed by the view that interpreters work in multiple specialist fields and the demand for interpreters that is rising. This model is used as a framework for expounding the necessary competencies that are required for all community interpreters. It should be remembered that there are those who associate court interpreting with community interpreting and those who think it is a unique field (Jakobsen, 2009:158). Community interpreting should be viewed to include court interpreting. This model has four levels of competence. The first is the Foundation Competencies, which is made of crucial skills, such as education. Interpreters must be educated, say having at least a degree or diploma in their field.
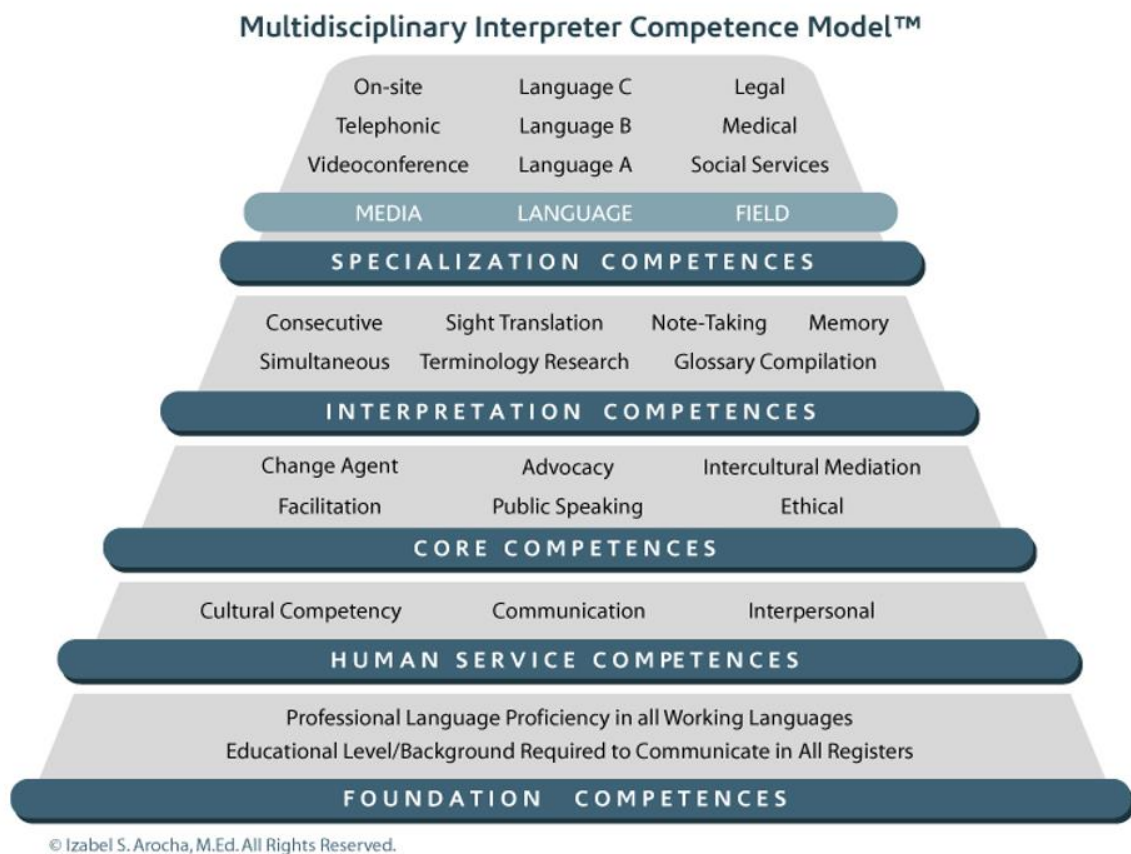
Figure 2 Multidisciplinary Interpreter Competency Model (Arocha, 2005).

The second, in this pyramidic model, is called Human Service Competencies, which includes a variety of skills, such as communication, interpersonal and intercultural skills. On the third level, Arocha attaches language competencies, conversion or conduit, facilitation, presentation, advocacy and change agent. She names these attributes core competencies. The fourth is Specialty Competencies, which refers to different settings the interpreters work in. In short, this model does not focus on the interpreter role specifically, but addresses it at the third level of core competencies. The competencies listed exclude the conduit totally and replace it with proactive skills, such as change agent and facilitation, both of which portray interpreters as active and not passive in the communication situations.

Gonzalez, Vasquez and Mikkelson (2012) borrow the incremental model from healthcare and suggest it be tried in court interpreting. I believe it brokers in the confusion about the role interpreters must play. They model it in the form of a pyramid that has been partitioned into four blocks. The biggest or basic role is the conduit,

while the smallest is the advocate. The model suggests that court interpreters must spend more time in the conduit role, followed by a clarifier, then a cultural broker and lastly, advocate.

- As conduits: They use various strategies to convey meaning, for example, modulation, explicitation and compression.
- As clarifiers: They intervene to eliminate ambiguity or to get permission to research a word. Shaw (1993:ix) defines a word as "the skin of a living thought".
- As cultural brokers: They clarify unclear gestures. These are non-verbal cues, which according to Lumsden and Lumsden (2006:9), include "vocal characteristics, speech patterns, body posture, facial expressions … space, time, touch and other personal behaviours or objects that convey meaning".
- As advocates: They inform the court if they did not hear anything.
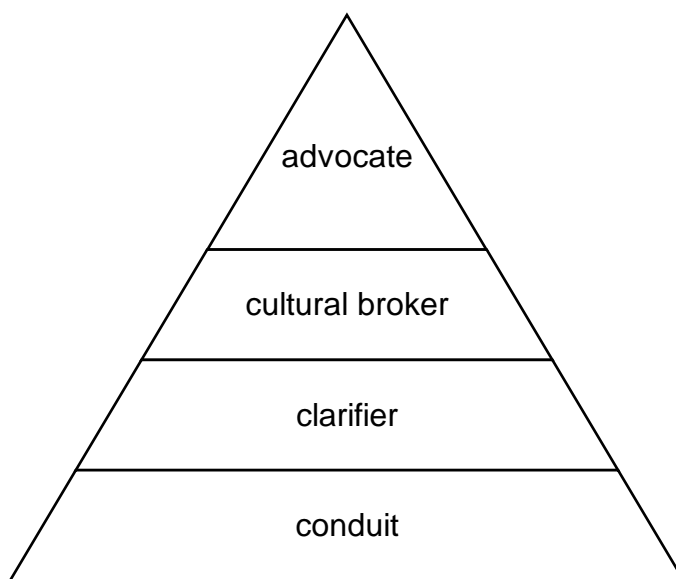
Figure 3 Incremental Model (Gonzalez et.al., 2012).

I collapsed this structure into two: the conduit and the active participant. The active participant includes the three roles represented in Figure 2 above: the clarifier, the cultural broker and the advocate. Thus, court interpreters are active participants in any mediated discourse. They clarify (choosing the best words, and this includes code-switching, if it will make meaning clearer), explain (to clarify things, such as cultures, procedures and words) and advocate (by asking questions, adding, omitting) to assist those appearing before the courts. As conduits, court interpreters reflect accuracy and

verbatim in their expressions, while as active participants, they are influenced by their sociolinguistic or extra-linguistic knowledge. Other roles as suggested by Leanza (2005:187-187) are system agent, community agent, integration agent and linguistic agent. The problem with these is that they all portray an interpreter as a conduit. Hale (2008:100-101) suggests five (5), advocate for the minority language speaker, advocate for the institution, gatekeeper, facilitator, and faithful renderer of the message. The first two are similar in that they are about one role, advocacy. The last one, the faithful renderer looks to be the conduit. The next section discusses the two roles: conduit and active participant.

2.5.4 The conduit

Conduit is defined as a channel for conveying water or other fluid, and, as someone or something that is used as a way of sending something (such as information or money) from one person to another (The Free-Dictionary.com 2008). Minnesota Courts Statutes present the duty of the court interpreter as functioning as a conduit between non-English speakers and English-speaking officials in legal forums. Mikkelson (1998:21) states that interpreters are expected to convey every element of the meaning of the source language message, without adding, omitting, simplifying or embellishing. In other words, they must maintain the tone and register of the original message, even if it is inappropriate, offensive or unintelligible.

What stands out from this quotation is that conduit has no breathing space, no best choice of words, and it is prescriptive, since one must stick to the original. The original speaker, though might choose an inappropriate word, dictates the terms.

The NCIHC working paper, though recognising the tradition of both court and health interpreting as a conduit, follows an admission about the conduit role.

The role is defined solely by the core function of "message transmission," performed by a third party, whose presence, ideally, is as "invisible" as possible. However, unlike the previous conceptualisation of the "neutral interpreter," this approach acknowledges that message transmission requires more than literal or word-for-word

conversions. It recognises that accurate message transmission should be based on equivalencies of concepts, and this requires knowledge of the cultural context and background of the patient, as well as the medical culture. It also recognises that finding culturally appropriate equivalencies is not an easy matter (NCIHC, 2004:6).

The assumption in the quote above is that while courts and healthcare fraternities require interpreters to be conduits, it is pragmatically difficult to maintain because of a lack of equivalent words in the languages involved and due to cultural issues. The study conducted by Marszalenko (2016) provides some insights into what is considered "conflicting views on the interpreter's role" in which he argues that words, such as "conduit", "literal" or "verbatim", are not helping the situation in addressing interpreting challenges. He interviews ten interpreters working from Japanese to English about literal translation and interpreter roles and finds out that interpreters will always make discretionary choices when interpreting. On observing some cases in Japan, Marszalenko (2016:34-35) is convinced by Yoshida's (2008:113) research, which reports that interpreters are not mere animators, but inventors who are sensitive to issues, such as register, slang and vulgarity. He confirms that:

- Interpreters make discretionary choices when delivering interpreted messages, and those choices included vocabulary, register, politeness or grammatical form when relaying messages.
- There were minor additions by interpreters, which were not uttered by the defendants.

However, Masrzalenko (2016:34-36) does not promote the free-fall type of an interpreter, who is at liberty to bring anything that comes to one's mind, when he argues that that would mean the creation of versions by interpreters. Neither does he support the role of advocate or cultural experts, since the only responsibility of court interpreters is to communicate. Instead of interpreters using their poetic licences and create speeches at will, he believes they must be some limitations. Finally, Marszalenko (2016:3637) proposes the adoption of the role of communication facilitator for interpreters, arguing that it reflects what they do and that recognising them as such makes them active participants by dipping into Goffman's (1981) participation theory. This theory is discussed later under interpreters as active participants in this study.

To sum up, the conduit is one of the basic roles preferred in healthcare and court interpreting. While some codes of practice made it the priority, it is prescriptive. Its verbatim requirements make it difficult for certain messages to be clear. These issues are further discussed hereunder.

2.5.4.1 Emphasis on verbatim

Although the court interpreter must serve as a conduit between non-English speakers and English-speaking officials in legal forums, some scholars argue that viewing court interpreters as conduit emphasises literal or word-for-word translation (Mikkelson 1991, Gile 2009,). Mikkelson (1991:1) remarks that:

> This verbatim requirement is a source of confusion to many because it is assumed to mean that a word-for-word or literal translation is required. What is required is that the interpreter should account for every word and other elements of meaning in the source language.

If verbatim causes confusion, then, court interpreters must seek a way of formulating sentences in an understandable way. Gile (2009) discusses this as fidelity. Fidelity does not mean word-for-word or literal interpretation. It is saying things differently, but technically retaining the substance. Gile (2009:53-65) refers to this as framing information.

(Gile 2009:53-65) mentions that changing, adding or deleting elements does not necessarily mean a breach of fidelity, for example, different sentences in the same language can express the same message, as follows:

- 50 km to Paris.

- Still 50 km to go.

- We'll be in Paris in fifty kilometers.

- Fifty km longer.

- We'll be there in 50 km.

- Paris is 50 km from here.

The same message verbalised under identical conditions by different senders tends to be expressed differently. Interpreters must always maintain primary/framing information, since keeping it will keep the message intact. To Gile (2009) framing information in the example above, is the reference to Paris and kilometres (km). The modals form part of the linguistic and culturally induced information (LCII): the tenses 'will', and 'can'. Personal information is associated with the personal characteristic of the sender. Sentence information = message + (FI+LCII+PI), where FI stands for framing information, LCII for linguistic and culturally induced information, and PI for personal information. Personal information include oral utterances, accents, errors in grammar, spelling mistakes and lexical choices.

2.5.4.2 Limiting interpreter's best choices in the target language

What could be done to avoid needless omission? One way is to remember the principles of fidelity as proposed by Gile (2009) which are:

- The message: The message that the sender is trying to convey in an utterance or text should be re-expressed in the target language. In written texts, language errors can be corrected later, but in speech, it is impossible.
- Framing Information: Translators should reflect the sender's personality (maintain the sender's choices).
- Linguistic or culturally induced information: The challenge is whether to preserve the TL text information, which might be detrimental to communication or whether to introduce new secondary information to help communicate effectively. LCII can necessitate the identification of gender: for example, Mr X (forms of address, the use of passive). Western cultures discriminate between singular and plural; past, present and future. The Japanese do not necessarily do so. Western cultures indicate the subject and objects of verbs; the Japanese do not.

The implication of the above is that the meaning of a sentence must be retained during interpreting. However, the way it is presented may be different. During court interpreting, court interpreters may choose to express things differently while still maintaining the original meaning. This is still in line with the complete interpretation. Linguistic and culturally induced omission can be altered to suit the communicative

situation at that moment. The onus is on court interpreters whether they choose to omit, code-switch or add, since they are equal partners in the delivery of meaningful messages.

2.5.4.3 Conduit role as prescriptive: A norms perspective

There is a Descriptive Translation Studies model of Toury (1995:55); Chesterman (1997:64-68); Jackson (1960) and Gile (2009). Toury (1995:55) approaches the translation theory from a norms perspective. Toury (1995:55) defines norms as the "general translation values shared by a community as to what is right or wrong, adequate or inadequate- into performance instructions appropriate to particular situations". Norms cannot be accepted, unless all concerned accept them and take them as important. If certain standards are set and imposed on people to follow, they are rules and not norms. The difference lies in the extent of their constraints. Rules are more prescriptive and 'normsless'. Goffman (1956:473) defines a rule as a "guide for action, recommended not because it is pleasant, cheap or effective, but because it is suitable and just". Rules, when broken, have dire consequences and may incur legal penalties, whereas norms may just incur a negative remark. Munday (2012:172) backs this when he mentions that "rules, supported by legislation, are the strongest constraints, since breaking a rule will normally incur a formal legal penalty or caution". This does not mean that norms do have not a moulding purpose for they set boundaries as to how something must be done. Martin (1987:65-76) describes the following four types of rules:

- Informal rules: unofficial laws.
- Learning rules.
- Right or wrong sanctions (they incur punishment when broken). Wiemann and Knapp (1975:76) support this when they mention that "most cultures have developed rather elaborate rules to govern what should and should not be said and done in interactions". Approaching the court interpreter role from the right and wrong sanctions will cohere court interpreters and make them have a sense of guilt each time they move away from the conduit. This research shuns that approach and supports the view of the interpreter role from a norm perspective.
- Regulative rules: direct how people must behave.

The difference between the norms and rules is difficult to determine; but, their force depends on how users want to be descent in their jobs. The approach to viewing prescriptions as negative needs to be explored, otherwise doing that may project us as unwilling and insubordinate. Those with a more violent view against prescriptive sets appear to have an uncooperative and rebellious spirit. They are as Trask calls them prescriptivists,

> Prescriptivism is the belief that we have no business speaking our language in a way that seems natural to us, but that instead, we should deliberately change our language to make it conform to the regulations laid down by some group of self-appointed experts - no matter how ignorant or crazy those regulations might appear (Trask 1996:160).

Toury's (1995) norms may have been drawn focusing on the translation, but they are equally important to interpreting as well. He describes three types of norms: the initial norm, preliminary norms and operational norms.

- The initial norm refers to the choice made by translators. Interpreters must make different choices when interpreting the best word applicable to a situation. As mentioned by Gonzalez, Vasquez and Mikkelson (2012:1097), "Changes in word choice can alter a witness's recollection of events". Therefore, court interpreters need to be conscious and cautious when making word choices. The challenge may be how court interpreters are expected to achieve this if they are to be mere conduits.
- The preliminary norm refers to the translation policy and the directness of translation. In interpreting, this can be equated to ethics and the models of interpreting.
- Operational norms describe the presentation and linguistic matter of the target text. Interpreters need to take care of modes of delivery, whether consecutive,simultaneous, summary or sight interpreting. Although court interpreting is largely consecutive, it is also done simultaneously. Sight interpreting is good when witnesses are taking oaths in court, whereas there is no place for summary interpreting in court.

Chesterman (1997) proposes two sets of norms, the product and expectancy norms and the professional norms. He defines expectancy norms as the "established expectations of readers of a translation concerning what a translation should look like" (Chesterman, 1997:64). Professional norms regulate the profession and are divided into ethics and professionalism. Munday (2012:182) calls it the "ethical norm dealing with professional integrity and thoroughness".

The relation norm refers to the "relationship between the source text and the target text" (Munday, 2012:182). Interpreting can be related to Grice's (1975) maxim of relation. There should be a correlation between what has been said and the interpretation rendered. Jackson (1960) introduced the tripartite norms, which are the basic norms, secondary norms and tolerated norms. The basic norms are "more or less mandatory for all instances of certain behaviours", and the tolerated norms are self-explanatory (Venuti, 2012:178).

The presence of norms implies that there are expectations to be met during court interpreting, some of them are fundamental (basic) like confidentiality, secrecy and accountability. Secrecy is once again essential and a discretion outside the courtroom; hence it is of utmost importance. The interpreters must beware of chatting over coffee or lunch with the person sitting next to them" (Taylor-Bouladin, 2001:228). Some of these expectations enhance professionalism and others allude to the competency and skills of the interpreter. Some expectancies, however, are more subjective. They are hinged on the interpreter's choices, for example, word choices. It is one thing to say, "I hate you!", and another to say "I abhor you!", and still another to say "I detest you!". The implication is that court interpreters are active participants in the delivery of information. They focus on correct word choices in the quest to be precise and meaningful.

2.5.4.4 Norms direct the choice of Interpreting strategies

This section puts norms into perspective. Norms are important when interpreters have to choose relevant interpreting strategies. Comprehension, preventive, as well as reformulation tactics (Gile 2009), and the implications of such are discussed before moving to the role of the interpreter as an active participant. I begin by defining interpreting strategies.

2.5.4.4.1 Defining interpreting strategies

The concept of strategy in translation and interpreting has to this day confused scholars, with some identifying strategies with tactics, styles, methods and skills. Scholars such as Höning and Kussmaul (1982), Hurtando (1999), Lörscher (1991), Kalina (1996, 1998), Gran (1998), Ilg and Lambert (1996), Gile 2009), Riccardi (2005), Donato (2003), Pöchhacker (2004), Tryuk (2010), Ribas (2012) and Xiangdong (2015) do not seem to agree on one definition of the concept of interpreting strategy. Instead, they bring the concept of interpreting tactics/techniques as its identical twin. While Höning and Kussmaul (1982) see strategy as a process, Ribas (2012:813) defines a strategy as an action, "Strategies are planned actions with specific objectives and tactics refer to online decisions and actions taken by the interpreter during the execution of the task to overcome difficulties encountered". A strategy, therefore, is an approach or angle from which one interprets. The difference between a strategy and a tactic is, thus, the time of the occurrence of a problem to be solved. Strategies are intended for long-term planned solutions, while tactics are more immediate or online solutions. Kalina (1998) concurs with the definition of a strategy, as a process that is adopted to find a solution to a problem. Tryuk (2010:2) distinguishes between a strategy and a technique:

- Strategy means the overall proceedings of the interpreter regarding a certain speech segment. Lörscher (1991:125) considers strategies to be individual. Xiangdong (2015:5-7) presents the defining characteristics of strategies as follows:

  (a) They are intentional and goal-oriented procedures for the solution or prevention of problems.
  (b) They are used consciously or unconsciously.
  (c) Some strategies are specific to interpreting, for example, omission, addition, compression and anticipation, to mention a few.
  (d) The use of strategies may result in potential information loss, credibility loss and time, to mention a few.
  (e) More than one strategy can be opted for during the process of interpreting.

- Techniques are the proceedings taken concerning specific elements of speech to achieve fidelity. It is, therefore, a decision that is taken by individual interpreters in dealing with a certain language problem.

Other definitions of an interpreting strategy:

- Individual procedures, both conscious and unconscious, verbal and non-verbal, are used by the translator to solve problems encountered in the process of translation/interpreting, depending on the specific requirements involved (Hudarto, 1999:246).
- The text processing and production operations are performed by the interpreter during the reception and production of speech (Kalina, 1996:126). This definition is more on immediate actions done while working online, and given Ribas's (2012) definition, Kalina is defining a tactic.

This research regards strategy as meaning approaches taken by interpreters before and during their interpreting performances, depending on interpreting situations. Some of these include immediate decisions taken, not only to address a problem, but to offer the best interpretations. Gile (2009) posits that quality is the function of communication, and interpreting strategies that are crucial in the passing of a fluent, clear and meaningful message. Ribas (2012) concurs when he mentions that interpreting qualitatively depends on certain abilities and strategies that interpreters must acquire. Riccardi (2003) also augments the idea that strategies enhance the quality of interpreting. Court interpreters must use different approaches while negotiating meaning. In Table 2 below, Xiangdong (2015), suggests the following strategies to deal with different interpreting scenarios:

Strategies	Definition
1. Anticipation (SI and CI)	The interpreter predicts the incoming text and produces a target text segment before it is uttered by the speaker based on linguistic cues (lexical collocations, supra-segmental features, certain syntactic structures, to mention afew) and knowledge cues (understanding about the topic, speech context, to mention a few), in particular, when the two working languages have

	asymmetrical structures (SOV vs. SVO languages).
2. Compression/ condensation/ summarising/ filtering (SI, CI and ST)	The interpreter finds an economic way of expression by summarising and generalising the semantic content of the original, deleting what is repetitive or redundant, and selecting the most important information, in particular when facing high time pressure.
3. Omission/ skipping/ ellipsis/ message abandonment (SI, CI and ST)	The interpreter, in particular, under high time pressure or when facing interpreting difficulties, deletes superfluous or redundant expressions, repetitions, unimportant utterances, incomprehensible input, untranslatable elements or message that is unacceptable in the target discourse.
4. Chunking/ segmentation/ salami (SI and ST)	The interpreter breaks the source discourse (particularly long and complex sentences) into meaningful units, which are interpreted linearly following the principle of "first come, first processed," to process the incoming message without causing "saturation" of his or her processing capacity.
5. Text expansion/ addition/ elaboration (SI, CI and ST)	The interpreter adds something absent in the source text, such as discourse markers (connectives) and rhetorical phrases, so that the target text sounds more logical and coherent for the audience.
6. Waiting/ delaying response/ stalling/ tailing (SI, CI and ST)	The interpreter waits and delays production (waiting/delaying response/tailing) or produces generic utterances that are absent in the source discourse and provide no new information (stalling) to enable him or her to access more incoming text for meaning disambiguation.
7. Approximation/ attenuation (SI, CI and ST)	The interpreter is unable to retrieve an ideal counterpart for a segment of the source discourse and uses a near-equivalent term or a synonym.

8. Paraphrasing/ explaining (SI, CI and ST)	The interpreter is unable to find an appropriate equivalent for one segment of the source discourse and explains the intended meaning of the original segment.
9. Morpho-syntactic transformation (SI, CI and ST)	The interpreter departs from the surface structure of the original language and expresses the meaning using different syntactic constructions from those of the original (conversion of negative clauses into affirmative clauses, of subordinate clauses into main clauses, and of verb phrases into noun phrases, etc.).
10. Décalage/time lag/extending or narrowing EVS (SI, CI and ST)	The interpreter manages his or her available processing capacity by extending or narrowing the Ear-Voice-Span to devote more effort to listening (known as Eye-Voice-Span in ST).
11. Transcodage/ transcoding/calque (SI, CI and ST)	The interpreter is unable to grasp the overall meaning of the original and decides to use a word-for-word approach by sticking to the surface structure of the original language.
12. Parallel reformulation/ substitution (SI, CI and ST)	The interpreter cannot understand elements of the original and decides to invent something that is different from the original, but more or less plausible in the communicative context to avoid long pauses or unfinished sentences.
13. Restructuring/ changing order (SI, CI and ST)	The interpreter reformulates segments of various types in one position in the source discourse in a different position in the target discourse to enable better production.
14. Inference (SI, CI and ST)	The interpreter recovers information that is forgotten, not comprehended or not heard by relying on the source speech context and his or her general knowledge.
15. Repair (SI, CI and ST)	The interpreter makes corrections when he or she finds distortions of the original meaning intended in his or her interpreting, realises a better way of expressing what has been

	said, or detects a contradiction between his or her anticipation and the incoming discourse.
16. Evasion/ neutralisation (SI, CI and ST)	The interpreter avoids committing himself or herself to a definite position when ambiguities exist or when the source discourse fails to provide sufficient specification.
17. Visualisation (SI and CI)	The interpreter strengthens his or her understanding and memory of the original message by exercising his or her imagination and forming a mental picture of the content of the original speech when dealing with a descriptive message.
18. No repair (SI, CI and ST)	The interpreter finds errors in his or her reformulations, but thinks they are trivial and that corrections cause more harm than help and decides to leave them as they are. It is considered a strategic decision because it is a conscious choice not to make repairs when monitoring the output, which is different from making errors of which the interpreter is unaware.
19. Reproduction (SI, CI and ST)	The interpreter is unable to translate an unknown term in the original and leaves it in the target discourse as it appears in the original.
20. Transfer (SI, CI and ST)	The interpreter uses target language words that are etymologically or phonetically similar to those in the source language.
21. Resorting to world knowledge (SI, CI and ST)	The interpreter connects the message of the original speech with his or her knowledge of a given field.
22. Adaptation (SI, CI and ST)	The interpreter adapts the source message so that it fits the target discourse conventions or culture.
23. Personal involvement (SI, CI and ST)	The interpreter takes an active part in the content of the original by showing agreement, disagreement, surprise or identification with the original.
24. Monitoring (SI, CI and ST)	The interpreter monitors what has been interpreted to check if it is necessary to revise previous anticipations or hypotheses.
25. Repetition	The interpreter repeats previously-processed information using

(SI, CI and ST)	synonyms as a way of enhancing lexical accuracy.
26. Pause distribution (SI, CI and ST)	Pauses serve to divide discourse into tone groups and meaning units in oral communication. The interpreter uses pauses strategically to assist in communicating content to the audience.
27. Intonation (SI, CI and ST)	The interpreter resorts to paralinguistic cues, such as the rising or falling of intonation to achieve speech cohesion and help listeners to disambiguate the intended meaning of the utterance.

Table 2: Strategies and their definitions (Xiangdong, 2015:8-9).

Structurally, unpacking the concept of strategy has also been a daunting task, with other scholars like Gile (2009) suggesting three categories, which are comprehension, prevention and reformulation. Under the three, Gile (2009) presents 21 tactics that interpreters can use when interpreting, and he regards them as coping tactics. Xiangdong (2015) presents a four categories as portrayed in Table 2.3 below.

Strategy groups	Specific strategies
Knowledge-based strategies	non-linguistic anticipation, inference, resorting to world knowledge, visualisation, personal involvement, etc.
Language-based strategies	chunking/segmentation/salami, restructuring/changing order, transcodage/transcoding, reproduction, linguistic anticipation, parallel reformulation/substitution, morpho-syntactic transformation, transfer, etc.
Meaning-based strategies	compression/condensation/summarising/filtering (selection of information, deletion, generalisation, simplification), text expansion/addition/ elaboration (explanatory additions, additions to maintain coherence), adaptation, neutralisation/evasion, omission/skipping/message abandonment, approximation/ attenuation,

	paraphrasing/explaining, etc.
Delivery-based strategies	décalage/time lag/extending or narrowing EVS, waiting/delaying response/tailing/stalling (waiting with fillers), repetition, use of prosodic elements (pause distribution, intonation), repair (self-correction), no repair (decision for no repair), monitoring, etc.

Table 3: Four categories of strategies (Xiangdong 2015:11)

Kalina (1998) puts forward two categories: comprehension and production. Donato (2003) gives three, comprehension, reformulation and emergency. While there is some uniformity in the strategies presented by Kalina (1998), Gile (2009) and Donato (2003), Xiangdong (2015) took a different approach by advancing four that are unique so far: knowledge-based strategies, language-based strategies, meaning-based strategies and delivery-based strategies. Pöchhacker (2004) also took a different angle by elevating three strategies which are process-oriented strategies, product-oriented strategies and online strategies. Riccardi (2005) gives two, skill-based strategies and knowledge-based strategies. Finally, Lörscher (1991) proposes three strategies which are; , exploratory, control and paraphrase.

Tryuk (2010), whose work is on strategies in interpreting; posits three strategies that are more inclined to general approaches, and they are anticipation (also discussed by Gile (2009), condensation or summarisation and notation. She regards anticipation as a strategy by which one formulates or pre-empts what is to be said next. This skill depends on extra-linguistic knowledge, which is knowledge of the subject matter and the communication situation and linguistic knowledge, which is knowledge of grammar usage. It is also known as syntactic anticipation. It refers to the interpreter's ability to grasp the intent of a message before all the words that comprise it have been uttered. They are "guesstimates" or informed speculations about- what is to occur, based on the knowledge of the world. Lederer (1978) uses the term prediction and identifies its two types: language prediction - which is based on the interpreter's knowledge of the syntax and the style of the SL and TL and sense prediction, which is the interpreter's familiarity with the speaker, his objectives and situational aspects. Its success in extra-

linguistic prediction may depend on the interpreter's understanding and knowledge of the subject. However, in language prediction, knowledge of collocations and word sequence is key.

To summarise; linguistic anticipation or prediction is a good strategy in interpreting because:

- Speech is naturally probabilistic; words follow each other and not at random.

In English, an article might be followed by a noun or adjective and not by another article. One must know whether he/she is dealing with the SVO languages like English or the SOV like Dutch and German (Xiangdong, 2015:20).

- Collocations and standard phrases offer a high probability knowledge of rules reduces processing requirements in speech comprehension (Gile, 2009)

Extra-linguistic anticipation can be a viable strategy if:

- Interpreters have a good knowledge of the conference situation, the subject, the speaker and of the unfolding ideas - this makes it easy to anticipate ideas.

- Interpreters know the probability of the speaker reacting or speaking in a way in the context or given situation, not necessarily the exact prediction, for example, "I do not think that"; – this statement will be negative. The second strategy by Tryuk is condensation - the formulation of concise and synthetic utterances and deleting of superfluous matters (Tryuk, 2012:189-190). This strategy is recommended when an interpreter is unable to note down the whole speech or memorise it. To achieve this, interpreters must be excellent in the target language, thus, they must have linguistic competence. Linguistic proficiency means knowing words and their structures and being able to recognise them. To achieve condensation, strategies such as omission, substitution and encapsulation are favoured. Condensation operates on four rules:

- Selection: choosing certain words that you think are important.
- Deletion: leaving out specific words that you mark as unimportant. This refers to omission. Pratiwi (2016:133-134) advances three types of omission; skipping, comprehension and compound omission. Skipping is equated to deletion where one word or phrase is left out, but preserving the structure. This has little impact because little information is lost. Comprehension omission

happens when interpreters cannot comprehend some parts of the sentence/text. Loss of meaning makes it difficult to fully grasp the intention of the speaker. In compound omission, interpreters join two sentences, but leave out certain information.

- Generalisation: classifying related items under one umbrella term.

- Construction: forming of one major idea from clustered ideas (Tryuk, 2012:190)

Finally, Tryuk (2012) presents notation or note-taking as a third interpreting strategy. Note-taking is extensively discussed by Gillies (2005), as a skill that is crucial during long consecutive interpreting and by Gile (2009) as a skill used during simultaneous interpreting by a boothmate. Note-taking is used to overcome the limitations of short-term memory, which is also covered by Gile (1995/2009) in his discussion of the Effort model for consecutive interpreting. He argues that the brain cannot be seen while at work, however, a lot happens in the brain during interpreting. Gile (2009) classifies three basic efforts: the production effort, the short-term memory effort and the production effort.

Listening demands more; it saps and uses energy as the interpreter wrestles to understand and reformulate a message. Listening for interpreting is different from listening in everyday life. In everyday life, people can choose what to listen to, but interpreters cannot do so; they must always be attentive.

Note-taking during consecutive interpreting is a demanding task because the interpreter must take notes while simultaneously listening and analysing a text. However, when done properly, it allows interpreters to store information and then use it during reformulation. Ilg and Lambert (1996:86) rally behind this when they mention that when note-taking skills are used appropriately by interpreters, they enhance the comprehension process and contribute to successful performances by interpreters.

Thus, having explored different views by various scholars on interpreting strategies, this research follows the typology as advanced by Gile (2009) and Xiangdong (2015). Gile (2009) has three main strategies; comprehension, prevention and reformulation, and Xiangdong include both generic (anticipation, compression/condensation, decalage) and immediate skills (omission, approximation, paraphrase). They are further discussed hereunder as skills court interpreters deftly and conscientiously use during meaning-negotiation, as they control communication.

2.5.4.4.2 Comprehension tactics

These are strategies opted for when interpreters cannot understand certain words or expressions. Interpreters may opt for tactics that allow them time to understand a sentence rather than immediately answering and then do self-correction later, which may be embarrassing or create an impression that the interpreter lacks confidence. These tactics are delaying a response, reconstructing the segment with the help of the content, using the boothmate's help (relevant in Simultaneous Interpreting), and consulting resources in the booth. Interpreters risk losing track of the speaker or delaying proceedings unnecessarily and jeopardise flaunting the norms of maximising the communication impact of speech.

2.5.4.4.3 Preventive tactics

To avoid struggling unnecessarily with words, interpreters must prepare before and take notes. However, note-taking risks losing information, thereby flaunting the norm of maximising information recovery. Relying on memory and visualisation can be of value in this regard (Xiangdong, 2015:16). Other strategies include lengthening or shortening the ear-voice span: segmentation and unloading of short-term memory, and changing the order of elements in the enumeration. Enumeration is high density speech segments.

2.5.4.4.4 Reformulation tactics

These tactics or strategies allow interpreters time to formulate sentences differently by consulting documents, such as dictionaries and glossaries, but they risk losing information. Instead, they can opt to replace a difficult term with a superordinate term or more general speech segment. This means using a less accurate word and in the case of a sentence, using a more general clause. It needs little time, but risks losing information. Interpreters can also explain or paraphrase, reproduce the sound heard in the target speech. When encountering a name or technical term you do not know, try to reproduce the sound as heard. Gran (1998) elevates reformulation tactics above others saying they are creative and individual. This tactic is close to instant naturalisation, that is, in the source language term into the target language, for example, driver … (dreevair in French). Where the SL and the TL are morphologically

similar, this tactic may be effective. Some languages follow the SVO pattern whereas others SOV. This may confuse and transcoding can solve this problem. Transcoding involves starting with another part of speech, for example, maturity date > date de maturite in French.

Exhausted interpreters usually resort to form-based interpreting. Interpreting should be done by focusing on meaning and not form. It allows for comprehension of the speaker's intention and better reformulation. But, when fatigue sets in, interpreters may resort to form-based interpreting, relying on the SL speech and syntax. Other interpreters would rather inform listeners of the problem, rather than do form-based interpreting. Some refer listeners to another information source. In conference interpreting, information is made available in hard copies or electronically, thus refer delegates to that source. It saves time. In court interpreting, it is usually done during the reading reference to certain acts or statutes. Still, some resort to omission, which is one of the issues focused on in this research. Interpreters can decide not to interpret certain information if it has little value and if there is more valuable information that needs interpreting. If some grossly inappropriate information has been uttered and you feel it will do harm, you may choose to omit it. It is unethical to deliberately omit certain information without informing delegates. In the information that is culturally and inter-personally inappropriate, the decision to omit may be understandable.

2.5.4.4.5 Implications

The choice of interpreting strategies is governed by norms. Riccardi (2005:755) mentions that "norms are rules that govern the use of certain strategies". For example, (Gile (2009) mentions five types of norms, which are explained in 2.3.3 as maximising information recovery, maximising communication impact of speech, minimising interference in information recovery and the law of least effort and self-protection. These are explained hereunder:

- Maximising information recovery: To reformulate the speaker's message in the target language, the following tactics are recommended instead of omission: reconstruction from the context using boothmate's help and consulting documents, do not replace specific terms or omit, tactics such as explanation, paraphrasing and informing delegates can be opted for.

- Minimising interference in information recovery: Interpreters must try to recover as much information as possible without jeopardising the recovery of other segments. Tactics, such as omission, naturalisation and approximate repetition, are usually favoured because they save time. When faced with this dilemma, interpreters should check if the segment/word is important or not, then decide on what to do.

- Maximising the communication impact of speech: Interpreting has an aim; in conference interpreting, maximising the communication impact is tantamount to maximising information recovery, checking the atmosphere, for example, interpreting for television depends on synchronicity than information. In simultaneous interpreting, synchronicity is important. Therefore, choose tactics that save time. Communication impact depends on the packaging; if you did not hear the name properly, avoid trying to approximate the sound as heard. You may refrain from informing delegates if problems are too many.

- The law of least effort: To protect the interpreter from exhaustion, you may choose tactics that save processing capacity; and you may also take turns in the booth to rest. However, it may cause the information to be lost unnecessarily.

Self-protection: Confident interpreters will choose between laws 1 and 2, but less confident ones choose laws 4 and 5. When working conditions are bad, long working hours, insufficient manning strength at the booth, bad visibility in the conference, and a lack of interest on the part of delegates, choose the law of least effort.

Just as Chesterman (1993:4) remarked, "the goals of strategies are to conform to the relevant interpreting norms". Each interpreting problem will, therefore, be approached differently depending on the mode of interpreting and the situation to be solved. Court interpreters are expected to not just wildly employ any strategy without considering the communication effect; they must shape knowledge by using strategies that conform to norms.

2.5.5 The interpreter as the active participant

Marszalenko (2016) prefers the role of communication facilitator, which he claims, makes interpreters be active participants, which is the basis of the argument in this study. Active participation is a way of working that supports an individual's right to participate in the activities and relationships of everyday life as independently as possible. The individual is an active partner in their care or support rather than being passive. The individual is the expert who knows best the way of life that matters to them, and the worker listens and takes this into account always.

2.5.5.1 Participation Framework

This framework was introduced by Goffman (1981) to analyse participants' roles. The concept of framing was first introduced by Bateson in 1954. Initial participation frameworks were dyadic, recognising participants involved in a communication event as speakers and hearers. Draucker (2013:29) mentions that roles played by participants can describe the way an individual relates to a stretch of talk or an utterance. Goffman (1981) criticised that as too narrow and developed the participation framework. He introduced the concept of footing to describe what happens in a conversation. Footing is based on the belief that when we participate in a conversation, we are inclined to align ourselves and other participants in a certain way as we try to manage the utterances produced (Goffman, 1981:129). Thus, when we talk to different people, we choose words depending on the kind of relationship we have with them (Marks, 2012:4). A discussion between old friends will differ in terms of word choice when a student and a principal are involved. Goffman (1981) also mentions that footing can change time after time depending on the context. For example, in some cultures, the timbre of discussion is very formal when visitors are greeted, but later, the mood may swing, leading to fewer formal words being used.

In his examination of the status of participants in a conversation, Goffman (1981) posits two types of participants: the ratified and the unratified or unofficial participants. He divides the ratified into two groups: the addressed and the unaddressed. Unofficial participants are those who are in an environment, where they can hear a conversation, but the conversation is not directed at them. In a court of law, the ratified are the judge, the defendants and attorneys, to mention a few. The audience may form part of the unofficial participants because though they are not directly involved in the court proceedings, they can still hear and follow the conversation. Goffman (1986) calls

these the overhearers or the eavesdroppers. On the ratified, Goffman (1986) identifies three types of speakers: the animator, the author and the principal. The animator is the one who produces an utterance; the author originates the context and form of a message, and the principal is the one who is responsible for the message.

Tannen (1993) and Goodwin (1999) expand on Goffman's framework. Goffman (1986:32) describes frames as that which define situations that are made in line with principles that govern events. There are frames for interpersonal interaction which provide insight into the linguistic means by which they were created and participation frames that describe roles played by each participant in a communicative situation. Boblett (2012) likens a frame to a snapshot that captures current occurrences. The benefits of framing include allowing us to interpret what is going on and setting up an expectation about what may happen (Boblett, 2012:45). Marks (2012:2-3) presents further the benefits of frames:

- They enable us to understand the reasons behind our utterances.
- Avoid misunderstanding if participants in a conversation have different views when engaging in conversations; misunderstandings are bound to happen.
- They help in structuring conversation: Individual expectations in a conversation are built through frames, and the same applies to expectations about how the other person should respond. Thus, participants model their participation in conversations based on their involvement as well as that of the other party.

Participation refers to actions that demonstrate forms of involvement in a communication event (Goodwin, 1999:177) as illustrated in the figure 4,5, and 6 below.
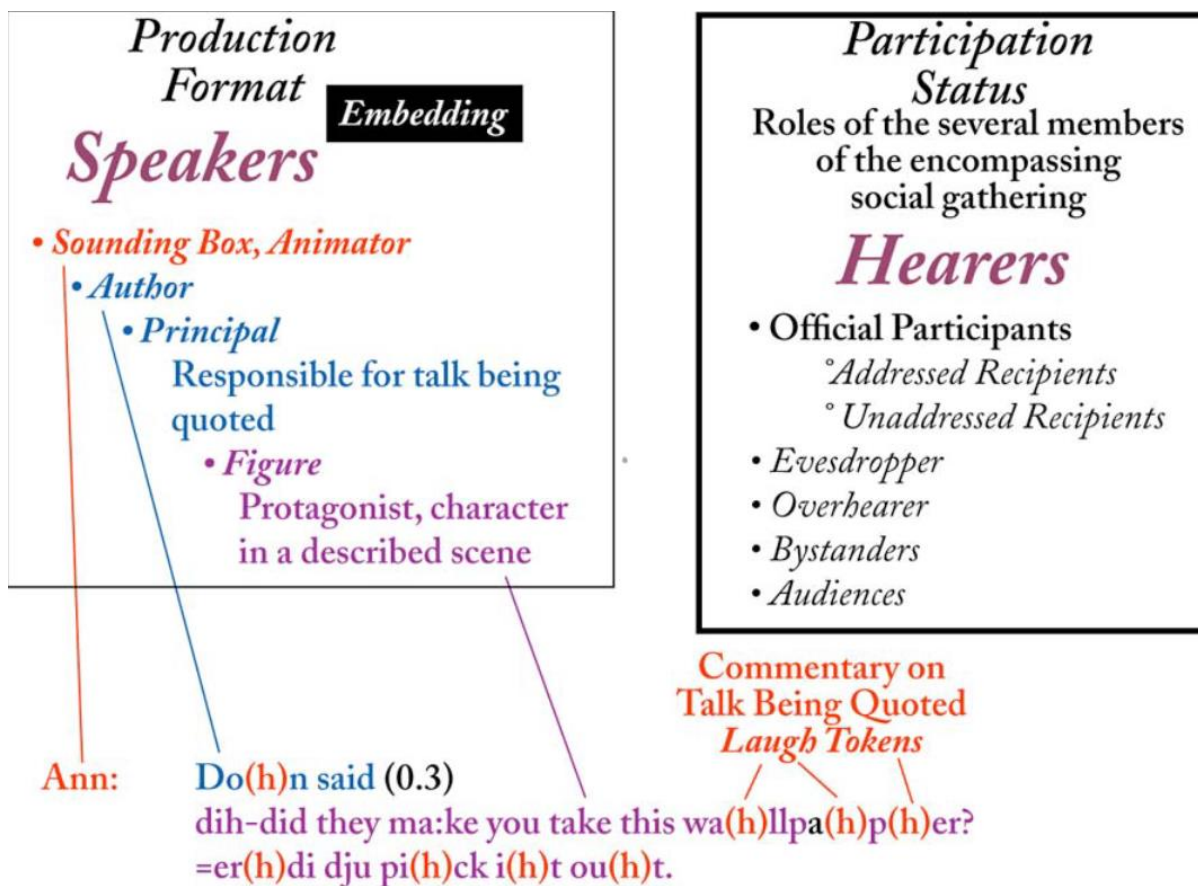
Figure 4: The Interactive Footing. (Goodwin 1999)
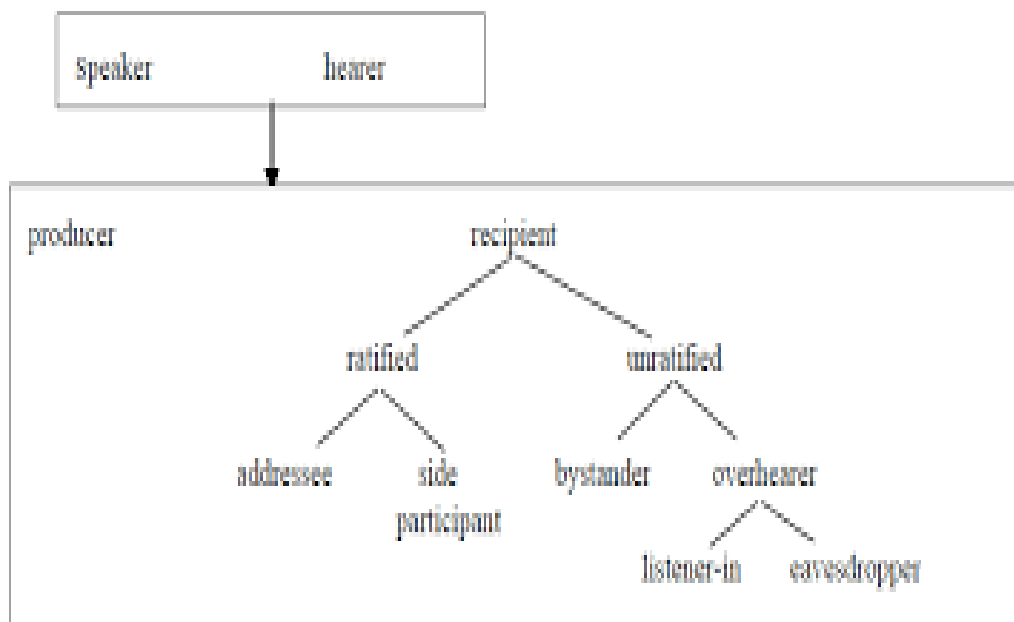
Figure 5: Types of participation status.
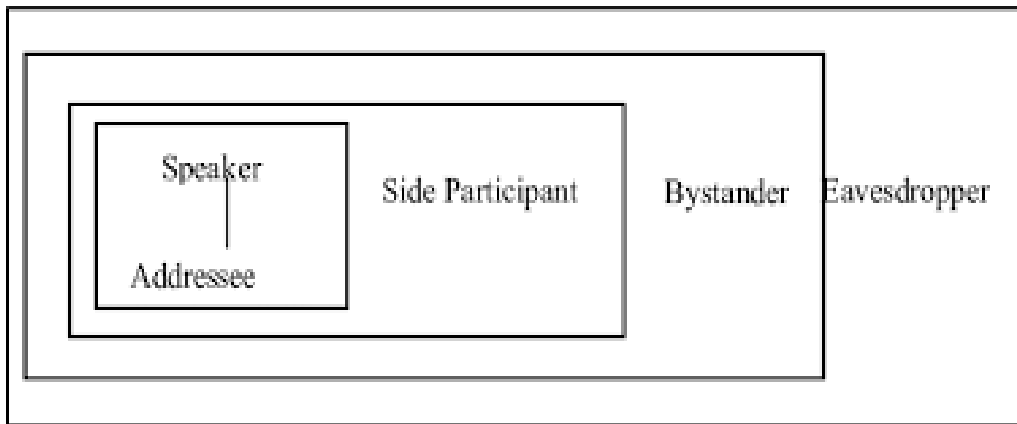
Figure 6: Levels of participation (Goodwin. 1999).

2.5.5.2 Literature on the active role

Previous studies done by Lang (1978), Roy (1992), Wadensjo (1998), Metzger (1999), Davidson (2000), Jakobsen (2009), Angermeyer (2010), Resta (2013), Nartowska (2017) suggest that the interpreter's role in a mediated discourse is active. Lang (1978) studied the behaviour of one interpreter and discovered that though the official role of the interpreter was to be a passive participant; the interpreter participated actively in interpreted events. Roy (1992) examined the interpreter's role in simultaneous face-to-face interpreted dialogue in which she studies turn-taking in conversations and discovered that interpreters were creating turns and inserting words as influenced by their language systems. She makes the following observations, which also form her conclusions:

- Interpreters are active members of the integrated conversations. Contrary to the traditional ideology of interpreting, interpreters are involved in interpreting conventions for language use and in creating turn exchanges through their knowledge of languages involved, context and register (Roy, 1998:58).
- The interpreter formerly assumed to be a passive participant is shown to be an active one – a competent bilingual who possesses not only knowledge of the two languages, but also knowledge about the social situation, ways of speaking both languages and strategies for the management of communication event (Roy, 1992:58).

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Wadensjo (1998:4-5) researched the interpreter's role in an interpreted action and analysed two types of interpreted talk: the relaying talk and the coordinating talk. In the same study, she analyses the types of utterances generated by interpreters, renditions and non-renditions. Parallel to this study, Metzger (1999:6) identifies two natures of utterances done by interpreters, the relaying and those done for interactional management. The four types of relaying she analyses are the source attributions, explanations, repetitions and requests for clarification. In interactional management, attributes displayed the following: introductions; responses to questions, interferences and summonses. The significance of the studies by Wadensjo (1998) and Metzger (1999) is that they both display interpreters to be active through utterances. Wadensjo (1998) concludes that the interpreter is more than just a conduit. The interpreter has a significant role in the coordination of interpreted action. Wadensjo (1998:4-5) discusses the interpreter's coordinating function as both explicit and implicit. Explicit functions are those actions that are clear to everyone like when they request clarification. Interpreters also engage in interaction-oriented initiatives such as;

- Requesting participants to observe turn-taking order. Gambia and Pickering (2011:1) mention that "Speakers and listeners must take turns and repeatedly switch roles in a conversation". Turn-taking is "a process by which interactants allocate the right or obligation to participate in an interactional activity" (Sacks, Schegloff and Jefferson, 1974).

Wilson and Wilson (2005:1) remark that:

> When humans talk without conventionalised arrangements, they engage in conversation, that is, a continuous and largely non-simultaneous exchange in which speakers take turns. Turn-taking is ubiquitous in conversation and is the normal case against which alternatives, such as interruptions, are treated as violations that warrant repair. Furthermore, turn-taking involves highly coordinated timing, including a cyclic rise and fall in the probability of initiating speech during brief silences and involves the notable rarity, especially in two-party conversations, of two speakers' breaking a silence at once.

From the above quotation, we can deduce that turn-taking must be well-timed and coordinated. For conversations to be meaningfully coordinated, the following principles must be observed:

- Only one person should talk at a time. Although turn-taking differs per culture, for example, certain African cultures allow for a long pause before one responds, and some are determined by whom is being addressed. According to Wilson and Wilson (2005:2), "the turn is generally held by one speaker at a time and apparent violations are, in fact, examples of the practices described above. To our knowledge, no culture or group has been found in which the fundamental features of turn-taking are absent".
- The transition between one speaker and the next must be as smooth as possible and without a break. This means that turns should be well-timed. Wilson and Wilson (2005:2) advise that "turn transitions are commonly so tightly synchronised that the next speaker begins speaking with virtually no gap following the end of the prior speaker's utterance".
- There is a need to know when turns should be taken for the sake of coordination; this is the secret to a well-oscillated conversation.

Sacks et.al. (1974) in Wilson and Wilson (2005:4) identify three situations where we may know when to take a turn:

- Current selects next. The speaker explicitly passes the turn to someone else, for example, by directing a question or a request to an individual. The turn goes to the selected speaker immediately after the current speaker finishes his or her turn.
- The listener selects the self. A listener may choose to begin speaking. The person who talks first properly gains the turn.
- Current selects self. The current speaker may resume speaking.

The other interaction-oriented initiatives in which interpreters engage and are mentioned by Wadensjo (1998:4-5) are when interpreters invite participants to start, stop or continue talking and when they ask for solicited, but not yet provided information. When managing turns, interpreters engage in an activity that disqualifies them from being conduits; they become active participants.

Davidson (2000) examines the linguistic and social roles played by hospital-based interpreters in medical discourse. I draw from his study though it is from a medical field because both these fields are similar in the sense that they demand accuracy and impartiality; that is, they prefer the role of conduit. Davidson (2000) collected data focusing on how hospital-based interpreters were utilised within the clinic, how their presence during interviews helped shape the course and content of those interviews and how they mediated during the diagnosis and treatment of patients. His quest was to discover the following:

- The role of the interpreter during a medical interview.
- The interpretive habit.
- Neutrality.
- How interpreters act as ambassadors.

He used the observation method to gather information, and data were collected after observing over a hundred (100) patients, although the recorded information was on fifty (50) patients. The study concludes that:

- Interpreters are not acting as advocates or as ambassadors for the interpreted patients, but as informational gatekeepers who keep interviews on track and the physician on schedule (Davidson, 2000:400).
- While the interpreters convey what is said, they also interpret selectively and do so in a patterned fashion (Davidson, 2000:400).
- Interpreters are not and cannot be neutral machines of linguistic conversion because they know that languages are different; contexts also differ and because they are also participants in discourse, albeit special.

According to Jakobsen (2009:160), interpreters have problems wearing the image of a passive participant; they always exercise latitude and modify signals to convey their perception of meaning. Jakobsen believes that the question of interpreters being active is an obvious one, they are, and studies suggest so since they do not concentrate any more on answering whether interpreters are active or passive, but to the extent they are active.

Angermeyer (2010) studied interpreter-mediated action in which the focus was on code-switching. He collected data between 2003 and 2004, through observation of over two hundred (200) arbitration hearings, as part of ethnographic fieldwork in three

different small claims courts. He analysed recorded and transcribed data from forty (40) interpreter-mediated hearings. Participants included 15 interpreters, 65 court users and 14 participants. This study concludes that interpreters code-switched, code-mixed and inserted words. Thus, they were active participants.

Resta (2013) discusses the role of interpreters in communication. Some of the issues raised in the discussion are:

- The interpreter must be at the centre of communication action without being influenced by it.
- Neutrality must give way to communication targets.
- The role of the interpreter in communication is between invisibility and visibility.
- Conduit role will always lead to a loss of meaning.

Resta (2013:6) concludes by making a plea to all interpreters that they must always be present, since they cannot be invisible or neutral. Nartowska (2017) studied if interpreters were impartial or not and set three apsects:

- interpreters must not use judgements or draw conclusions in relation to a case.

- Interpreters must not express their opinions or feelings verbally and non-verbally.

- Interpreters must keep their emotions under control no matter what happens in the courtroom during the trial.

This study concluded that interpreters faulted by identifying themselves with the role of the court and taking over the function of the court assistant. They also lacked loyalty to the speaker, made comments, expressed their opinions and attributes to the defendant. This study, though it was on impartiality, augments the idea that interpreters cannot be passive.

Studies discussed in this section have one thing in common; they all portray the role of the interpreter as active. Some of these studies are indeed done from a sociolinguistic point of view, such as Roy (1992), Wadensjo (1998), Metzger (1999), Angermeyer (2010), but Davidson's (2000) and Jakobsen's (2009) studies are on both linguistic and social roles. Ways in which interpreters were shown to be active participants as gleaned from the studies in this section are as follows:

- Creating turns (they take initiative so that communication does not stall).
- Inserting words (due to their knowledge of language systems).
- Interpret selectively (thus omitting certain words or substituting words).
- Modify signals.
- Code-switch and code-mix.
- Make comments.
- Express opinions.

The scope of this research is to study the role of omission, code-switching and self-generated utterances on interpreter performance. It does not say omission is good or bad or code-switching is good or bad. Its focus is on understanding what these do to interpreter performance, whether they enhance or slackens the performance. It springs from the stand that interpreters are active participants who are not sticking to the official role, but are embracing the new paradigm of being active rather than passive. Thus, their activity is measured by what they do, which from the studies in this section can be grouped under:

- Omission: Interpret selectively, modify, substitute.
- Code-Switching: code-switching, code-mixing and insertions.
- Self-generated utterances: creating turns (ask questions, clarify), making comments and expressing opinions.

The above-mentioned, that is, omission, code-switching and self-generated utterances are discussed in Chapter 3.

2.6 Conclusion

Court interpreters are active participants in conversations; they are not conduits just as studies by various scholars revealed. The chapter begins by giving a background of court interpreting in South Africa, the ethics and the role of court interpreters. It discusses the Multidisciplinary Interpreter Competence Model of Arocha (2005), and Gonzalez, Vasquez and Mikkelson's (2012) Incremental model. Both models portray the conduit model to be insufficient in handling interpreting situations. The nature of the conduit model and its incapacity to manage interpreted situations is discussed next. Its anomalies are its emphasis on verbatim, limiting the interpreter's best choices in the target language, prescriptiveness, and that it is against the norms that direct the choice of interpreting strategies. The chapter ends by presenting the renewed role of

the court interpreter as that of an active participant. Chapter 3 will focus on a literature review that is related to omission, code-switching and self-generated utterances.

CHAPTER 3: LITERATURE REVIEW

3.1 Introduction

Chapter 2 gave the background of court interpreting in South Africa, where I focused on court interpreting before and after 1994, discussed the position of a court interpreter, role, ethics and court interpreting strategies.

In this chapter I begin by placing the topic in context by discussing the relationship between interpreting and sociolinguistics. It is said that: "Any study of interpretation should apply a framework of sociolinguistic parameters, as interpreters mediate not only between two languages, but also between communities and cultures" (Napier, 2004: 118).

3.2. Sociolinguistics and Interpreting

Interpreting as a field can be studied from various angles or fields, for example, sociology, psychology, linguistics and/or as a combination of two (Roy and Metzger, 2014). Sociolinguistics can be applied in the study of interpreting. Roy and Metzger (2014:159) suggest reasons sociolinguistics is a useful approach to the study of interpreting:

- Sociolinguistics involves human interaction and so interpreting.
- Sociolinguistic approaches and methodologies are well suited to interpreting.

Scholars, such as Nida (1994), Pinto (2012), Dutton (2017), Angermeyer (2010), Davidson (2000), Usadolo (2016), Roy and Metzger (2014), Roy (1992) and Farini (2013), have associated sociolinguistics with interpreting appreciating the value of sociolinguistics in interpreting. Nida (1994:44) mentions that sociolinguistics is "concerned with the uses of language and the values associated with such uses", where it,

> Analyses levels or registers of language, competition between dialects and between languages, the growth and death of languages, the roles of jargons, slangs and verbal innovations, gender differences and the abuse of language (Nida 1944:44)

The springboard of these studies is Bassnett and Lefevere's (1990) study which became known as the cultural turn or the ideological turn.

Pinto's (2012:156-161) focus is on the scope of sociolinguistics and translation and posits five (5) areas:

- Dialectology: this focuses on language varieties and their communication intents.
- Register analysis: which facilitates the understanding of a text.
- Language change: where translation serves as an agent for language change.
- Language contact and multilingualism: which relates to the 'speech of individuals to the encounter between communities' (Angemeyer, 2010:2). Code-switching is an example of language contact and has allowed scholars to focus on interpreting 'code-switching in relation to the participants' language preferences and factors that lead them to code-switch.
- Language planning/policy. They are aimed at interpreters and the clients such as the deaf, and are relevant to spoken and signed languages (Roy and Metzger, 2014:167)

This study focuses on language contact and multilingualism examining omission, code-switching and self-generated utterances.

Pinto (2012:161) concludes that sociolinguistics is "a natural and fruitful friend to translation studies" and can have an important impact on its translation methodology and theory.

Dutton (2017) investigates what Hatim and Mason (1997) terms 'the translation of ideology' - the extent to which socio-cultural situation influences the conveyance of meaning and on the ideology of translating – the degree to which individual translators' decision-making is shaped by the environment. Mason (1994) defines ideology as "a set of beliefs and values which inform an individual's or institution's view of the world and assist their interpretation of events". This includes the way society uses its language and the choices translators and interpreters make. Constraints that translators and interpreters encounter, plus the expectations from the funders or clients, have an impact on the way translators/interpreters choose their register and sentence styles. Davidson (2000:382) seems to agree when he mentions that: "The context of the interpreted event …, and the influences of the social and historical facts surrounding an interpreted speech event are seen to influence greatly the interpreter's choices and the resulting outcomes of interaction".

Usadolo (2016) concurs that sociolinguistics has an influence on the quality of interpreting, thus in situations where principal members such as prosecutors and magistrates, to mention a few code-switch.

Cokely (1992) developed a sociolinguistic-sensitive model to demonstrate that sociolinguistics influences interpreters' choices, as depicted hereunder.

Cokely, D. (1992). Interpreting: A sociolinguistic model. Burtonsville, MD: Linstok Press.

Figure 6.1. Sociolinguistically-sensitive process model
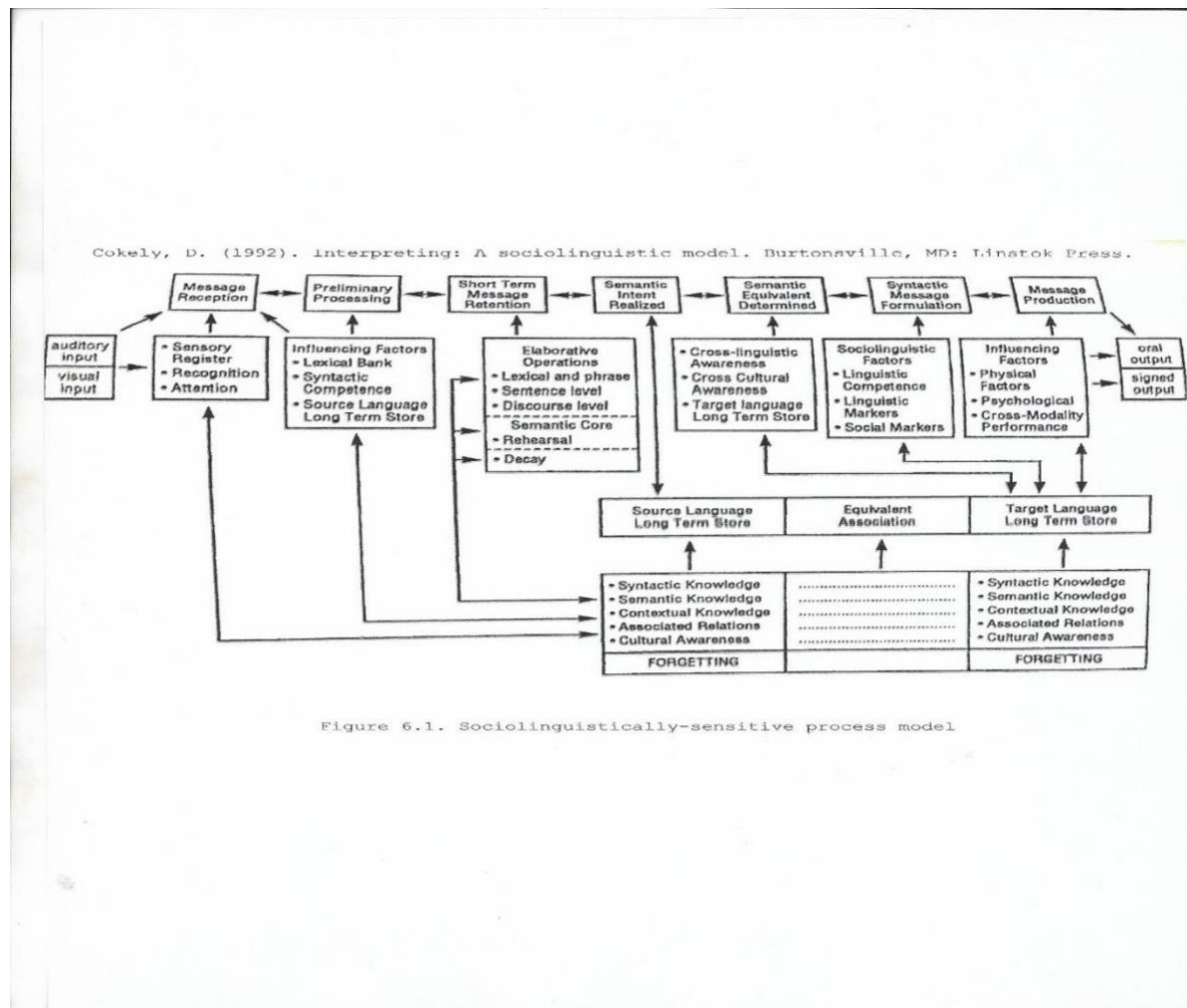
Figure 7: A Sociolinguistic Model on interpreter's choices (Cokely, 1992).

The model is also useful in Sign Language interpreting, since it begins with both auditory and visual inputs on the left and ends up with oral output and signed output. When a speech text is uttered, it is received and then preliminarily processed. The processing includes recognition of words and other influencing factors such as syntactic competence. Then, it is stored and depending on processing time and the level of difficulty, it can be relayed or lost. The receiver must also note the intention of the message and using his/her awareness of the cultural intent to reformulate the

message. Reformulation depends on the sociolinguistic competence of the receiver, such as linguistic factors and influencing factors. Sociolinguistic factors, such as the speaker's bilingualism, may affect the way the speaker chooses words. Speakers may choose to omit or code-switch when they encounter challenges/constraints such as a difficult terms.

Mason (1999), Roy and Metzger (2014), Roy (1992), Davidson (2000), Angermeyer (2010) and Usadolo (2016) concur with Wadensjo (1998:160) who mentioned that researchers have begun "to move away from concerns of error, correctness and source text/target text comparisons and to focus on the multiparty interaction with the interpreter as coordinator and negotiator of meanings".

Roy and Metzger (2014:160) posit that it is not only the scholars who have shifted, but also the interpreters. They moot that "the interpreter rather than being a neutral conveyor of messages is an active participant who can potentially influence the direction of an event". Interpreters are viewed to be active and using language choice to cement their new role. This is the springboard of this research. Its focus is on studying three sociolinguistic focus areas: omission, code-switching and self-generated utterances, which according to Ibid (2014:160), manifest in a variety of ways like explanations, repetitions and responses to questions. My argument is that court interpreters have started shifting away from being mere conduits and are using language to influence the proceedings in courts, which is signified by several omissions, code-switching and self-generated utterances that are prevalent during communication events.

3.3 Omission

In legal sense, omission is "the failure to perform an act agreed to, where there is a duty to an individual or the public to act as is required by law. Such omission may give rise to a lawsuit in the same way as neglect or improper act" (The Legaldictionary.com (2011)

The second legal definition of omission from the same source is inadvertently leaving out a word or phrase or another language from a contract, deed, judgement or other document. This omission relates to the written word. However, this study is on the spoken word. This takes us to the examination of other sources, the general dictionaries where the word in question is described as "the act of not including

something or someone that should have been included" (Cambridge English Dictionary(2008). Since this definition is not specific, we can stretch it to include the spoken words as well and define omission as inadvertently and sometimes knowingly leaving out a word from a spoken sentence. The impact of leaving out the words will be determined by the kind of words left out. Napier (2004:124) defines omission as "something that has not been included or not been done, either deliberately or accidentally". Napier (2004) advances that there is always a potential for interpreters to omit every interpretation, but that omission does not mean that communication aims cannot be attained. However, Hale (2002) suggests that leaving out/omitting things, such as fillers and hedges can harm the intended meaning. For example, 'eh…uhh' could indicate that the litigant is doubting, which can help in determining if the speaker is lying or not.

While Barik (1975), Kapczynsky (1980), Altman (1994), Setton (1999), Pratiwi (2016), and Pochhacker (2004) treat omission as an 'error'. Other researchers like Pym (2008), Livingstone et al. (1994), Visson (2005), Nida (1964), Sharma (2015) and Napier (2004) treat omission as a strategy that can be used to enhance interpreting. Setton (1999:246) defines omission as an uncorrected speech error that reveals that the interpreter failed to self-correct because s/he was distracted by certain things. Thus, omission occurs because the interpreter failed to concentrate and hear the message. Self-monitoring is used by experienced interpreters to produce accurate and comprehensive simultaneous renditions. It is a self-testing process to find out if one has accurately interpreted. Listening to oneself will aid in self-correction. This is an unintentional omission.

According to Barik (1975), omissions are not a conscious strategy, but a failure of the interpreter. However, Barik (1975:124) tolerates omissions of aspects such as conjunctions, articles, fillers and hedges - which have less impact on the intended message. Kapczynski (1980) gives two kinds of omission as optional omissions - where the interpreter chooses to omit based on certain syntactical conditions - and obligatory omissions where the interpreter is constrained to omit. Nida (1964:228) agrees that omission is necessary to avoid redundancy and awkwardness. Altman (1994:28) cautions that there are consequences of omission irrespective of their types because all of them lead to either loss of information or at least a slight change of meaning. Pym (2008) differentiates between high-risk omission and low-risk omission.

Others who posit that omissions should be treated as either high-risk or low-risk are Altman (1994), Barik (1994) and Gile (2011). Thus, low-risk omissions are those that can be made without tempering much with the communication aims of a text. Pym (2008:88) refutes the idea that omissions imply a reduction in the quality of interpretation, "The question of omission intimately concerns the question of quality … we do not accept that the use of omissions indicates a reduction in quality".

Napier (2001) states that "Sociolinguistic aspects such as the context of a situation, familiarity with the discourse environment and knowledge of the topic affect the types of omission occurrences". Hence, interpreters are encouraged to prepare themselves by knowing the terminology associated with their work and also, knowing their cultures.

Depoy and Gitlin (2016) sum up the above when they mention that:

- Every single type of omission affects the quality of interpretation.

- Omission is a symptom of the interpreters' fatigue.

Livingstone et al. (1994) argue that omissions do not necessarily affect understanding and that they can be used as a conscious strategy to address certain linguistic constrains that occur when the target language equivalent is difficult to find or if the interpreter realises that the item may not be meaningful to listeners. They (Ibid 1994) support the use of omissions as a strategic decision-making process that enhances interpreting. Consciously, interpreters omit elements that may lead to listeners being confused. Winston (1989:152) lists omission as one of the strategies that can be used to achieve certain types of effective interpreting. Gile (2009) concurs with this view in his efforts models and tightrope hypothesis by explaining that interpreters get stressed due to certain causes relating to the environment, speakers and working conditions. To redress the mental overload, interpreters resort to various strategies so that they can still perform maximally,- and they include using omissions. By omitting the content of a speech segment, interpreters can decide not to interpret certain information if it has little value and if there is much valuable information that needs interpreting. If some grossly inappropriate information has been uttered and you feel it will do harm, you may choose to omit it. It is unethical to deliberately omit certain information without informing the delegates. If the information is culturally and inter-personally inappropriate, the decision to omit may be understandable.

3.3.1 Causes of omission

Scholars are debating the place of omission in interpreting and translation. Those who advocate that there should be no omission argue that to have quality interpretation, there must be no omission. However, some argue that some degree of quality in texts can be indicated by non-omission. They posit that "good interpreters should not just leave things out because, in principle, they do not know enough about the context to make such decisions" (Pym, 2008:88). Those who believe omission is inevitable base their arguments on constraints that force interpreters to omit. Time pressure is mooted as something that makes interpreters omit. Another argument is that conference interpreters can omit. They leave out false starts, hesitations and repetitions, which are regarded as trivial omissions. However, Pym (2008:88) summarises his position by stating that "we do not accept that the use of omissions indicates a reduction in quality". Court interpreters need thorough training in the issues of memory to be able to handle language without omitting. Note taking skills can also assist.

3.3.1.1 The effort model

The study by Korpal (2012:110) concluded that there was a positive correlation between the number of omissions made by both trainees and professionals and the speech delivery rate. Depoy and Gitlin (2016) posit that omission is a symptom of interpreters' fatigue. Gile (2009) concurs with this view by using the efforts model and the tightrope hypothesis to illustrate that interpreters experience cognitive overload that affects their performance, and then resort to using various coping tactics of which one of them is omission. Omission is a reformulation tactic that interpreters consciously choose to perform (Gile, 2009). This model was developed by Gile (1995; 2009). Gile mentions that the brain cannot be seen while at work. However, a lot happens in the brain during interpreting. To understand how the brain works during interpreting, Gile came up with two assumptions and the first one is that interpreting requires some mental energy, and secondly, interpreting uses energy or effort and may require more (Gile, 2009:159). He goes on to classify three basic efforts: listening and analysis effort, the short-term memory effort and the production effort.

Listening demands more; it saps and uses energy as the interpreter wrestles to

understand and reformulate a message. Listening for interpreting is different from listening in everyday life. In everyday life, people can choose what to listen to, but interpreters cannot do so; they must always be attentive. Gile (2009) further mentions that consecutive interpreting occurs in two phases. Phase one is the listening and analysis phase and phase two is the production and reformulation phase. This can be represented as follows:

Phase One (Listening and analysis)

L = Listening and analysis

N = Note-taking

M = Short memory operations

C = Coordination

The success of phase one is determined by the SL speaker. The speed at which the SL speaker goes, his/her accent and other factors may affect message success.

Phase two is represented as follows:

Rem = Remembering

Read = Note reading

P   = Production

C   = Coordination

This phase is determined by the interpreter since s/he is free to perform the three efforts at her/his pace. The model assumes that when processing requirements are stressed, performance in one effort deteriorates.

Gile (2011:201-218) confirms his assumptions about the effort model in the study in which he studies omissions, errors and infelicities in broadcast interpreting. In his methodology, he studied President Obama's speech, which was delivered at the rate of 140 words per minute (wpm), a rate which is faster than the recommended 120 wpm. Gile (2009) notices that some of the parts of the speech were difficult to translate because of density and style. A dense speech is a one that is either full of names, numbers, difficult concepts and or fast delivered. The study sampled veteran

interpreters, 5 French, 5 German and 6 Japanese. However, the analysis involved 3 French, 2 Germans and 5 Japanese. The study was based on the position that:

- Professionals prefer omission to ungrammatical or unfinished sentences.

- Professionals decide to omit whatever that causes problems to keep speech grammatically correct.

- Grammatically incorrect speeches are indicative of the interpreter's loss of control.

- Long omissions are usually resorted to if the interpreter feels that he is lagging. Interpreters would rather leave out a sentence than risk lagging.

- Meaning errors are the result of the interpreters' insufficient background or linguistic knowledge.

The study confirmed that processing capacity management difficulties or cognitive saturation was the cause of errors and omissions instead of poor linguistic and extra-linguistic knowledge.

3.3.1.2 The Tightrope hypothesis

The mind of an interpreter is sometimes put under pressure such that they can hardly perform. Gile (2009) calls this the tightrope hypothesis. It states that many times, interpreters work to saturation. At that point, they struggle to remember certain words. However, the brain has enough processing capacity that is sufficient to cover all reformulation/remembering needs. However, failure to perform still occurs. Interpreting failures are due to insufficient linguistic or extralinguistic knowledge or mistakes.

Gile (1995/2009) suggests some of the issues which cause interpreters to err while interpreting as follows:

- Cognitive saturation and failure which can be attributed to the interpreter's situation or due to the environmental factors surrounding the interpreting

situation such as stress, noisy environment, a lack of specific background knowledge and momentary attention lapse.

- Other cognitive problems are caused by high-density speeches. If the speech is full of facts, name and numbers, this makes the interpreter cope hard during the interpreting. This affects the listening, analysis and production effort. If a speech is delivered at a high rate,for example, in a prepared speech where there are few facts, the density is low.

Changshuan (2010) mentions that interpreters in simultaneous interpreting battle to cope with fast speeches. If the speed is fast, it may expose deficiencies in the knowledge and terminology of the interpreters. This may lead them to fail to transmit the message in full. Rapid speeches consume the interpreters' energy. Changshuan (2010) argues that fast speeches lead to:

- Mistranslation and loss of information.
- It makes comprehension difficult.

There should be a limit to speed in language production and language reception. When delivery is too fast, the ears cannot catch up with the mouth. However, Changshuan (2010) suggests ways of coping with fast speeches, which are:

- Advice the speaker to slow down: Too much warning can be disruptive; the advice is to press a speech button/monitor. When a speaker is too fast, you press the button to remind the speaker to slow down.
- The interpreter may have to increase interpreting speed: If speakers fail to cooperate, increase your speed as well. However, this taxes your processing capacity, and that can lead to incoherent speeches.
- Summarisation: If interpreters cannot keep pace with the speaker, especially when dealing with speeches that are dense, and full of statistics, do summarise them. Information will be lost during this process. Summarising consumes lots of energy and is unsustainable.
- Termination of service: If interpreting quality is compromised, resort to cutting off the service.

Unknown names that are composed of several words increase capacity requirements for memory effort. Speeches are easier to interpret if constructed in a didactic, logically

linear and coherent way and if the speaker has a good voice and clear pronunciation. To sum up, names, numbers, enumerations, fast speeches, strong foreign or regional accents, poor speech logic and poor sound can cause reformulation problems and loss of information. Processing capacity problems may result in deterioration of the content of the TL speech (errors and omissions) and of its delivery (linguistic output, voice and intonation).

3.3.2 Reasons for omission

Visson (2005) states that omission is a technique that is used to shorten and make interpreting simple and easy to follow. Therefore, interpreters omit to be concise. According to Gile (2009), interpreters resort to omission to solve certain linguistic challenges, for example, if they cannot get the equivalent target language word. Kapczynsky (1980) posits that omission can be caused by the interpreter's competence and performance problems. Competence omission is caused by the interpreter's lack of understanding of the source language word or competence. Error performances are caused by factors, such as fatigue, time pressure and memory lapse.

Interpreters find themselves omitting words when they discharge their duties, either intentionally or unintentionally. In the following example, the interpreter does intentional omission because s/he did not write down the numerical figure, so, to avoid stalling, s/he decided to leave out the numbers.

- Solomon went to Zimbabwe and bought livestock: 2500 cattle, 6534 sheep, 2456 pigs and 1245 goats. He paid R124 567, 76.
- *Solomon o ya Zimbabwe a renga zwifuwo; kholomo, Nngu, Nguluvhe na Mbudzi.*

Roy and Metzger (2014:162) mention that whether omissions are intentional or not, they have some significance because even intentional omissions must "be strategically designed to support the quality of their target productions". This means, as interpreters, we must avoid the kind of omission that will rob listeners of the key elements in a sentence. Gile (2009:53-65) refers to this as framing information. He mentions that changing, adding or deleting elements does not necessarily mean a breach of fidelity, for example, different sentences in the same language can express

the same message. The statement "30 km to Makhado' can be constructed in different ways, but still retain the same meaning as follows:

- Still 30 km to go.
- We'll be in Makhado in 30 kilometers.
- Thirty km longer.
- We'll be there in 30 km.
- Makhado is 30 km from here.

The same message verbalised under identical conditions by different senders tends to be expressed differently. Interpreters must always maintain primary/framing information, since keeping it will keep the message intact. According to Gile (2009), framing information in our example is the reference to Makhado and kilometres. The modals form part of the linguistic and culturally induced information (LCII): the tenses 'will', 'can'. Personal information is associated with personal characteristics of the sender. Sentence information = message + (FI+LCII+PI), for example, oral utterances, accents, errors in grammar, spelling mistakes and lexical choices.

What do we need to do to avoid needless omission? One way is to remember the principles of fidelity, as proposed by Gile (2009), which are:

- The message: The message that the sender is trying to convey in an utterance or text should be re-expressed in the target language. In writing, language errors can be corrected later, but in speech, it is impossible.
- Framing Information: Translators should reflect the sender's personality (maintain the sender's choices).
- Linguistic or culturally induced information: The challenge is whether to preserve the TL text information, which might be detrimental to communication or whether to introduce new secondary information to help communicate effectively.

3.3.3 Categories of omission

Barik (1975), Napier (2004) and Zhang et al. (2015) suggest different categories of omission. Barik (1975) suggests four:

- Skipping of a lexical term.

- Comprehension: omitting a larger unit, which results in a lack of understanding.
- Delay: which is caused by lagging the speaker and,
- Compounding: which is caused by mixing different elements/clauses.

Napier (2004:125) lists the types of omission as follows:

- Conscious strategic omission: the interpreter decides to leave out any information that does not make sense or that is culturally irrelevant.
- Conscious intentional omission: the interpreter consciously decides not to interpret a word that s/he does not understand.
- Conscious unintentional omission: because s/he has lagged, s/he decides to leave out words uninterpreted.
- Conscious receptive omission: the interpreter decides not to interpret because of external factors such as noise.
- Unconscious omission: The interpreter does not interpret because s/he did not hear the word.

Zhang et al. (2015:129) categorise omissions into six as follows:

- Omissions due to production failure: since the interpreter cannot find the equivalent target language word, s/he decides to skip it, leading to loss of meaning.
- Omissions due to comprehension failure: because the interpreter does not understand a certain word/sentence, s/he decides to skip it, resulting in the loss of crucial information.
- Omissions to enhance effectiveness: this is a conscious omission of redundant information, such as synonyms, to save time or to be brief.
- Omissions due to time constraints: The interpreter leaves out information that s/he regards to be less important, such as qualifiers, modifiers and examples. This leads to a loss of meaningful information, but does not affect understanding.
- Omissions due to poor note-taking skills happen when the interpreter lags behind the speaker.
- Unconscious omissions: Due to fatigue, cognitive overload and the speed of the interpreter, the interpreter leaves out words unwittingly.

The distinction between conscious and unconscious omissions as done in this section makes omission largely a choice that interpreters resort to untangle linguistic constraints. This augments this study, which claims that court interpreters actively choose to omit while discharging their duties to utter messages that are clear, concise and unambiguous.

3.3.4 Coping strategies

Zhang et al. (2015:131-133) suggest ways of avoiding the constraints that cause interpreters to omit certain words during interpreting. Some of the constraints they must deal with are time, text complexity and the rate of speech delivery. Zhang et al. (2015:131) suggest that interpreters must be thoroughly prepared before they go into the interpreting room. This is called prior preparation. Gile (2009) refers to this as advance preparation. The interpreter must receive documents of the conference relating to the working languages beforehand. These include programmes, lists of presenters, presentation documents or speeches and background information regarding the conference. Interpreters should also attend rehearsals and briefings. Other helpful hints for thorough preparation include getting a terminology list relating to the field in question. Where possible, the data must be sorted for easy reference. Having reference documents like textbooks, dictionaries and handbooks is very helpful.

The second type of preparation, as suggested by Gile (2009), is the last minute preparation. It is sometimes difficult to get documents like speeches before conferences begin. In this way, interpreters should rely on getting documents at the last minute (at this stage, presenters are no longer reluctant to make them available). Devices such as USBs can be of assistance.

Gile (2009) suggests in-conference preparation. Interpreters can gain some information after conferences have started; this means they have to assemble terminology as speakers progress. This will help them in future settings. Another way is to listen to how experienced interpreters interpret certain terminology.

Zhang et al. (2015:132) also put forward some onsite coping strategies that are based on de-verbalisation, which are visualisation, paraphrasing, compression and addition.

Visualisation: visualising entails picturing the objects or events in your mind. It is seeing the text in your mind. This helps you to focus on the intended meaning of the text, and it makes it easier to remember and reformulate ideas. The icons or mental pictures should be drawn in sequence so that you can follow the story. Visualising helps to analyse the content of the SL message.

Paraphrasing: paraphrasing means saying the same thing in your words. A paraphrased text will look almost like the original in size. Names cannot be paraphrased. Zhang et al. (2015:132) define paraphrasing as a "processing tactic that uses a longer phrase or sentence to explain rather than to interpret the SL message if the interpreter fails to think of the equivalent word".

Compression: this happens when an interpreter decides to shorten a longer text by giving a concise and meaningful statement. This tactic is useful in saving time for the interpreter and will allow the interpreter to keep pace with the speaker.

Addition: this tactic is used to give more clarity to certain concepts and idioms, to mention a few. Where the interpreter feels that the audience will not understand a certain cultural aspect, s/he may decide to give more information. This tactic should be used sparingly, since the interpreter might lag behind the speaker. For example:

Speaker: Where were you on the 21st December 2021?

Interpreter: *No vha ni ngafhi nga la fumbili nthihi, Nyendavhusiku, nga nwaha wa 2021?*

Respondent: *Ndo vha ndo ya hogoni?*

Interpreter: I had gone to hogo, (an initiation school for men).

The interpreter adds the words in brackets to clarify a cultural term, '*hogo*'. This is explicitation.

3.4 Code-Switching: A choice

A code is a kind or variety of language. Jingxia (2010) in Al-Qaysi (2018:2) defines a code as any system of signals, including numbers and words which have real meanings.

Milroy and Muysken (1995:7) define code-switching as "the alternative use by bilinguals of two or more languages in the same conversation". Myers-Scotton (1993a) also defines code-switching as the irregular mixture of two distinct languages/systems. Other definitions are as follows:

- Alterations of linguistic varieties within the same conversation (Myers-Scotton, 1993a).
- The phenomena of alternating between two languages or dialects of the same language within the same conversation, (Myers-Scotton, 1993a).
- The practice of selecting and altering linguistic elements so as to contextualise talk in interaction (Nilep, 2006).

Coulmas (2013) defines code-switching as the selection of portions of language to another; and such portions can be a word or a sentence. According to Maluleke (2019:2), code-switching is the communicative practice where an interlocutor skillfully changes from one language to another without disturbing the flow of ideas. Al-Qaysi (2018:1) defines code-switching as the idea that an interlocutor shifts from one language or a variety into another during a text or a conversation.

Some researchers distinguish between code-switching and code-mixing, where code-switching refers to changing the language in use, and code-mixing refers to using a foreign word during speech or within a sentence.

Coulmas (2013) discusses code-switching as something prevalent when two languages come into contact. In such situations, there will be speakers who are fluent in the two languages. Fachriyah (2017:140) mentions that many sociolinguistic studies that focus on language codes usually include bilingualism. When two languages come into contact, a symbiotic relationship occurs where both, irrespective of whether one is a powerful language or a weaker one, assimilate some aspects of the other. Some would argue that it is a symbol of assimilation, where one language dominates and completely swallows the other, while others would consider it a symbol of growth. For example, the English language reflects several words from languages, such as French and Latin (Fachriyah, 2017:149). However, others see that as language infection, particularly language purists. Coulmas (2013:122) reflects that language contact has its effects; it results in borrowing, interference, quotation, mixed discourses, pidginisation and code-switching. The cause is that where two languages exist parallel

to each other, they know their home language, and learn the other, cousin language or languages that exist side by side. The tendency then is for the society becoming bilingual and then use language resources from either language, depending on what motivates them to do so.

Bilingualism is the ability to use two languages or language codes (Fachriyah, 2017:14). Some argue that when the resources of one language are limited, people resort to choosing elements from another language. Therefore, code-switching becomes a way of dealing with language constraints, such as when they lack an equivalent word. However, some scholars believe that it is not a lack of competence that makes people switch from one language to another; but those speakers make "socially motivated choices of varieties of one language" (Coulmas, 2013:124). The choices which are made by people are motivated by different individual values. But, this choice is available in situations where interlocutors are aware of the existence of two languages. This study aligns with the theory that code-switching is a choice that speakers/interpreters make to fulfil certain individual values.

Coulmas (2013:124) supports this vein when he mentions that "code-switching is a controllable strategy that is different from borrowing and unavoidable interference". Admission is also made that there is a connection between code-switching and borrowing. Myers-Scotton (1998) approaches code-switching as an instrument in the hand of the speaker and as a reference for the listener, which can be used in the quest to establish and maintain interpersonal relationships. Therefore, the users are aware of it and of the type of interaction that is taking place.

Another discussion seeks to answer the question of who switches and why. While Coulmas (2013:136) takes time to address this question, he cautions that "the answer must be sought locally, conversation by conversation, speaker by speaker and turn by turn". Also, it must be remembered that "code-switching happens spontaneously and not in rehearsed fashion" (Ibid: 127).

To respond to the former question, Coulmas(2013) mentions that bilinguals who are fluent in Languages 1 and 2 normally have laxity to choose based on their competence in the two. Speakers whose languages exist side by side habitually speak both. This makes them competent, although they may not be equally balanced. Coulmas (2013:134) then lists the kind of bilinguals who are likely to code-switch:

- Those who balance the use of two.
- Those who use language 1 slightly.
- Those who slightly predominantly use language 2.
- Those with the markedly predominant use of language 1.
- Those with the markedly predominant use of language 2.

The concepts of "markedness" and "unmarkedness" were introduced by Myers-Scotton (1993b), as a theory of code-switching that sought to answer the question of why speakers code-switch. She argues that language use in the community is characterised by sets of rights and obligations. These rights and obligations (ROs) are part of the speakers' social knowledge. Code-switching is an unmarked choice that speakers resort to. It is difficult to determine why people code-switch and when they do so. One could argue that it is for linguistic purposes, which is code-switching, when you need the best word or because you are comfortable with the word or when you want to prove that you belong somewhere (tribe and language). But, Wardhaugh (2006:104) asserts that code-switching is often quite subconscious; people may not be aware that they have code-switched. However, Wardhaugh (2006:104) suggests some reasons code-switching occurs. He mentions that they (people) code-switch to:

- Assert right: If they want to show that they belong to a tribe, they use words from that language, and it is their right.

- Vary situations: This is called situational code-switching and it occurs when the languages used change per the situations in which the conversant find themselves. They speak one language in one situation and another in a different one. Interestingly, other people will prefer using one language when they are quarrelling, another when they make love and still another when they talk to their children.

- Signal a change in topic: This is metaphorical code-switching when a change in topic requires a change in language use.

Al-Qaysi (2018:4) presents some factors that condone the behaviour of code-switching: a lack of equivalent words in the target language, bridging gaps in conversations, avoiding misunderstanding, adding emphasis and being proficient in the other language.

To model or give a structure of code-switching, is not an easy task. However, Coulmas (2013) believes that switches occur under specific structural conditions, which can be

formulated and that restrict choices. Where Languages 1 and 2 harmonise, intrasentential code-switching occurs. Barredo (1997:531-532) and Poplack (1980) differentiate between three types of code-switching: tag-switching, intersentential code-switching and intra-sentential code-switching as follows:

- Tag switching involves the insertion of a tag in one language into an utterance, which is otherwise entirely in the other language. Some of the tags are, "I wish" and "You know" (Al-Qaysi, 2018:4).

- Intersentential code-switching is a switch at a clause or sentence boundary, where each clause or sentence is in one language or another. It is also known as code-mixing. These are insertions that happen in the middle of a sentence or at the end.

- Intrasentential code-switching involves a switch within the clause or sentence boundary. For example, "I saw Peter discussing soccer with a certain *ndoda* from Durban. The word *madoda* comes from the Zulu language. This is code-mixing and not code-switching.

Poplack (1980) adds extra-sentential switches to cover exclamations and fillers.

3.4.1 Code-switching and borrowing

When people code-switch, they use words from another code. The challenge is to determine whether they are code-switching or just borrowing. Let me illustrate this by giving these two examples:

- I saw him talking to *amadoda* from *ekasi.*
- *O mu ṱhavha nga* screwdriver *kha khana*. (He stabbed him with a screwdriver on the chest).

In the first example, there are words for *amadoda* (men) and *ekasi* (Zulu slang for township). The speaker just wants to exercise that right of identifying himself as a South African. This is intrasentential code-switching and not borrowing. In the second example, it may be that there is no equivalent word for a screwdriver in Tshivenḓa, hence, the speaker decided to borrow/loan from English. Labov, Weinrich and Hertzog (1968) state that "because language is a diachronic process, we cannot determine at what point in time a particular lexical item gained the status of a loanword in the

recipient language". However, I believe that knowing the language will help interpreters to tell if they are just borrowing or just code-switching. Myers-Scotton (1993a:169) tries to solve the problem by mentioning that there are two types of borrowing; core-borrowing and cultural borrowing. Core borrowing refers to borrowing forms that have viable equivalents in the recipient language, and hence, do not meet any lexical need in the base language. This is just mere borrowing, which is done because of habitual use. Let me illustrate this by way of the following sentence:

- *Hangei khefini ndo ḓiphina nga ma-eggs,* bread, na pizza. (At the café I enjoyed eggs, bread and pizza). The word *'Khefini'* is a naturalised form of 'café'. However, for the word 'bread', the speaker is prefers it because s/he is used to that although there are options in Tshivenḓa *(Vhurotho/Tshinkwa)*, whereas the word pizza is a new lexical item from another culture. The speaker has done cultural borrowing by using the word 'pizza'.

3.4.2 Types of social constraints that affect code choices

What compels people to choose the language to use in different situations? This is the quest for this research, as it is a sociolinguistic study. We have learnt that code-switching is sometimes an unconscious choice in the section above, but Blom and Gumperz (1972) in Gumperz and Hymes (1991), suggest three constraints that affect code choices, which I list hereunder:

- Setting: The physical environment in which the social life of speakers operates.
- Social situation: The constellations of speakers gathered in a period for a certain activity. I will give an example of a situation in diglossic contexts where a meeting is held in Venda, and where Chiefs and commoners are gathered. Because of the composition of this group, speakers will use the Musanda language or Venda Royal Language (VRL) and the common language.

VRL has a differential function. The Venda people differentiate between what is royalty and what is common. If ordinary people own cattle, they should not be named in the

same way as those of the chief. Those belonging to the chief are called '*phedza*' while those belonging to ordinary people are called '*kholomo*'. Davis and Moore (1945) in Ross (1973:440) believe that differentiation should be the reason to rank people. They mention that a differential function is important and necessary, but "not a sufficient cause of high rank being assigned" (Tshovhewaho, 2013:38)

- Social event affects code choices (Blom and Gumperz 1972). It is described as "a particular definition of the same social situation at a particular point in time" (Abdul-Zahra, 2010:288).

Auer (1998) broadens the situation when people code-switch by suggesting eight situations when people code-switch or the conversational loci in which code-switching is present:

- Reported speech.
- Changing a constellation.
- Parentheses and side comments.
- Reiterations.
- Change of activity type.
- Topic shift.
- Pun, language play and shift of key.
- Topicalisation and comment structure.

Al-Qaysi (2018:2) introduces a table to elaborate on the reasons speakers code-switch. These reasons are related to Auer's (1998) situations when people code-switch. Coulmas (2013) refers to these as motivations. In general, motivations can be grouped into sociolinguistic and psycholinguistic reasons. However, Al-Qaysi's (2018) table presents the following specific reasons speakers code-switch:

- Showing solidarity: This is done to show that a speaker is aware of the existence of the other language speakers and therefore values them.
- Reflecting social status: This is done to show that speakers are well conversant with the superior language, in most cases, the language of instruction. It is a way of stratifying the speakers as educated and powerful.
- Topic shift: This is common if a speaker wanted to emphasise, clarify, express humour and express something politely.

- Affection: Speakers code-switch to express some approval or disapproval of certain tendencies. For example, expressing anger or grief can sometimes be done easily in the other language. Myers-Scotton (1998), in discussing the social functions of code-switching, remarks that code-switching is a strategy to influence interpersonal relations. Lowi (2005:1393) remarks that code-switching cannot be overemphasised; code-switching is also viewed as a bilingual/multilingual practice that is used not only as a conversational tool, but also to establish, maintain and delineate ethnic boundaries and identities. As a social process, code-switching has been understood to provide multilinguals with a resource for indexing situationally salient aspects of the context in speakers' attempts to accomplish interactional goals.
- To persuade the listeners: If speakers wanted to attract attention to people who might be feeling that they are looked down upon, speaking some words in their language would manipulate them to feel otherwise.

The complexity of code-switching is also found in the confusion scholars have in identifying the functions, reasons and situations that make speakers code-switch. For example, while the above is regarded to be the reasons speakers code-switch, Fachriyah (2017:150) classifies them as functions. Quoting Reyes (2004:84) lists the functions of code-switching as speech representation, imitate quotation, turn accommodation, topic shift, insistence, situation switch, giving an emphasis, clarification or persuasion, person specification, question shift and discourse marker. Also, Azman and Narasuman (2013:450-469), in discussing the reasons for code-switching, borrow Malik's (1994) functions of code-switching: lack of facility, a lack of register, mood of the speaker, to emphasise a point, habitual experience, semantic significance, to show identity with the group, to address a different audience, pragmatic reasons and to attract attention.

The reason for variants in different approaches to the way code-switching is viewed can be answered theoretically.

3.4.3 Theoretical approaches to code-switching

Lowi (2005:1393-1394) posits that code-switching has been approached from different angles, thereby employing different levels from which it can be analysed. She mentions the sociolinguistic, macro, grammatical, the grammatical syntactical, discourse and social contexts, which are used to strengthen relationships. Angermeyer (2010:469) talks about macro-sociolinguistic factors same as Myers-Scotton (1998), Chan (2005) and Azlan and Narasuman (2013). Treffers-Daller (2009) studies the psycholinguistic approach. Stell and Yakpo (2015:1) mention that code-switching has been studied from three perspectives: linguistic, psycholinguistic and sociolinguistic. The linguistic domain refers to the search for universal grammatical constraints to code-switching, whereas the psycholinguistic feature relates to how bilingual systems are stored and accessed in the cognitive system. The sociolinguistic relates to social motivations for code-switching. The sections below discuss the three perspectives in detail.

3.4.3.1 The Sociolinguistic approach to code-switching

This approach concentrates on languages that exist side-by-side or languages in contact and believes that there are social and political motivations for code-switching. Lowi (2009) mentions that social motivations include the use of code-switching as a conversational strategy. Its approach extends to studying communication symptoms that occur in bilingual and multilingual communities (Fachriyah, 2017:149). It serves as a way of identifying and aligning with a group. It also studies language ideologies and attitudes. Angermeyer (2010:468) mentions that language contact is a subsidiary of the macro-linguistic level and occurs in the meeting between different speech communities. Al Heeti and Al Abdely (2016:10) mention that where languages interact, elements of one language are found with the elements of another, such as in borrowing, transferring interferences, code-switching and calquing, to mention a few.

The sociolinguistic methodology in language contact uses encounters between individuals to generalise the nature of the community in general. Angermeyer (2010) feels that this is a hurdle. Language contact happens in a space, which as Angermeyer (2010) puts it, can either be social or geographical. This space is symbolically seen as a marketplace where values are exchanged. Therefore, language contact can be

likened to a linguistic market where what transpires between two individuals can be likened to what happens between two language groups. Thus, linguistic markets in situations where people from two languages come into contact can best be investigated between speakers of different languages. The talks between two individuals from different languages, of course, languages that share some proximity, are the ones that can demonstrate which items are purchased from the other linguistic market. Angermeyer (2010:472) argues that language choice is not at first, a matter of competence, but it is influenced by sociolinguistic factors related to the setting of communication and the context of the society. Speakers use the right to choose elements that can best explain or save them from language constraints by observing maxims of choice:

- The local language maxim: If the other language in currency is an official language, speakers will often want to switch to it.
- Communication control principle: In a face-to-face situation, probably out of the desire to be polite or modest, speakers like to use the home language of the person they are talking to.

To summarise, sociolinguistic factors present a structural approach to code-switching in which sociolinguistic factors are provided. Types of structural code-switching that occur in this regard are insertional, alter-national and congruent lexicalisation.

3.4.3.1.1 Code-switching as a communication tool

Azlan and Narasuman (2012:458-467) studied the role of code-switching as a communicative tool in an English Second Language (ESL) Teacher Education Classroom. Their study is sociolinguistic and aims to cover the following aspects: types of code-switching observed, reasons that contribute to the use of code-switching, the dominant language in code-switching, perceptions of the use of code-switching and the frequency of code-switching. In their literature review, they present ten (10) communicative functions of code-switching, which they adopt as frameworks for reasons for the use of code-switching in class: a lack of facility, a lack of register, the mood of the speaker, emphasising a point, habitual experience, semantic significance, to show identity with the group, to address a different audience, pragmatic reasons and to attract attention. Twenty-eight (28) students were sampled and exposed to

questionnaires, observations and interviews aimed at gathering data on the five (5) aspects listed above.

Findings on the type of switching observed discovered that three types of code-switching were used; inter-sentential was first, followed by intra-sentential and tag-switching came last. On of the reasons for code-switching was to emphasise a point as number one, and the last at ten (10) was to attract attention. The dominant language switched to was English, the medium of instruction. On the perception, it was found that students had no problem with code-switching, while on the frequency, 'sometimes' ranked highest followed by 'frequently'.

3.4.3.1.2 Sociolinguistic motivations for code-switching

Social motivations for code-switching can also be attached to the social approach, which studies code-switching as a way of building relationships and managing attitudes in society. Woolard (1988) regards code-switching to be socially influenced, functional and strategic and as a tool that represents social identity, consciousness and action. Stell and Yakpo (2015:4) suggest the following social factors behind code-switching: individual's position in social networks, language attitudes and language ideologies. The view of some scholars who see code-switching as situational also leans towards social motivations. In this view, speakers select code or language rather than just switching (Coulmas, 2013).

Fachriyah (2017:149-154) collects data on which code-switching occurs in the teaching and learning interaction. She uses recorded speech to gather the data, which is then analysed by creating categories based on the communicative situations, events and actions. The categories are created from the existing previous studies, which identified communication functions of code-switching. The study confirms fourteen (14) communication functions of code-switching which are: clarification, reiteration, explanation, asking questions, translation, checking understanding, emphasis, making inferences, developing vocabulary, clarity, giving feedback, remembering or memorising, managing activities and general information.

3.4.3.2The Psycholinguistic Approach to Code-switching

This approach studies and develop models which study bilingual language processing by concentrating on how languages are mastered, understood and reformulated (Lowi, 2005). It, therefore, studies at least three types of switching; grammatical, syntactical and discourse-related code-switching. Its point of departure is that there are constraints that lead the speaker to code-switch. These constraints make bilingual speakers select from the two languages known to them, portions from either during interlocution. Treffers-Daller (2009:64) explains that the cause for bilinguals being exposed to situations where they code-switch stems from their competency in the two languages involved. Bilinguals have equivalents for at least a proportion of their vocabularies, and it makes it difficult for them to avoid inappropriate choices (Treffers-Daller, 2009:64). While talking, bilinguals struggle to stick to using only one language, and often draw from the other passive one. Psycholinguists account for this by mentioning that bilinguals can only 'turn down' one of their languages, but they cannot entirely 'turn-off' that language. Another reason is that while talking, bilinguals probably have both of their known languages activated, and it may be difficult to avoid language interferences from the other.

Kootstra (2015:42) mentions that the activation of two languages is the basic cognitive process that makes cognitive code-switching occur. Therefore, it can be assumed that code-switching is facilitated and constrained by issues that influence the degree of activation when language is produced. The factors considered here are discourse-situational and socio-interactive factors across language activation and code-switching (Kootstra, 2015:42). Language production includes encoding a message and the way a message is conveyed. The messages communicated must be in such a way that communicators share a common understanding of the topic they are discussing. It is, therefore, common for communicators to repeat elements of each other's language to show that they are owning the topic at hand (Kootstra, 2015:44). This behaviour models code-switching. Also, languages might not be stored separately and finally, there are no major differences that have been found in brain activity in the processing of the first and second languages.

Regarding the typology of code-switching, psycholinguists have their views and prefer to use their terminology, the most obvious one being the preference to use 'language

switching' instead of 'code-switching' (Treffers-Daller, 2009:58). For psycholinguists, language switching entails "the controlled and willed selection of single responses in a bilingual setting and not language switching that occurs spontaneously and unintentionally" (Ibid, 2009:58).

3.4.3.3 The linguistic approach to code-switching

It has been mentioned earlier in this research that the linguistic approach to code-switching is concerned with the search for grammatical constraints to code-switching. Scholars' attempts to suggest common structural and grammatical constraints to code-switching have never yielded satisfactory results (Stell and Yakpo, 2015:2). However, typologies of constraints have been suggested, for example, by Poplack (1980), Discuillo et al. (1986), Belazi et al. (1994) and Myers-Scotton (1993b). Poplack (1980) suggests two types of constraints: the equivalent constraint and free morpheme constraint. Poplack (1980) suggests that languages get switched where the syntactic rules of both languages seem to be similar. This she calls the equivalent constraint. She also suggests the free morpheme constraint where she posits that languages may be switched after any element that is not a bound morpheme.

Stell and Yakpo (2015: 4) believe that no model can ever stand to be successful if it seeks to suggest universal constraints of code-switching across languages. The same can be upheld by mentioning other models, which are not holistically successful such as the government constraint as suggested by Discuillo et al. (1986), the functional head constraint by Belazi et al. (1994), the minimalist programme, which is related to the Null theory of code-switching and the Matrix language frame by Myers-Scotton (1993b).

Ad Backus (2015:20-28) studies a usage-based approach to code-switching from a linguistic point of view and shares that the study of code-switching has been characterised by separation into sub-disciplines. The suggested sub-disciplines are the separation of the synchronic and the diachronic issues, the separation of the lexicon and the syntax and the separation of the structural and the sociolinguistic accounts.

The first leads to the separation of code-switching and borrowing. This approach models the way linguistic knowledge is mastered. It relates to the knowledge naturally

acquired and knowledge gained through learning. Scholars refer to BICS and CALP. BICS is basic interpersonal communication skills and is naturally acquired before the age of 5. CALP refers to cognitive academic language proficiency, which is knowledge acquired through teaching. BICS is usually the home language and CAPS is the additional language. However, for bilinguals, both BICS and CALP can be acquired in both first and additional languages. Synchronically, children are born with a linguistic competence they make use of all their lives in generating synchronic utterances.

The diachronic aspect of mastering languages posits that there is individual difference in mastering languages, and that language competence is subject to change. Speakers, therefore, must use their linguistic creativity which makes them choose to say something new or something old. Diachronic issues are subject to contact situations, which create a rivalry between the acquired native word and the popping out loanwords. The synchronic view states that loanwords must be noted and separated, especially during insertional code-switching. Insertional code-switching is the use of other language elements synchronically and in actual sentences (Ad Backus, 2015:28). On the other hand, borrowing is diachronic and it refers to a process whereby words, through their usage, get entrenched in individual speakers and spread through the speech community as accepted and conventional words in the language (Ad Backus, 2015:28).

The second refers to the study of code-switching and grammatical contact effects, such as interference or transfer. This separates the lexicon and the syntax. It is the result of language contact and posits two kinds of lexical contact-induced change: overt borrowing and covert borrowing. Overt borrowing refers to borrowing lexical items while covert refers to borrowing meanings and ways of combining words (Ibid: 30). Synchronically, loanwords enter a language through language mixing and semantic and collocational change through loan translation. Speakers can select words consciously or experience interference synchronically through entrenchment.

The third is responsible for approaches that focus on form and function. Thus, the focus is on grammatical properties and constraints. Deuchar (2019:5) defines grammaticality as the conformity of a sentence to the rules defined by a specific grammar of a sentence. Models that lean on grammar make accurate predictions about which code-switched constructions are grammatical and which are not

(Deuchar, 2019). Reasons for grammatical code-switching have been suggested as social, pragmatic and conversational.

Barredo (1997:6-12) discovers the following functions of Basque-Spanish code-switching:

(a) People switch because they lack an equivalent word in another language.
(b) Code-switching to smooth the negative connotations of a given expression or to convey humour and irony.
(c) To contextualise situations.
(d) To change roles and direct quotations. This helps to make speeches livelier and more real.
(e) To reinforce or reject what has already been said.
(f) To signal a speaker to continue with the discussion.
(g) To negotiate the development of the conversation or to structure or organise discourse.
(h) To introduce a new topic.
(i) To maintain a turn and finish what people are saying.

De Bot (2002) distinguishes between motivated switching and performance switching. Motivated switching refers to a situation where speakers deliberately switch to the other language, while performance switching refers to unintentional switching. This approach can be viewed as discourse analytical, since this perspective argues that code-switching can be intentional based on specific reasons. The argument is code-switching needs creativity, making it a dynamic process, however, some argue that not all forms of code-switching show creativity (Treffers-Daller, 2009:63). Another angle of discourse-related studies is to study how a conversation is organised and how it relates to utterances by focusing on conversational interaction. It examines forms of code-switching and the situation in which conversations occur. It studies code-switched items and where code-switching is used as an element of discourse (Lowi, 2005). The study by Auer (1998) identifies conversational situations in which code-switching occurs: reported speech, change participant constellation, parentheses or side comments, reiterations, change of activity type, topic shift, pun, language play and shift of key, topicalisation and topic structure.

The major issue in language selection is control; it is widely accepted that speakers can decide when to code-switch and when not to. But, psycholinguists argue that it is difficult to ascertain if speakers can control the urge to code-switch in the same way. Treffers-Daller (2009:61) posits that control is important in distinguishing between smooth and flagged code-switching. Smooth code-switching is effortless and fluent, while flagged code-switching is characterised by hesitations, repetitions and metalinguistic comments, to mention a few (Ibid, 2009: 61).

Other pragmatic reasons include drawing or directing attention, emphasising or mitigating a message and expressing anger or emotion (Ad Backus, 2015:32). Al-Qaysi (2018:1) mentions that "code-switching functions as a significant medium of societal interactivity to link the linguistic gaps that occur between the mother tongue and the target language for clarification and communication. As already stated in this research, Coulmas (2013:124) regards code-switching as a controllable strategy that a speaker chooses because s/he is motivated by something.

 Some previous studies on code-switching focused on pragmatic constraints of code-switching, that is, to each code-switching, there should be a meaning (Barredo, 1997:2). Others like Poplack believe that true code-switching is void of pragmatic significance. However, some see code-switching to having an expressive function and still, others view it from a metaphorical point of view (Barredo, 1997:2). Heller (1992) regards code-switching as having a social function, where it helps in ethnic mobilisation and can also serve as a strategy of neutrality or "to find out which language is most appropriate and acceptable" (Ibid, 1997:2).

 Gumperz (1982) explores code-switching and mentions some of its discourse and conversational functions; Code-switching serves as a symbol of group identity and solidarity among members of the same speech community. He talks about the we-code and the them-code. In the we-code, we code-switch to show solidarity, and in the them-code, we code-switch to reach out to others.

Then, Gumperz (1982:189) lists six basic discourse functions that code-switching serves in a conversation:

> (a) Quotations: In occurrences where someone else's utterances are reported as direct or indirect speech. If a speech was being given in

Tshivenḓa, but Shakespeare had to be quoted, the quote will be in English. Therefore, the speaker will code-switch.

(b) Addressee specification: When there is a need to direct a message to one person among several addressees present in the immediate environment. For example, if the speaker noticed that there is a Tsonga speaking chief in the meeting he is addressing, he may switch to Xitsonga and address *Ndhavezita* (the chief).

(c) Interjections: In the case of sentence fillers. This is code-mixing.

(d) Reiterations: When one repeats a message in the other code, thus clarifying what is said.

(e) Qualification: An elaboration of the preceding utterance.

(f) Personification and objectification: This relates to the degree of the speaker's involvement in a message.

Rayfield (1970) in Chan (2005:11) shared that functions of code-switching happens in response to immediate social or speech situations. This will happen when we notice the following:

(a) The speaker code-switches to a language in which he/she is more fluent. This happens when a speaker is trying to convey a message or explain a certain concept that he finds difficult to elucidate in the current language. If the gathering is composed of many people who understand the language, he/she is fluent in it, he/she will code-switch to that.

(b) Entering or leaving a conversation.

(c) Direct quotation (already commented on).

(d) Using a loanword.

Talking about certain topics. Besides, according to Rayfield (1970) in Chan (2005:11), code-switching may be used as a rhetorical device to:

(a) Emphasise.

(b) Contrast.

(c) Emphasise a statement that the hearer might not expect.

(d) Making a parenthetic remark.

(e) Taboo words or topics. (People usually feel free to mention taboo topics in another language).

3.5 Self-Generated utterances

Dictionary.com (2011) defines an utterance as "any speech sequence consisting of one or more words and preceded and followed by silence. It may be *co-extensive* with a sentence". Another definition from the same source is "the smallest unit of a speech. It is a continuous piece of speech beginning and ending with a clear pause". Apriska (2005) defines an utterance as any length of talk released by an individual, which is preceded and followed by a pause.

Al-Hamadi and Muhammed (2009:3) describe the nature of utterances as follows: "Utterances make sense no matter whether they are missing or incomplete elements". A sigh is an utterance, a pause can still be part of that, and so are fillers. Whatever their nature may be, utterances constitute important parts of speech and are crucial in building conversations.

Therefore, all utterances are produced by humans, and these have feelings that inform their choice of language when they communicate. I shall now focus on utterance as the initial concern for sociolinguists.

3.5.1 Bakhtin's theory of utterance

Bakhtin (1986:69) describes an utterance as a connection or signal in a chain of utterances. Haye and Larrain (2011:46) describe it as a bond that ties the position taken in a previous moment with a new position. An utterance can be a word, a short sentence or even a passage. These signals must be meaningful when heard or read. Bakhtin's (1986) approach is that there are three levels to speaker's words: the neutral, the other and my word. The other refers to neutral words of a language that are not associated with anyone, while the other refers to utterances by other people. My word refers to words that are expressed in the first person and that are creatively

characterised by his/her expression. What is implied by the speaker's utterance depends on the nature of the utterance. Bakhtin (1986:110) states that utterances may express humour, irony, surprise, misunderstanding, agreement, hesitation, refutation and appreciation. Another feature of utterances is that they exist as a response to something. Haye and Lorrain (2011:47) concur when they mention that utterances must be contestable, meaning that someone else, and not the speaker must respond to it. An utterance becomes complete when it i contestable by another utterance (Haye and Larrain, 2011:47). When utterances are made, the expectation is that they are directed at someone who must, in turn, respond. Bakhtin (1986) posits that utterances must be meaningful in relation to the content, their referral, theme and sense. Also, speakers must have an evaluative attitude towards their utterances. Bakhtin (1986) argues that speakers do not utter neutral utterances, but that whatever they speak has a referential content or attitude. These attitudes can either be expressive or emotive. Thus, utterances are made to achieve a certain goal, respond and aim at something, and they are made with a certain attitude towards something.

3.5.2 Typology of utterances

In speech act theory, utterances can be categorised into five distinctions; those that provide information, those that relate to small talks, those that express the feelings of the speaker, those that enhance social bonds and those that direct actions that must be taken. Bakhtin (1986) and Austin (1956; 1975) structurally studied utterances at different levels. Bakhtin (1986) divided utterances into three: performative utterances, constative utterances and speech acts. Performative utterances describe the act that it performs; a constative utterance makes a declaration or an assertion, whereas speech acts relate to an act that a speaker makes when making an utterance.

Austin (1956) used the term performative utterance in his analysis of meaningful expressions and truth conditions. He starts by stating that there are two kinds of sentences: declarative and non-declarative. Like constatives, declarative statements refer to either true or false, right or wrong. Austin (1956) mentions that not all sentences can be like that for others are non-declarative like questions, exclamations and sentences expressing commands and wishes. Non-declarative statements are divided into two categories: imperatives and interrogatives. Imperatives include

statements that express good wishes, threats, dares, permissions and advice. Interrogatives refer to different types of questions, that is, expository, rhetorical, speculative and guess questions (Blakemore, 1992:92). The difference between a performative and a constative can further be explained by what they do. Doerge (2013:3) mentions that a performative is uttered in the performance of an action and that it acting, thus, it is not just a matter of talk. Something must be uttered in a way that directs action. Just as Doerge (2013) remarked, "to utter a performative is to say something and to say something is to perform an action". The quality of the performative is that it does not only pass on information, but it also brings about a significant social action. Constative utterances describe situations and as stated earlier, can be true or false. However, some utterances do not fit into the two categories, for example, jokes, poetry, cheering and swear words (Doerge, 2013:3).

Speech acts, focus on meaning as a basis for understanding speech acts. It proposes three kinds of meaning: locutionary meaning, illocutionary meaning and perlocutionary meaning. Gambi and Zhang (2021:2) refer to locution as what was said and meant, illocution as what was done and perlocution as the actual effect. They further classify five examples of illocutionary acts as the assertives, which refer to truth, directives, which relate to request and commands, commisives, which refer to promises, expressives, which include utterances that congratulate and declarations. Examples of declarations include passing judgement and solemnisation of marriages (Gambi and Zhang, 2021:9)

Propositional/locutionary meaning refers to saying something understandable and known to refer to something, whereas illocutionary meaning refers to stating, asking, commanding giving permissions and praising. The way words are uttered also directs meaning. This is an illocutionary force or the speaker's intention behind the production of an utterance. When the intention is felt by the speakers, the act becomes perlocutionary because a certain effect had been made on the listeners by the utterance. Austin (1956) identifies five types of speech acts: verdictives, exercitives, commisives, behabitives and expositives.

Wadensjo (1998) divides utterances into renditions and originals. Utterances should be taken out of their original context and then restated in a new context. She classifies utterances into sub-renditions; expanded renditions, close renditions, reduced

renditions, substituted renditions, summarised renditions, multi-party renditions, non-renditions and zero renditions.

For conversations to be meaningful, there needs to be coordination, what others call oscillation. If utterances are uncoordinated, there is chaos and there can be no goals achieved. Dialogue and conversations are not aimless, but they have different aims, such as sharing information, building or scaffolding relationships and so on. Just as Gambi and Pickering (2011:1) rightly mentioned, "Dialogue partners coordinate with each other to reach a particular goal". In the same vein, they also stress that conversation is a joint venture, which is guided by continuity principles, such as turn-taking and which must be governed by cooperation rules. Jia (2008:88) emphasises the need for cooperation; "cooperation is essential for a conversation to take place. To make a meaningful conversation go on successfully and smoothly, the speakers on both sides should hold a cooperative attitude".

3.5.3 Levels of word/utterance meaning

It has already been mentioned that the general focus of sociolinguists, as Roy and Metzger (2014:159) mentioned, is "on language in use - how humans conceptualise particular meanings or select amongst others the possibilities of meaning in everyday lives just as interpreters select among the possibilities of meanings intended by others". The question is what is meaning? In layman's language, meaning refers to that which is intended by linguistic signs. Geoffrey Leech (1981) categorises meaning into seven; conceptual meaning, which is also known as denotative or dictionary meaning of a word, connotative meaning, which is meaning in reference, social meaning, which refers to meaning in different times and different tribes and affective meaning, which leans on the feelings that are reared through language. The others are reflected meaning, collocative meaning and thematic meaning. Locutionary or denotative meaning is literal, and it refers to the conventional meaning of words as used by a speaker (Stiles, 1986:215).

Stiles (1986:213-222) borrows Grice's six levels of the intended meaning. Stiles (1986:215) refers to this as the speaker's occasion meaning or that which is intended to be recognised. Aspects of meaning, such as content, intersubjective and stylistic features, are explained as contributory to meaning. Content categories classify the

semantic meaning of utterances and can be attached to locutionary speech. Intersubjective categories are illocutionary and always refer to speech acts or what an interlocutor does with his speech. Stylistic features include non-verbal factors that support speech, such as gestures, tone, hesitations and laughter. The governing precept is that utterance meanings are different and that a word may mean different things depending on how the words/utterances were produced. Zhang and Gambi (2021:9) posit that language production begins with the selection of a message, a suitable structure to convey that message and the necessary lexical items that are related to the event taking place. Therefore, interpreters must always be wary of varied situations and contexts to produce not only relevant statements, but meaningful statements as well. It appeals to the creative or innovative aspect of interpreters, which the next section is about.

3.5.4 Self-generated utterances and creativity

Free-dictionary.com (2003-2008) defines self-generated as something that is "happening or arising without external cause or as originating from self or self-produced. This study centres on the second definition, since it has been mentioned elsewhere in this study that utterances are produced because of other utterances, and that once produced, utterances need to be responded to. So, the first definition of "happening without external cause" does not fit well with the court interpreting scenario, where the causative factor is the communicative situation that already exists. The approach is that court interpreters use their creativity and innovation to negotiate meaning and therefore, produce utterances that are not of the defendant or the judge, based on what the situation dictates. Bassole (2018:31) mentions that meaning is dynamic and that it is "not given, but … motivated and created".

To argue for the creativity and innovation of interpreters, Bassole (2018:31-46) starts by describing three levels of meaning: the lexical, implied and created meaning. The lexical meaning is described as "meaning as designated"; that is, the explanation that makes it possible for a word to refer to or signify something. Implied meaning is defined as a meaning that a word or sign is associated with, and it usually refers to a hidden meaning. It is the created meaning that appeals to me because of the nature of this study. This meaning is generated by the speaker, the interpreter and the communication context. Bassole (2018:32) proceeds by stating that both the

interpreter and the speaker are actively involved in the generation and negotiation of meaning. Therefore, meaning should be regarded as the result of the trade-off between the environment, the speaker and the interpreter.

What is the interpreter's role in this communicative situation? Bassole (2018:32-46) argues that interpreters must be creative. They must never be detached or act as mere conduits. Their primary task must be the "continuous involvement in experiencing and defining the boundaries of meanings and associations surrounding each word" (Ibid: 45). Bassole (2018) continues by advising that the interpreter must demonstrate the spirit of creativity, which means getting original solutions to and finding innovative ways of comprehending sentences. Creativity means devising something that shows that the creator was imaginative, and that s/he came up with an idea that shows ingenuity and which is inspiring. This is the ability to design an unusual, but valuable product in each situation. Bassole (2018:45) concludes by mentioning that "interpreting is by nature a creative activity; most competent interpreters possess a creative mind". However, for interpreters to be thus, they need to perfect their language skills. They also need to improve their interpreting skills. Thereafter, they can be creative in the production of utterances. They will also be wise enough to determine how they will generate meaning on their own.

3.6 Theoretical Framework

This section deals with theoretical underpinnings of this study or the principle under which this study is based. It discusses the agency and role theory and the related aspect;- the interpreter's voice. I begin by the former.

3.6.1 Agency and role theory (Tyulenev, 2016)

The words ágency' and 'role' can be associated with social science, specifically, symbolic interactionism. This theory claims that human beings behave differently towards things based on the meanings those things carry for them. As humans interact with other humans, they modify meanings through an interpretive process as they deal with different encounters. Social interaction needs participants who must constantly negotiate meaning by sharing viewpoints and interpreting each other's behaviour. Therefore, meaning is derived as people interact. It includes the way people act. Meaning is an interpretive process, wherein a person first communicates with himself

and then checks how other people view things. Meaning is, therefore, a formative process. This explains why Gentile et al. (1996:30) define a role as a "social science construct used to explain behaviour and examine attitudes between at least two participants in any social situation". Tyulenev (2016) defines agency as "any human action, collective or structural, as well as an individual, which makes a difference to a social structure". Leila-Baghdadi (2009:12-14) mentions that the "focus of sociologists in symbolic interactionism is on social roles, positions, demands, norms, values and cultural prescriptions that explain behaviour".

In translation/interpreting, arguments have always been there on the extent to which translators and interpreters must be involved in a text. From a norm perspective, some have advocated for conduit, wanting language practitioners to stay away from meddling with a text. Scholars such as Venuti (1995), Chatman (1978), Phelan (1996), Schiavi (1996) and Hermans (1996a) use the perimeter of a "voice" to elaborate the involvement of translators/interpreters in the texts they handle. Munday and Blakesley (2016) and Tyulenev (2016) add the word agency. However, Merton (1968) Gentile et al. (1996) and Benes and Harnish (2015) study the involvement of translators/interpreters from a role perspective. This research, although it will also touch on the issue of voice, leans on both agency and role as its theoretical underpinnings. The aim is to use this theory to demonstrate that interpreters are actively involved in the communication act of court interpreting by omitting, code-switching and adding through self-generated utterances.

3.6.1.1 The translator's/interpreter's voice

This term was first used by Venuti (1995) in his discussion of the translator's invisibility. The argument is that translators/interpreters cannot remain uninvolved in the texts they deal with. Venuti (1995) describes the voice as the presence of the translator/interpreter in a text. Ethically, the expectation is for these practitioners to be conduits who must just try to produce equivalent texts in the target language. The reality, however, is that translators/interpreters always faced challenges of whether to leave texts as they are and produce ambiguous and unclear meanings or whether to get involved and modify them here and there to produce texts that are clearer in meaning. Scholars such as Baker (2006) suggest giving a leeway of a voice to address this impasse. Chatman (1978) defines a voice as subtle means of speech used to

communicate ideas to the reader/listener. This includes modification of style or tone. Thus, the interpreter's voice is a way of saying things. In translation, it includes the use of open interventions, choice of what to translate, choice of strategies and specific use of language. Of course, in court interpreting, the expectation is for court interpreters to reproduce even the tone and timbre of the original voice.

3.6.1.2 Agency theory

Munday and Blakesley (2016) mention that agency refers to translators as people and their habitus or profession. Agency refers to translators/interpreters as intermediaries. Tyulenev (2016) uses the term to include machines as agents. Interpreting is a social interaction, wherein participants are actors. If actors cannot interact directly because of a language barrier, interpreting resolves the problem. To revisit Tyulenev's (2016) definition of agency "any human action, collective or structural as well as individual, which makes a difference to a social outcome"; interpreters serve as agents when they interpret. The aim is to achieve the communication aim, which is the understanding of texts. This is a social outcome. The difference they are making is that if they were not present, the parties involved or actors would not achieve their communication aims. It is not always easy; agents face social constraints that affect the means they choose during interpretation. Agents, therefore, do make errors by failing to attain ends or to make the right choices. To sum up, agency refers to an action done by humans that make a difference in the quest to achieve a social outcome. Interpreters as agents face challenges during their discharge of duties, which sometimes leave them susceptible to error. Nida (1998) in Napier (2004:122) summarises sociolinguistic constraints that interpreters grapple with during interpreting:

- the relevant use of register in any situation.
- the expectations of the listeners on the type of interpreting they anticipate hearing.
- distinctive sociolinguistic features within a given text.
- medium of the translated text.

3.6.1.3 Role theory

Benes and Harnish (2015:148) place the origin of role theory in sociology, and as a sprout of symbolic interactionism. A role is a social position constituted by ego and

alters expectations regarding the purpose of an actor in an organised group. This definition suits well the theatre. A role is limited in scope and depends on the structure and purpose of a group. Role directs the way actors behave. Tyulenev (2016) mentions that the word role is applied to individual actors and refers to culturally determined behaviours and patterns. In short, a role is a part a person plays in each situation (Gentile et al.,1996:30). This definition is as Gentile et al., (1996:30-31) stated, "useful in liaison interpreting to describe not only the relationship and attitudes of clients to each other but the relationship between the interpreter and each client in return". I add that it also relates to the relationship between the interpreter and the message or text.

The role of the interpreter, as Gentile et al., (1996:31) posit, is derived from the behaviour s/he exhibited over a certain period. Two dimensions of the role are put forward by (Ibid: 31), the ideographic dimension, which includes the interpreter's attitudes towards his role and the nomothetic dimension, which includes the expectations and attitudes, which a social system has of the interpreter. Clients will usually see the interpreter as a language converter. In other words, the role of the interpreter covers two areas namely the function of interpreting and the environment in which the function takes place. Merton (1957) in Angelleli and Baer (2016) found that roles are not easily compatible as some are difficult or impossible to reconcile, producing role-strains or even role conflicts, leading to actors in some cases to distance themselves from certain roles. The question of the role will always pose problems to clients in different settings, while, in court interpreting, the main expected role is conduit. It can be said that it has caused problems for interpreters while trying to dogmatically stick to it. The reality is that interpreters adopt certain compatible roles that are not necessarily conduits.

3.7 Conclusion

The interpreter's creativity and innovative aspect will determine how the issues in question in this study are done. This chapter presents the view of court interpreters. Because of their language proficiency and skills, they use omission as a strategy to find the best way to negotiate meaning and code-switch and produce self-generated utterances as well. They do all these because they are equal partners in the creation

and innovation of meaning. The next chapter deals with the methodological aspects of this study, detailing how this study was conducted.

CHAPTER 4: RESEARCH METHODOLOGY

4.1 Introduction

Chapter 3 discussed literature on omission, code-switching and self-generated utterances. This chapter discusses how the research was conducted. It captures the research design, research setting, data collection methods and data analysis. It includes data triangulation and ethical considerations and the conclusion.

4.2 Research design

Williams (2007:65) defines research as the "process of collecting, analysing and interpreting data to understand a phenomenon". Flynn and Gambier (2016:1) define methodology as the study of or the body of knowledge relating to method(s). Viewed in other terms, it can be considered as the hallmark or defining feature of a discipline or approach within a discipline. Methodology, therefore, can be defined as steps followed in the research to answer the problem of the study. This study's quest is whether court interpreters stick to conduit dogmatically or whether court interpreters exhibit traits of deviation by omission, code-switching and by generating their statements not uttered by the speakers. The researcher had to observe and write the interpreter's utterances. Embedded in the methodology is the research orientation, which is important when collecting and analysing data and describes whether the analysis will include numbers or description by words or both. Three approaches to conducting research are identified as quantitative, qualitative and mixed methods.

Quantitative research involves the "collection of data so that information can be quantified and subjected to statistical analysis to support or argue against a certain established hypothesis" (Creswell, 2003:153). This study did not solely quantify the findings to reach its conclusion. However, omissions, code-switching instances and self-generated utterances have been counted in interim findings. The interim findings were then analysed to reach a conclusion. While this research concerned the frequency of ocurrences, it also focused on describing and explaining the occurrence of omission, code-switching and self-utterances, and their implications. It therefore, follows a mixed-method approach, quantifying a little, but qualifying in the bigger picture. This tipped the scales towards a qualitative study which was viable in given the context and purpose of this study. Qualitative research is a method that is designed to investigate a certain phenomenon in a natural setting by describing, explaining and

interpreting data (Williams, 2007:67). Creswell (2014) defines it as an approach for exploring and understanding the meanings that people ascribe to a social problem. Researchers in the 20th century began to combine quantitative and qualitative methods in their studies and this became known as the mixed methods approach (Williams, 2007:70).

Different studies employ different methodologies. This research is based on naturalistic traditional designs. Depoy and Gitlin (2016:158-171) identify eleven sub-types of naturalistic research designs: endogenous, participatory action, critical theory, phenomenology, heuristic, ethnography, narrative, object reading, life history, grounded theory and meta-analysis. In naturalistic designs, the researcher identifies a situation in which the study must be done and may move to more contexts. The purpose is to experience and understand the environment without changing or manipulating it (Depoy and Gitlin, 2016:159). It is naturalistic because it does not rely on quantifiable data and does not use numbers to do so. It does not have a hypothesis nor does it claim that the researcher knows.

This was exploratory and heuristic qualitative research because it investigated human behaviour in the form of language. It was heuristic because it allowed the researcher to discover knowledge by himself. The individual can determine methods that can be used in studying a certain phenomenon own their own. This method requires the scholar to engage in observation and to listen to subjects that have tested or experienced a phenomenon. Methodologies in this type may include recording experiences which are then interpreted and reported (Depoy and Gitlin, 2016:164).

It attempted to discover the interpreting behaviour done in court situations through observations. Observations are systematic descriptions of the events, behaviours and artifacts of a social setting (Marshall and Rossman, 1989:79). Kawulich (2012:3) states that observations help the researcher to identify and guide relationships to learn how people interact and so on. They can be used for both quantitative and qualitative studies as a data collection method. Observations can be categorised under ethnography methodology. Ethnography is a method of social research, which through an in-depth investigation into the cultural and social patterns of interaction, and a detailed examination of the values, beliefs and assumptions that underpin and account

for such interactions, seeks to discover and capture what is happening in the lives of a particular group or community (Dickinson, 2010:1). However, Bryant (2015) mentions that while ethnography involves observations, not all observations have to be ethnographic. Depoy and Gitlin (2016:165) describe it as an approach that is done to understand beliefs, rituals, patterns and institutions that define a culture. The researcher, just like in the heuristic approach, must gain access to a group and observe, interview or examine materials.

The research was, therefore, exploratory. With one of the aims of exploratory research being first, the need to fulfil the reader's desire for understanding (Babbie & Mouton 2001:79), I wanted to discover how interpreters in the Ṱhohoyanḓou High Court, Ṱhohoyanḓou Magistrates' Court, and the Vuwani Magistrates' Court perform, especially when they were unaware that they were being assessed. Purposive sampling where a researcher targets certain individuals with characteristics of interest in the study was used to select these courts. The high court is the only one existing in the district, Ṱhohoyanḓou magistrate is a district entity, while Vuwani magistrate falls in the Colins Chabane municipality. Each of these three courts represents a court level. Informing the interpreters that they would be observed if they were omitting, code-switching, or generating own utterances, would possibly have intimated them or make them behave to suit the purpose which could have tempered with the authenticity of the results. To adhere to the principle of beneficence, where benefits are maximized and harm minimized, the role of the complete observer was preferred.

Exploratory research tests the feasibility of doing more extensive research into a subject. By doing this exploratory research, I hoped to understand the situation regarding court interpreters and their influence on language mediation in court. Exploratory research aims to develop methods to be employed in any subsequent study. This study focused mainly on satisfying the researcher's quest to discover how court interpreters perform and determine the extent to which their performance, especially in the case of the three sociolinguistic aspects which are: omission, code-switching and self-generated utterances (OCS), may affect the quality of renditions in court.
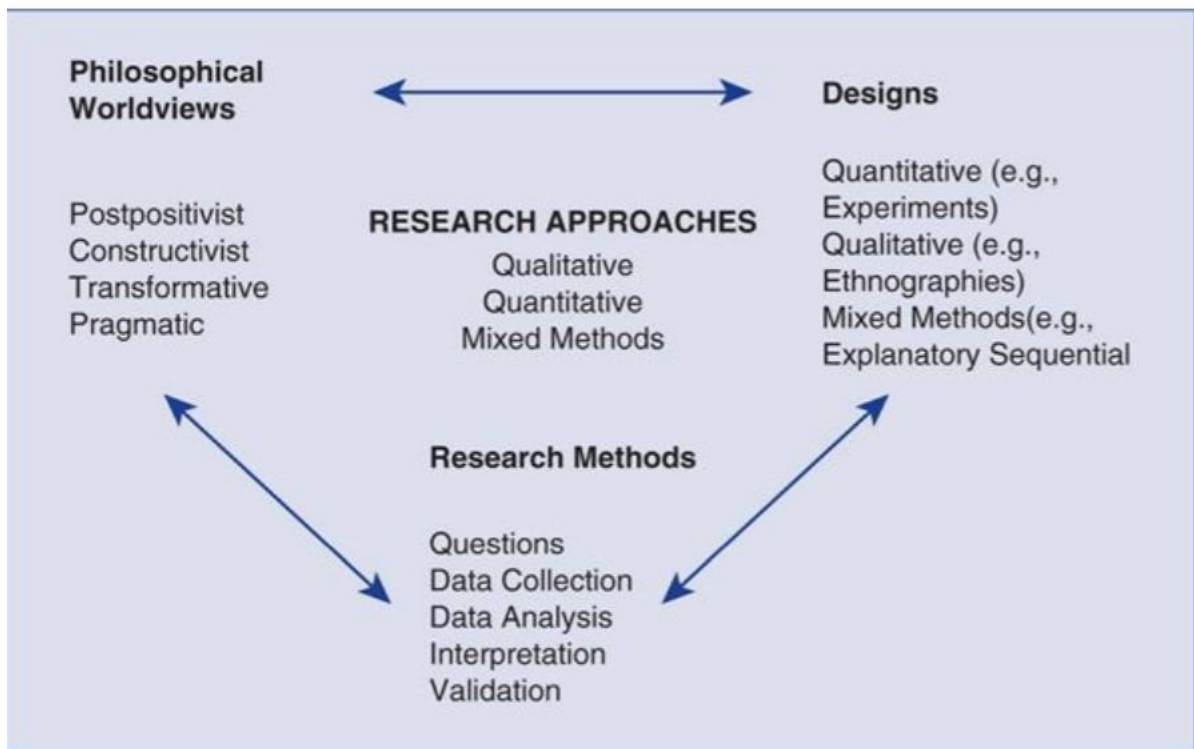
Figure 8: The graphical representation of research design (Creswell, 2014).

In this design, Creswell (2014) puts research approaches as central in determining the design the study must follow; designs also determine the research methodology which must be applied. It is worth noting to realise that designs, methods, views and approaches influence one another. Therefore, knowing the design can help in knowing the approach and so on.

4.3 Research Setting

The study was conducted primarily in the Ṱhohoyanḓou High Court, but also proceeded to the Ṱhohoyanḓou and Vuwani Magistrates' Courts to ensure validity. All these courts are in Limpopo Province in the Vhembe District, and are s less than a kilometre apart. In all, language directionality is from Tshivenḓa to English and vice-versa, although other languages found in the province, such as Sepedi, Xitsonga and even Shona are also interpreted. The Ṱhohoyanḓou High Court, also known as the Limpopo High Court, deals with serious cases involving murder and divorce, to mention a few. Interpreters who work here start from senior interpreters, and therefore, the expectation was that since they are experienced and trained, they possess the

necessary knowledge to deal with language issues and know their roles. They are required to have a diploma to be hired as interpreters. On the other hand, Ṱhohoyanḓou and Vuwani Magistrates' Courts employ staffers from junior court interpreters usually required to have grade 12, and, be competent in languages. While the aim was not to compare how interpreters in both institutions fare, it was interesting to discover if both sets display the same traits in their interpreting behaviour, that are characterised by omission, code-switching and self-generated utterances. As Roy and Metzger (2014:162) mentioned that "The act of interpreting is a search for meaning in what is uttered or signed in context, including the linguistic, social and cultural knowledge that participants use to make sense of what they hear or see".

4.4 Data Collection Methods

Data were gathered ethnographically by attending court cases where interpreters working from Tshivenḓa to English and vice versa are involved. The setting of the communicative event was in the Ṱhohoyanḓou High Court and the Ṱhohoyanḓou and Vuwani Magistrates' Courts. I attended court interpreting sessions involving Tshivenḓa and English and observed how interpreters performed their duties. I wanted to discover if the three sociolinguistic aspects: omission, code-switching, and self-generated utterances (also shortened as OCS in this research) could be observed during interpreter performance. Thus, the focus was on what interpreters did with their language and not on knowing the linguistic aspects of language, which can be measured through accuracy and fluency. Permission to be present and writing was sought and granted by the authorities involved. Court interpreters were never informed of what was being observed from them (that is, whether they were omitting, code-switching and using self-generated utterances). While court managers were aware of and granted permission for the observations to be done, interpreters were not formally informed, otherwise if they knew, they done their best to interpret by not omitting, code-switching and uttering own statements. The researcher (using extra-linguistic knowledge of interpreting) also recorded observed interpreter behaviour to complete spoken speech. The researcher did not inform interpreters that they were under scrutiny. This was important for the reliability of this study, as mentioned by Kawulich (2012:4) who posits that observations can be used to triangulate data. The advantage

is that observations allow one the opportunity to record in writing learnt behaviour. To achieve this, the scholar must know the role they must play in the observation. Kawulich (2012:2-3) describes four roles an observer can take: a complete participant, the participant as an observer, the observer as a participant and the complete observer. A complete participant can observe as part of the group, but without knowing that they are observing. The observer participant is a member of the group and members know that they are being observed. The observer as a participant is known to be observing members, but is not part of the group. Lastly, the complete observer is not a member of the group and is not known to be observing. I took the role of the complete observer. The aim was to gather data without intimidating the interpreters since the research focused on their performance.

The resources used were notebooks and pens,and no electronic recording was done since it is unethical and not permissible in court to do so. Fox (1998:12) quotes Spradley (1980:78) who mentioned that note-taking is a daunting task and the scholar must ensure that the following are not left out during the task of observation:

- Space
- Actors (in this study, the utterances by members handling the court case, and in particular, those by the interpreter).
- Activity.
- Object.
- Act (Actions people do- in this study the utterances by actors involved.
- Event (Court case in this study).
- Time.
- Goal.
- Feelings, and,
- Reflection.

This can be likened to the ethnography of communication events, which was used as an analysis theory in this study.

Given the pace at which talks/turns are made in court, I sought the services of four students, who served as research assistants. These students were informed about their responsibilities and were trained in note-taking. They wrote down statements uttered. One wrote statements spoken by an interpreter. The second one noted down

the statements spoken by the judge, and the third one wrote those uttered by the defendant/accused. I noted down critical observations like when they played the role they were not supposed to play as in acting as the order of the court or generating statements that were not uttered by those given a turn.

4.5 Analysis of data

The first task was to assemble the data from the five of us. That meant rewriting all statements spoken orderly and that was a cumbersome task. For example, if the judge speaks, the interpreted statement must follow, then a response from the accused, another interpreting. Also, statements by the interpreter would be in Tshivenḓa then English and so on. For the one writing the interpreter's statements, the task was difficult. Once the speech was reordered, it was my turn to analyse it by reading the statement in English and then the interpreter's interpreted meaning to check if they correlated. That is, it meant verifying if there was any omission, code-switching or if the statement had something added to it. If the interpreter said something on his/her own, it was marked as a self-generated utterance. All additions were also classified as self-generated utterances.

After identifying the omissions, code-switching and self-generated utterances, the next task was to classify the type of each of them. Data analysis was done using the ethnography of communication, which is one of the approaches to discourse analysis (Schiffrin, 1994; Kamalu and Osisanwo, 2015). However, as stated in the research design section (4.2) the occurrence of omission, code-switching, and Self-generated utterances was also quantified, making this a mixed-method data analysis. Discourse analysis is a method that is used to analyse language in use (Kamalu and Osisanwo, 2015:170). Language in use refers to the rules/norms and the choices made by speakers in various contexts. The context can be textual, that is, speech as written or spoken, social and cultural. Approaches used to analyse discourse are Speech act theory as supported by Austin (1962), Searle (1969) and Cook (1989), the Interactional Sociolinguistics by Goffman (1976, 1979), Gumperz (1972) and Hymes (1972), Ethnography of communication (Hymes (1962), Pragmatics by Mei (2001) and Schiffrin (1994), Variation analysis by Schiffrin (1994) and Discourse rank-scale.

An ethnography of the communication was done in each session. This approach first appeared in Hymes (1962) and is based on the understanding that the meaning of an utterance can be understood in relation to communication events. Thus, background knowledge is always linked with the utterance and other verbal or non-verbal cues. Wardhaugh (2006:247) describes an ethnography of a communicative event as "a description of all the factors that are relevant in understanding how that particular communicative event achieves its objectives". He further mentions that they "are based on first-hand observations of behaviour in a group in their natural setting" (Ibid: 249). Wardhaugh (2006) then proposes a strategy to do an ethnography of a communicative event using the SPEAKING acronym byunpacking it as follows:

S- Setting and Scene: It represents the time and place, and it includes the psychological setting.

P- Participants: The combination of addressee- addressor, speaker-listener or sender-receiver.

E- Ends: Recognised and expected outcomes of exchange, as well as the personal goals that participants seek to accomplish on each occasion.

A- Act Sequence: The actual form and content of what is said, the precise words used, how they are used and the relationship between what is said and the topic at hand.

K- Key: The tone, manner or spirit in which a message is conveyed (lighthearted/serious/mocking/sarcastic).

I- Instrumentalist: Channel (Formal/code-switching/use of pidgin).

N- Norms: Norms of interaction: specific behaviours and properties that attach to speaking (loudness/silence/gaze direction).

G- Genre: Types of utterances (prayers/lectures/riddles).

This approach was used in conjunction with the tools that I designed, which I explain and depict hereunder.

4.5.1 Data Analysis tools

To analyse data, the following tools were designed, one for omission, another for code-switching and the last one for self-generated utterances. The mandate of this research

was to explore court interpreting by conducting a sociolinguistic study of the effect of omission, code-switching and self-generated utterances (hereafter referred to as OCS) in court interpreted dialogues involving English and Tshivenḓa. If the three indeed occurred, the aim of this research has already been achieved. However, for the sake of conclusions and recommendations, qualifying information such as the type and reasons is needed.

Omission Analysis Tool

SL Message	Speaker	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)	Possible cause
				-conscious strategic -conscious intentional -conscious unintentional -conscious receptive -unconscious	- grammatical incompetence -Lagging behind -speaker mumbled -Tired interpreter

Code-switching Analysis Tool

SL message	TL Message	Code-switched item	Type of code-switching (Poplack 1980)	Reason for code-switching
			-tag switching -intersentential -intrasentential	-lack of register

				-mood of the speaker
				-emphasise a point
				-habitual experience
				-semantic significance
				-show identity with the group
				-address a different audience
				-pragmatic reasons
				-attract attention
				- lack of facility

Self-generated Utterances Analysis Tool

Word/sentence uttered	Type of Speech Act	Declarative, Non-declarative or Interrogative (Austin, 1956)
	-Locutionary (Naming) -Illocutionary (Assertive/commands/commissives/ expressive) -Perlocutionary (asking/permitting/ praising	- Declarative (True/false/fact) -Non-declarative (wish/threat/dares/permissions/advice - Interrogative (questioning)

4.5.2 Interpretation of Data

Data were interpreted based on the nature and possible causes of the occurrences of the three sociolinguistic aspects in question, their types and possible causes. For example, in omission or code-switching, I am concerned with understanding their types and their possible causes. However, in the case of self-generated utterances I am also concerned about the reasons why they were uttered Depoy and Gitlin (2016:165) advise that analysis of data in ethnography should move from being "descriptive to explanation". Thus, after describing the three sociolinguistic aspects in question, the analysis should move to explaining why such tendencies occur. This was the objective of this research, to determine the extent to which sociolinguistic aspects, such as omission, code-switching and self-generated utterances, are manifested during interpreted situations involving English and Tshivenḓa. It should be borne in mind that in naturalistic research. the researcher "is not the knower" (Depoy and Gitlin, 2016: 165).

4.6 Data Triangulation

Triangulation involves the use of two or more techniques or methods to understand more about the topic in question or to affirm what was discovered using another method. It is used to validate findings or conclusions reached using one technique from another angle. The researcher wants to find out if he/she will reach the same conclusion using different methods. Olsen (2004) argues that triangulation also aims at deepening and widening one's understanding. Researchers will usually mix methods or approaches to get two or three viewpoints on aspects being studied (Olsen, 2004:4). One of the propagators of this method is Bryman (1998), who developed the methodology on the application of mixed methods. His approach to mixed-methods research "has been to suggest that for practical reasons, one type of technique will usually be primary, but that all research is enriched by the addition of other very different, techniques to the tool-basket" (Olsen, 2004:8).

4.6.1 Background and definition

Heale and Forbes (2013) mention that the term triangulation "originates in the field of navigation where a location is determined by using two angles from two known points". The term has roots in surveying where it "refers to a way of verifying the accuracy of a measurement by using known properties of equilateral triangles. Denzin (1970) also applied triangulation in sociology. The concept is also being used in interpreting, for example, Tiselius (2011) advocates for the use of mixed method deigns. She argues that "by mixing mixed-method design, interpreting researchers can avoid problems arising from studying a small population and will therefore have less trouble collecting enough research data for purely quantitative studies". Depoy and Gitlin (2016) offer some parameters surrounding the term triangulation as a way of unpacking the concept:

- Triangulation is also known as crystallisation where one source of information is checked against one or more other types of sources to determine the accuracy of hypothetical understanding and to develop the complexity of understanding (Depoy and Gitlin, 2016:320).

- Triangulation enables the investigator to validate a particular finding by examining whether different sources provide convergent information.

- Different diverse sources are used to explain a phenomenon (Ibid: 320).

Therefore, a feasible definition of triangulation can be the application and combination of several methods in the study of the same phenomenon, where more than one technique is used to collect data to capture different dimensions of the same phenomenon.

4.6.2 Types of Triangulation

Denzin (1970, 1978, 2012) introduces five different types of triangulation:

- Methodological triangulation: Is used to off-set the weakness of one method with the strengths of another and the validity of their research. It is subdivided into two types: within-method triangulation, where varieties of the same method

are used to investigate a research issue and between-method triangulation, which involves the use of contrasting methods (Bryman, 2001).

- Researcher triangulation: A method that leans on the researcher's interpretation to generate data by using different researchers.

- Data triangulation: Also known as triangulation of sources (Tiselius, 2011). The researcher examines the consistency of sources or data within the same method, but at different times, in different contexts (Private versus public) and from different people.

- Theoretical triangulation: Validity and reliability are assessed by using different theories and methods.

- Environmental triangulation: It uses various environmental factors to check validity, for example, different venues, periods seasons and months, to mention a few.

4.6.3 Advantages of triangulation

The advantages of triangulation cannot be overemphasised and they are:

- It promotes more understanding of a phenomenon under study (Heale and Forbes, 2013).

- It enhances the rigour of research study (Heale and Forbes 2013), and

- The researcher can have greater confidence in the validity of data and innovative perspectives on the study topic (Thurmond, 2001).

4.6.4 Triangulation of data in this research

I used data triangulation to validate and assess the reliability of my findings. Although triangulation is also described as a mixed method design that can involve using both qualitative as well as quantitative methods, data triangulation (also known as triangulation of sources (Tiselius, 2011), was used to examine the consistency of sources or data within the same method ,but at different times and in different contexts.

- **Different times:** While some data were collected between June and December 2018, some were collected between January 2019 and August 2021. The Covid-19 pandemic, which started in March 2020, in South Africa, influenced court attendance since fewer quarters were recommended to be present in the courtrooms.

- **Different contexts**: Data from various courts, criminal and divorce courts. Also, some data were collected from the Ṱhohoyanḓou and Vuwani Magistrates' Courts to assess how relative the data would be to that of the Ṱhohoyanḓou High Court and to affirm the conclusions reached in the Ṱhohoyanḓou High Court.

- **Different people**: Data collected in the Ṱhohoyanḓou High Court involved different interpreters. That is, each courtroom is allocated an interpreter, and some information was collected from divorce courts. However, to assess whether their sociolinguistic choices were not just a mere habit, data from the interpreters in the Ṱhohoyanḓou and Vuwani Magistrate's Courts were also collected.

4.7 Ethical Considerations

I requested permission to attend cases and write down all that I thought would be relevant to my study. The Department of Justice only prevented me from getting recorded data (cassettes), but they allowed me to attend the cases. Data recorded did not include names, but titles of the people involved for the sake of respecting the rights of the parties involved.

4.8 Conclusion

This chapter explored the best way of conducting this study. It explained how the research was designed, step-by-step, and presented how it was qualitative and naturalistic. Attributes of naturalistic research such as being exploratory, ethnographic and heuristic were also explained. The chapter then detailed how the data were collected, analysed and validated through triangulation before dwelling on ethical considerations.

The next chapter presents the data gathered and how it was analysed using the tools introduced in Chapter 4.

CHAPTER 5: DATA ANALYSIS

5.1 Introduction

Chapter 4 detailed steps on how this study was designed by discussing the angles from which it was studied, and how data were collected, analysed and validated. This chapter is significant because it details what was done. Using discourse analysis, and applying one of its approaches in the ethnography of communication (Wardhaugh (2006:247), and the designed tools for analysis, this is a testimony to all theorising that was done in the previous four chapters. The written speeches from all the court cases have also been attached at the end of the thesis as annexures. However, as already stated in ethical considerations, names have been omitted and only titles used. I analysed data focusing on the interpreter's behaviour and the statements they uttered from English to Tshivenḓa and vice versa. The identified statements that reflected any of the research focus areas of this study; that is, omission, code-switching and self-generated utterances, were then analysed using the tools of analysis that were introduced in Chapter 4.

Court interpreters are expected to be conduits who do not temper with the messages uttered by their clients. This study argues that they are active, and that is reflected by the way they decide to use language while interpreting, which can be reflected by omitting willfully, code-switching to facilitate better communication or generating statements on their own, such as questioning and sometimes advising the client. Thus, the aim of analysing the data was to check if this happened in the identified contexts.

5.2 When was data collected?

Data were collected from August 2018 to 2022. Although the time seems long, not much was collected in 2020 and 2021 because of the impact of Covid-19. The President of South Africa, Cyril Ramaphosa, announced that the government had to declare a national state of disaster to manage the impact of the corona virus on society and economy of the country.

The result was that the country would be placed at various alert levels, that is, from Levels 5 to 1, depending on the severity of the virus. Alert level is defined as the level determined by the cabinet member responsible for Cooperative Governance and Traditional Affairs (RSA 2021).

- Alert level 5: Drastic measures adopted to contain the virus. During this stage, people were not allowed to go out but stay at home (26 March 2020 to 01 May 2020). This stage lasted for 35 days and no data were gathered at this stage since we could not go out ([www.sabcnews.com/infographic/ south](www.sabcnews.com/infographic/south):africa's:lockdown:levels 5,4,3,2,1).

- Alert level 4: Extreme precautions adopted to limit community transmission and outbreaks while allowing some activity to resume. ([www.sabcnews.com/infographic/ south](www.sabcnews.com/infographic/south):africa's:lockdown:levels 5,4,3,2,1).

- Alert level 3: Many activities are restricted at working places and socially to limit the high risk of transmission. Only closest relatives could attend the court cases, therefore, no data were collected at this stage. ([www.sabcnews.com/infographic/ south](www.sabcnews.com/infographic/south):africa's:lockdown:levels 5,4,3,2,1).

- Alert level 2: Physical distancing and restrictions on leisure and social activities to curb the rise of the virus. The move to alert level 2 was announced by President Ramaphosa on the 13th of September 2021. Some data were collected at this stage, although the courts still limited the number of people allowed in their galleries. (www.capetalk.co.za/lockdown:levels/here's what you need to know at a glance).

- Alert level 1: Most normal activity can resume, with precautions and health guidelines followed at all times. (www.stateofthenation.gov.za). It started on the 1st of October 2021 (sacoronavirus.co.za/summary of level 1 regulations (as of 1 October 2021)). Data collection was again delayed when in December 2021, the country was moved between restricted alert levels 3 and 2. It was only as from the 1st February 2022 that the cabinet in South Africa approved that the country be moved back to alert level 1, with more people allowed in gatherings, such as churches, schools and courts (www.gov.za/speeches/cabinet:approves:changes:to:adjusted:alert:level:1:covid:19:regulations). This paved a way for more data collection.

The RSA Gazette Vol. 673, No. 44868 restricted access to court rooms, court house or justice service points as follows:

- It gave the presiding officer powers to determine the number of people allowed in courtrooms.
- Limited the number of people entering courtrooms to floor space available and had to consider physical distancing.

Therefore, my research assistants usually came back disappointed in not being allowed to observe and gather data.

Courts allocate days to different engagements in a week. For example, trials would be held on certain days, and postponements the same. The impact of this was that we had to attend postponements to know when the next trial would be held. Given that research assistants travelled from their homes, it had a negative impact.

Besides, the occasional lack of water at the Ṱhohoyanḓou Magistrate Court led to trials being postponed. The impact of the two was that data would sometimes be collected once a month or sometimes not even collected, hence the length of time in data collection.

5.3 How data were presented

Data were presented in the following sequence; the Ṱhohoyanḓou High Court, the Ṱhohoyanḓou Magistrate, and the Vuwani Cases. Each of the cases presented court cases for analysis in the following sequence:

- Reference to annexures of the data gathered for each speaking event.
- An ethnography of the speaking event using the SPEAKING acronym. An ethnography of the communicative events was done for each session/court sitting. Wardhaugh (2006:247) describes an ethnography of a communicative event as "a description of all the factors that are relevant in understanding how that particular communicative event achieves its objectives". He also further mentions that they "are based on first-hand observations of behaviour in a group in their natural setting" (Ibid, 249). Wardhaugh (2006) then proposes a strategy to do an ethnography of a communicative event using the SPEAKING acronym. An ethnography of a

communication event was done using the SPEAKING acronym. Wardhaugh (2006) unpacks the SPEAKING acronym as follows:

S: Setting and Scene: It represents the time and place and includes the psychological setting.

P: Participants: The combination of addressee-addressor, speaker-listener, sender-receiver.

E: Ends: Recognised and expected outcomes of exchange as well as the personal goals that participants seek to accomplish on occasions.

A: Act Sequence: The actual form and content of what is said, the precise words used, how they are used, the relationship between what is said and the topic at hand.

K: Key: The tone, manner or spirit in which a message is conveyed (light-hearted/serious/mocking/sarcastic).

I: Instrumentalist: Channel (Formal/code-switching/use of pidgin).

N: Norms: Norms of interaction: specific behaviours and properties that attach to speaking (loudness/silence/gaze direction).

G: Genre: Types of utterances (prayers/lectures/riddles).

-General analysis of the speaking event for omission, code-switching, and self-generated utterances.

-Specific analysis using different tools to analyse omission, code-switching, and self-generated utterances.

-Interim conclusions drawn for each speaking event.

 Interim case conclusions are drawn at the end of all court cases for each of the two cases. These interim conclusions form part of the general conclusions drawn in the chapter on findings.

5.4 Court Cases

This section presents data from the ten court cases as recorded in Ṱhohoyanḓou High Court (the centre of this study), and Ṱhohoyanḓou and Vuwani Magistrates (Courts in the same district selected for triangualion purposes). Five court cases were recorded

in Ṱhohoyanḓou High Court, three at Ṱhohoyanḓou Magistrate Court, and two at Vuwani Magistrate Court. I begin by presenting five court cases (1-5) from Ṱhohoyanḓou High Court, followed by three (6-8), and lastly, two (9-10) from Vuwani Magistrate Court.

5.4.1 Court case 1: Ṱhohoyanḓou High Court

Type of the Court Case: Murder

Date of the Court Proceedings: 16 August 2018

5.4.1.1 Written statements of the unfolding event (See Annexure A)

For ethical reasons, names of people and places were omitted. The case sat on the 16th of August 2018 and was concluded the next day, and the 22-year-old was boy given an effective life sentence. He had broken into a house, stabbed the owner of the family and robbed her of R1000. Then, he went back to the shebeen.

5.4.1.2 Ethnography of the communicative event

S: Setting and Scene: Ṱhohoyanḓou High Court.

P: Participants: The defendant, the judge, the attorneys and the interpreter.

E: Ends: Cross examination by attorney and judge to finalise the murder case.

A: Act Sequence: The judge and attorney examined the defendant; spoke in English and the interpreter interpreted English to Tshivenḓa and vice versa.

K: Key: The proceedings were on a serious legal note.

I: Instrumentalist: The judge spoke in English, but at times used vernacular; the interpreter code-mixed.

N: Norms: Norms of interaction: The interpreter occasionally reminded the defendant to speak louder.

G: Genre: It was a trial. However, the defendant was allowed to plead, and the lawyers and the attorneys prayed.

5.4.1.3 General analysis

Judge: Tell us your names and age.

Interpreter: *Ndi inwi nnyi nahone ni na miṅwaha mingana?* (Who are you and how old are you?)

The interpreter decided not to interpret the judge's statement literally, but tchanged the statement into a question. It should have been interpreted the statement as *"Ri vhudzeni madzina aṋu na vhukale".* The interpreted statement in English is "Who are you and how old are you?". The accused gave the relevant answer that the judge expected. The interpreter generated own statement by changing a statement into a question.

Judge: At home, who do you stay with?

Interpreter: *Hayani ni dzula na nnyi? (A ambele nṱha thi?")* (Please, speak loudly.)

The interpreter interpreted correctly. That was a good example of literal interpreting. However, the words in brackets were not uttered by the judge. They were spoken by the interpreter without being advised by the judge. The interpreter advised the accused to speak loudly. This shows that the interpreter was managing the speaking event as an active interpreter who did not need to wait for a judge to reprimand the accused to speak loudly.

Accused: *A thi shumi, ndi khou ita learnership.*

Interpreter: I do not work. I am doing learnership. *(A takuse voice yawe thi?)* (Rraise your voice please!)

The interpreter chose to use the same word used by the accused for the term 'learnership', which should be interpreted as '*u gudela mushumo'*. Afterwards the interpreter adviced the accused to speak louder. This was a self-generated utterance, it was not an interpretation. However, the tone was a pleading one.. Choosing of the word 'voice' instead of the Venda word *'ipfi'* shows that the interpreter code-switched habitually by opting for perhaps the commonly used word. The word 'voice' is simple to translate. It is possible that the interpreter thought the word was simple for the accused to understand. In the next statement, the interpreter used a different word for

learnership instead of interpreting it, another word, 'certificate' was used. That was a sign of inconsistency.

Judge: What is this learnership? Mechanical, engineering … what?

Interpreter: Certificate *yawe ndi ya u gudela mini?*

The judge's question is unclear. Perhaps, it is the reason the interpreter decided to use the word "certificate". However, the interpreter should have interpreted it as *"Ni khou gudela mini? Makhanikhe, Engineering … mini?".* (What are you studying for,…Mechanical Engieering…what?)

State Attorney: The court has convicted you of 3 serious offences. In view of the fact that the court has found you guilty, what is your take on the family of the deceased?

Interpreter: *Khothe yo ni wana mulandu kha milandu miraru miraru ya u lemela. Ni tshi vhona ni nga ri mini kha muṱa?* (The court has found you quilty in three serious crimes. As you see, what can you say to the family?)

The interpreter translates '3 serious offences' as '*milandu miraru ya u lemela'*. It should have been '*vhukhakhi vhuraru vhu tatisaho'*

State Attorney: When did you start feeling guilty?

Interpreter: *No thoma upfa lini uri zwe na ita asi zwavhuḓi?* (When did you start to feel that you did wrong things?)

The interpreter decided to paraphrase the word 'guilty', which might have a bearing on the way the accused responded, ultimately leading to the conclusion that he was unremorseful. The interpreter should have used this word, as she did before by interpreting it as '*mulandu*', but decided to use '*zwe na ita asi zwavhuḓi'* or 'what you did was not right'. 'Feeling guilty', and 'realising that what one did was not right', do not have the same impact. The first one creates a sense of responsibility or remorse, whereas the second can be regarded as a viewpoint. The young man responded that he realised he did something which was not right when he saw the blood and he did not even mention the victim. The State Attorney concluded that he was unremorseful. It seemed he was more concerned about his tekkies that were stained with blood than by the grievous act of taking someone's life. When the case was concluded the next day, he was given an effective life sentence. The question is whether the young man

would have responded better if the interpreter did not paraphrase the word 'guilty'. There are some critical words that might influence the accused in giving mitigating factors and such words must be interpreted correctly.

State Attorney: Was it not because you saw the person who was stained with blood? You are not even remorseful.

Interpreter: *A si uri no vhona muthu e na malofha? A ni vhuyi na ḓisola.* (Is it not that you saw a person covered in blood? You are not even remorseful.)

This is a critical stage for any interpreter, which exposes how knowledgeable interpreters are. In the statement, "The person who was stained with blood", which was interpreted as "we a vha e na malofha kha zwiambaro zwawe". The word wittingly omitted stained, means '*khakhaṱhela".* The word describes the serious nature of the blood covering the lifeless human body. Leaving this word and translating it "as a person with blood" distorted the severity of the situation.

5.4.1.4 Tools of Analysis

Omission Analysis Tool

SL Message	Speaker	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)	Possible cause
	State Attorney: The court has convicted you of 3 serious offences. In view of	Interpreter: *Khothe yo ni wana mulandu kha milandu miraru miraru ya u lemela. Ni*	Serious (*tatisaho*)	-conscious strategic	-grammatical incompetence

SL Message	Speaker	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)	Possible cause
		the fact that the court has found you guilty, what is your take on the family of the deceased?	*tshi vhona ni nga ri mini kha muṱa?*			
	State Attorney: Was it not because you saw the person who was stained with blood? You are not even remorseful.	*Interpreter: A si uri no vhona muthu e na malofha? A ni vhuyi na ḓisola.*	Stained (*Khakhaṱhela)*	-conscious intentional	-grammatical incompetence

Code-switching Analysis Tool

SL message	TL Message	Code-switched item	Type of code-switching (Poplack, 1980)	Reason for code switching
:	*(A takuse voice yawe thi?)*	Voice *(Ipfi)*	Intra-sentential	-habitual Experience
SL message	TL Message	Code-switched item	- Type of code-switching (Poplack, 1980)	- Reason for code switching
What is this learnership?	*Certificate yawe ndi ya u gudela mini?*	Certificate *(Ṱhanziela)*	- Intra-sentential	- Habitual experience/Lack of register

Self-generated Utterances Analysis Tool

Word/sentence uttered	Type of Speech Act	Declarative, Non-declarative or Interrogative (Austin, 1956)
Ndi inwi nnyi, nahone ni na miṅwaha mingana? (The interpreter's invention differed from the judge's illocutionary act:	Perlocutionary	- Interrogatives (questioning)

Tell us your names and age).		
A ambele nṱha thi?	Perlocutionary	- Non-declarative (advice)

5.4.1.5 Interim Findings

Court case 1 of the Ṱhohoyanḓou High Court reveals the following about the interpreter of the day:

- Two (2) instances of omission were observed, one (1) conscious strategic and another conscious intentional. They were both due to grammatical incompetence. The interpreter omitted certain words consciously as a strategy of interpreting. The omitted item suggests that she felt the meaning would not be sacrificed, therefore, it was an intentional act. Thus, the interpreter consciously and strategically omitted, as well as consciously and intentionally omitting. In both cases, the interpreter heard the words clearly, suggesting alertness thereby strategically opting to omit .
- Two cases of code-switching were observed. The interpreter used intra-sentential, as well as inter-sentential code-switching. The code-switched item, 'voice', is not a difficult word. Even, the word 'certificate' has its translation, (Ṱhanziela) which other people may not quickly recall because of the constant use of the borrowed English word. It suggests that the interpreter code-switched owing to habitual experience and lack of immediate facility.
- The interpreter uttered statements that were not spoken by the judge or changed the statement by the judge into a question. The speech acts done were perlocutionary and were in the form of interrogatives. However, the other one was non-declarative, which was used when advising the accused to speak loudly.

5.4.2 Court Case 2: Ṱhohoyanḓou High Court

Type of the Court Case: Assault

Date of the Court Proceedings: 16 August 2018

5.4.2.1 Written statements of the unfolding event. State vs police officer (See Annexure B).

The accused wass said to have assaulted and forced a prisoner who was awaiting trial to go to a scene of crime. The case was postponed to 27/08/2018.

5.4.2.2 Ethnography of the communication event.

S: Setting and Scene: Ṱhohoyanḓou High Court.

P: Participants: The defendant, judge, attorneys and the interpreter.

E: Ends: Cross examination by attorney and judge to finalise the murder case.

A: Act Sequence: The judge and the attorney examined the defendant; spoke in English and the interpreter interpreted English to Tshivenḓa and vice versa.

K: Key: The proceedings were on a serious legal note.

I: Instrumentalist: The judge spoke in English, but at times used vernacular; the interpreter code-mixed.

N: Norms: Norms of interaction: The interpreter occasionally reminded the defendant to speak louder.

G: Genre: It was a trial, however, the defendant was allowed to plead and the lawyers and the attorneys prayed. The accused was said to have assaulted and forced a prisoner who was awaiting trial to go to a scene of crime.

5.4.2.3 General Analysis

Lawyer: So, it is true? You only became aware of the accused after you have been assigned to investigate the case?

Interpreter: *Ndi zwone na, uri vho thoma u ḓivhana na muhwelelwa nga murahu ha musi vho no itwa muṱoḓisisi? (*Is it true that you first knew the accused after you the investigating officer?)

Two things stand in the above extraction; The lawyer framed the question in two parts, but did not sound like interrogating. He wanted the accused to answer in true or false. The interpreter framed it to form a single sentence question which was explicit. The purpose, could have been to trick the respondent wass defeated by the way the interpreter presented it. The interpreter omitted 'only' / 'fhedzi', which had a tricky element. However, the accused involved was a police officer who understood English well. He responded in a way that addressed the 'only' part. It would probably have been different. In inventing the question, the interpreter ended up omitting.

Lawyer: You never assaulted him?

Interpreter: A vho ngo mu rwa na?

Accused*: Hai*

Interpreter: No, I did not assault him*. (Vha ri nṋe musi a tshi ya u ita dzi pointing out dzawe ndo vha ndi siho, na u mu rwa a thongo mu rwa).*

The interpreter added when the respondent answered 'hai', instead of saying 'no' and end there, added, "I did not assault him". The interpreter went on to explain the situation in a long sentence using reported speech, "He said that he was not there when the accused went to do scene pointing, and he did not even assault him". The lawyer and the judge did not seem disturbed by this act, which in this case, turned out to be a norm. The interpreter played the role of helper and advocate, adding and generating statements at will. The additions helped the accused to follow the case clearly, but, it was against the ethics of court interpreters to add, an interpreter should stick to conduit. Could that have been an exercise of agency? I think so.

Judge: Can you remember how far the case had gone when you were then assigned the case?

Interpreter: Vha ya humbula na uri kheisi yo vha I ngafhi musi vhone vha tshi itwa muṱoḓisisi wayo?

Accused: Ṱhoḓisiso dzo vha dzo no khunyelela.

Interpreter: Investigations were already finalised.

(Vha ri musi ndi tshi dzhenelela, ho vha ho no itwa dzi investigations dzoṱhe, nṋe nda to dzhenelela).

The interpreter was interpreting well, but kept summarising, by adding statements that turn out to be summarising the short discussion. The interpreter resorted to reported speech which is not allowed, interpreters must use the tense used by the original speaker.

Accused*: Ndo vha ndi mushumoni.*

Interpreter. I was at work. (*Vha ri vho vha vhe mushumoni*). (He said that he was at work)

There was no need for the interpreter to report in Tshivenḓa what the accused said in Tshivenḓa. But the interpreter kept reporting.

Lawyer: Did you visit the holding cells?

Interpreter: Nna vho ya vha dzhena kha dzi sele dza tshifhinga nyana? (Did you enter into the holding cells?)

Accused: *Hai.*

Interpreter: No*. (Vha ri a vho ngo dzhena kha sele dza tshifhinga nyana).* He said he did not get into the holding cells.

The trend of reporting continues. The accused again gave a short answer, 'hai'/, 'but the words in brackets were uttered by the interpreter,, clarifying what hadbeen said. It is not the interpreter's duty to clarify, but probably felt it was a way of managing the court proceedings. The interpreter reflects lack of training or knowledge of how court interpreting must be done. I think the Department of Justice and Constitutional Development must consider ways to workshop interpreters and start to employ trained court interpreters.

Lawyer: I am told that you are one of the officers who forcefully removed him from the holding cells to the pointing out scene.

Interpreter: *Vha muṅwe wa mapholisa e a kombetshedza mufariwa u bva?* (Are you one of the police officers who forced out the prisoner?)

Accused*: A si zwone.*

Interpreter: It is not true*. (Vha ri a si zwone hezwo zwauri vho vha muṅwe wa mapholisa e a kombetshedza mufariwa uri a bve).* (He said that it was not true that he forced out the prisoner.)

The lawyer presented a statement that accuseed the accused police officer of forcefully removing the accused from the cell. The interpreter decided to pose it as a question, 'Are you one of the police officers who forced the accused to go out?'. Again, since the police officer understood English, he saved the day, by responding to the lawyer's statement.

Judge: What is the procedure to visit an inmate?

Interpreter: *Maitele a u dalela mufariwa a tshimbidzwa hani?* (What is the procedure to visit an inmate?)

Accused: *Ndi ya ha mulangatshiṱitshi a mpha linwe pholisa nda ya naḽo. A thi fari khii dza seleni.* (I go to the station commander who will then allocate an officer to accompany me. I do not keep keys to cells.)

Interpreter: I go and consult a charge office commander and ask for permission, then, I will be given another police officer to accompany me. I cannot hold keys to the cells. *(Vha ri musi ndi tshi ṱoda u vhona mufariwa ndi thoma nda ya kha commander, ene u do nṋea muṅwe wa mapholisa ane a mpheletshedza).*

The interpreter interpreted correctly as usual, but in the quest to clarify after two or three exchanges, code-switched where the accused police officer used the word 'mulanga tshititshi'/ and used 'commander'. It is baffling why the interpreter decided to do that because the police officer spoke good vernacular. The last part was omitted, 'I cannot hold keys to the cells/ *a thi koni u fara khiyi dza seleni'.* The omission was seemed to have been done unwittingly.

5.4.2.4 Tools of Analysis

Omission Analysis Tool

SL Message	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)	Possible cause
Lawyer: I am told that you are one of the officers who forcefully removed him from the holding cells to the pointing out scene.	*Interpreter: Vha muṅwe wa mapholisa e a kombetshedza mufariwa u bva?*	I am told that you are…. From the holding cells to the pointing out scene*.*	-conscious intentional	- Tired interpreter
Accused*: Ndi ya ha mulangatshiṱitshi a mpha linwe pholisa nda ya nalo. A thi fari khii dza seleni.*	Interpreter: I go and consult a charge office commander and ask for permission, then, I will be given another police officer to accompany me. I cannot hold keys to the cells. (Vha ri musi ndi tshi toda u vhona mufariwa ndi thoma nda ya kha	*A thi fari khii dza seleni*	Unconscious	- Tired Interpreter

	commander, ene u do nṋea muṅwe wa mapholisa ane a mpheletshedza).			

Code-switching Analysis Tool

SL message	TL Message	Code-switched item	Type of code-switching (Poplack, 1980)	Reason for code switching
I go and consult a charge office commander and ask for permission, then, I will be given another police officer to accompany me. I cannot hold keys to the cells.	*Vha ri musi ndi tshi ṱoda u vhona mufariwa ndi thoma nda ya kha commander, ene u do nṋea muṅwe wa mapholisa ane a mpheletshedza.*	Commander	- Intrasentential	-habitual experience

Self-generated Utterances Analysis Tool

Word/sentence uttered	Type of Speech Act	Declarative, Non-declarative or Interrogative (Austin, 1956)
Accused: A si zwone. Interpreter: It is not true. *(Vha ri a si zwone hewo zwauri vho vha muṅwe wa mapholisa e a kombetshedza mufariwa uri a bve).*	Perlocutionary (assertive)	Non-declarative (clarifying)

5.4.2.5 Interim findings

In the case of omission, the interpreter made both conscious and intentional as well as unconscious omissions. It was the interpreter's second full interpreting session and coupled with the strategy of always summarising two or three exchanges, which led into giving long sentences even when a speaker answered in one word like, true. Exhaustion crept in quickly which led to adoption of strategic omissions to save energy. Certain words that were got right before were then omitted signaling tiredness. That was further confirmed by the option to turn to extrasentential code-switching when translating familiar titles.

Self-generated utterances dominate this communicative event; the interpreter played an active role in clarifying. Thus, whereas there was an instance where the interpreter changed the form of speech act done by the speaker, from a statement that claimed the lawyer heard something to a question requiring the respondent to answer, most of the utterances were perlocutionary speech acts, which were non-declarative in form. The interpreter was always clarifying and explaining using different pronouns ranging from first person to third person. The acceptable pronoun is always first person singular pronoun in court. The interpreter battled with understanding the role to be played during interpreting.

5.4.3 Court Case 3: Ṱhohoyanḓou High Court

Type of the Court Case: Murder
Date of the Court Proceedings: 16 August 2018

5.4.3.1 Written statements of the unfolding event (See Annexure C)

This was a brief session where the judge postponed the case pending further investigations. There were issues of witness intimidation, and the judge issued a strong warning to the accused to stop that. The case was postponed to the 4th of September 2018.

5.4.3.2 Ethnography of the Communication event.

S: Setting and Scene: Ṱhohoyanḓou High Court, about 10h00.

P: Participants: The defendant, the judge, the attorneys and the interpreter.

E: Ends: Cross examination by the attorney and judge to finalise the murder case.

A: Act Sequence: The judge and the attorney examined the defendant; they spoke in English and the interpreter interpreted English to Tshivenḓa and vice versa.

K: Key: The proceedings were on a serious legal note.

I: Instrumentalist: The judge spoke in English, but at times used vernacular; the interpreter code-mixed.

N: Norms: Norms of interaction: The judge delivered a warning message by examining the accused through an interpreter.

G: Genre: The trial had not started in full, and it was being postponed.

5.4.3.3 General Analysis

This was the fifth case the interpreter was involved in on the same day.

Judge: I received some anonymous call that witnesses are being intimidated*.*

Interpreter: *Vha ri vho vhudzwa zwiṅwe zwithu*. (He said he was told something*)*

The interpreter appeared to be not paying attention resulting in wrongful interpretation. That omission was chronic in that only the implied message was sent, which the judge

surprisingly tolerated. It was the fifth session of the interpreter, and therefore, could be given the benefit of doubt for not being given a reliever. However, interpreting a word wrongly falls under serious errors. It is against the seven canons for court interpreters put forward by Gonzalez, Vasquez and Mikkelson (2012:1096:1097). The canons arelisted and briefly explained hereunder:

- Canon 1: The interpreter shall render a complete and accurate interpretation. Taylor-Bouladin (2001:227) emphasises accuracy, "accuracy is paramount, and the interpreter must on no account attempt to clarify or improve when a speaker is being vague". The New Jersey Supreme Task Force for Interpreter and Translation Services presents the purpose of interpreting, "Interpreting is precision, accuracy and completeness" (NJSFITS, 1994:58). The canon also requires completeness of the interpretation. By completeness, it is meant that nothing should be omitted owing to the nature of word rating. Gonzalez, Vasquez and Mikkelson (2012: 1097) mention some of the items that must be interpreted and not omitted. The items follow hereunder:

  - Complete interpretation: The interpreter must never alter the language level of the Source Language message when rendering it into the Target Language to enhance understanding or avoid offence.

  - Word choice: Changes in word choice can alter a witness's recollection of events, for example, hit/smashed/collided/bumped/contacted each other.

  - Obscenities: If witnesses use foul language or say anything that might be damaging to the case, the interpreter should not edit out the offending terms and must interpret exactly what is heard, thus conserving the original meaning.

  - Repetition: It is an aspect of hesitation: the interpreter must translate, for example, yes, yes, yes. It is true.

  - Self-correctness: When witnesses revise statements, do not correct.

  - Third person references: Only use the first person and ask the judge to tell the witness to do the same.

Judge: I am just begging you through your counsel to stop that

*Interpreter: Vha ri arali zwi tshi khou itea kha zwi khauwe. (*He said if it is happening discontinue with that)

The interpreter used reported speech and omitted the phrase 'through your counsel'. That omission which was against the canons of interpretation, was an indication that court interpreters desired to be involved in the communication act more actively than to remain as conduits. Errors that distort meaning are the most dangerous. Gonzalez, Vasquez and Mikkelson (2012:779) testify to the correctness of this assertion and suggest the following,

> Use of preferred meaning or grammatical forms are not the most dangerous of errors. However, the errors that distort the meaning of the original and do not conserve register or language level of the speaker have a serious and adverse impact on the presentation of the facts and the credibility of the witness.

In short, although the section was too short, it exhibited the most serious types of errors. Errors can be classified as critical/serious or moderate. Critical errors are those that need immediate attention and fixing. Sink (2011) proposes a three-phase model for determining error seriousness notably comprehension, transfer and reformulation. All errors which are related to comprehension should be regarded as serious, since they may mess up the original meaning of a message. In the in question court case, all three serious errors were committed: comprehension, transfer and reformulation.

5.4.3.4 Tools of Analysis

Omission Analysis Tool

SL Message	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)	Possible cause
Judge: I received some anonymous call that witnesses are	*Interpreter: Vha ri vho vhudzwa zwiṅwe zwithu. (*He said he was	I received some anonymous call that witnesses are being	Unconscious	Tired interpreter: she was not really paying attention.

being intimidated. *(Ndo wana luṱingo lu no bva kha muthu we a sa di ambe dzina ari ṱhanzi dzi khou shushedzwa).*	told something)	intimidated. *(Ndo wana luṱingo lu no bva kha muthu we a sa di ambe dzina ari ṱhanzi dzi khou shushedzwa).*		
Judge: I am just begging you through your counsel to stop that. *(Ndi kho to vha humbela nga kha vhaimeli vhavho uri vha zwi litshe).*	Interpreter: *Vha ri arali zwi tshi khou itea kha zwi khauwe. (He said if it is happening, discontinue with that).*	I am just begging you … through your counsel.	Unconscious	Tired interpreter

Code-switching Analysis Tool

SL message	TL Message	Code-switched item	Type of code-switching (Poplack, 1980)	Reason for code switching
(No code-switched items)				

Self-generated Utterances Analysis Tool

Word/sentence uttered	Type of Speech Act	Declarative, Non-declarative or Interrogative (Austin, 1956)
Judge: I am just begging you through your counsel to stop that. *(Ndi kho to vha humbela nga kha vhaimeli vhavho uri vha zwi litshe).*	Perlocutionary (asking)	Non-declarative (advice)

5.4.3.5 Interim Findings

The interpreter made unconscious omissions, which could be attributed to tiredness since it was the interpreter's fifth session of sole interpreting. What was omits had an impact on changing the original meaning and falls under serious errors. There were no code-switched items recorded. However, the interpreter changed the format of the judges' speech from perlocutionary speech act of pleading to an illocutionary speech act of commanding and threatening, a non-declarative act. Perhaps, the tone used by the judge was amiable and the interpreter thought of amending that by using a stricter one, which would deter the offenders from stopping the said act of threatening witnesses. Seen from this angle, the act was planned by an interpreter who did not want to be used as a tap, but who wanted to be an active participant in shaping meaning in the courtroom.

5.4.4 Court Case 4: Ṱhohoyanḓou High Court

Type of Court Case: Murder

Date of the Court Proceedings: 11/05/2021

5.4.4.1 Written Statements of the unfolding event (See annexure D)

The Community Policing Forum had apprehended a man accused of house-breaking and they was severely sjamboked him. He died of the bruises he sustained.

5.4.4.2 Ethnography of the event

S: Setting: Ṱhohoyanḓou High Court

P: Participants: The defendant, the judge, the attorneys and the interpreter.

E: Ends: To adjudge a case where a community murdered a man accused of house-breaking.

A: Act Sequence: Consecutive interpreting where a lawyer questioned a witness with the interpreter interpreting from Tshivenḓa to English and vice versa.

K: Key: The proceedings were on a serious legal note.

I: Instrumentalist: The judge spoke English.

N: Norms: Norms of interaction: The interpreter occasionally reminded the defendant to speak louder.

G: Genre: It was a trial. However, the defendant was allowed to plead, and the lawyers and the attorneys prayed.

5.4.4.3 General Analysis

Lawyer: Mr …, can you take a look at exhibit B?

Interpreter: *Kha vha lavhelese tshinepe.* (Look at the picture.)

The interpreter omitted the name of the person and used a term for a picture/'tshinepe' instead of 'exhibition B'/ 'tsumbedzo B'.

Lawyer: Do you remember that you were with the deceased?

Interpreter: *Vha khou humbula thiri?* (You recall, isn't?)

The interpreter omitted the last part of the sentence; 'that you were with the deceased'/ 'uri vho vha vhe na mufu?"

Witness: *Ee, ndi kho zwi humbula.* (Yes, I recall that.)

Interpreter: I recall*.*

The interpreter omited the first word 'ee'/ 'yes', and interpreted that 'I recall'.

Lawyer: Why did you leave?

Interpreter: *Ndi nga mini vho bva he mufu o vha e hone?* (Why did you leave the scene where the deceased was?)

The interpreter added a descriptive phrase "*he mufu a vha e hone*". The interpretation should have been '*ndi nga mini no ṱuwa*?'. Adding could have been a form of clarifying, if so, the interpreter was acting as a lawyer and was not sticking to the conduit role.

Lawyer: You said you did not see the injuries.

Interpreter: *No vha ṋekedza vhutanzi ha … (*name*), na ri a vho ngo zwi vhona.* (You gave him testimony regarding…..(Name), and you said he did not see anything.)

The first part of the interpreter's translation; '*no vha ṋekedza vhutanzi … name*', is an addition that shows that the interpreter was again deviating from the normal role and was now playing like a witness who was confirming what the lawyer said. Interpreters are expected to be impartial.

Witness: *Nne ndo to ri thi ngo zwi vhona fhedzi.* (I only said that I did not see them.)

Interpreter: I only said I did not see his injuries*.*

The witness did not specify what he saw, except to say, 'I said I did not see that". However, the interpreter named what the witness did not see, injuries. That addition showed that the interpreter was bent on shaping the conversation by trying to be explicit. As stated earlier, it is not the interpreter's responsibility to clarify, the implication of persistence to add and clarify supports the vein that court interpreters were active participants in the communication act.

Lawyer: I'm asking you; did you see the scars or bruises of the deceased?

Interpreter*: Iḓanu mbudza, no vhona dzi bruise kana ku huvhalele kwawe?* (Tell me, did you see bruises or his injuries?)

The lawyer used the phrase "I am asking you", but the interpreter said, "Tell me", and then used a English word for 'mavhadzi'/ 'bruises'. The word is not a difficult one to interpret. Perhaps, it was habitual use that led to its preference.

Witness*: Athi ḓivhi uri ndi zwi vheise hani mara ndo vhona mavhadzi.* (I do not know how to put it, but I saw bruises.)

Interpreter: Yes, I did.

The witness mentioned that he did not know how to put it, but he saw bruises. The interpreter summarised that in three words, 'Yes, I did'. Court interpreting requires that everything said be completely interpreted, including hedges and fillers that show doubt. The interpreter chose to interpret the idea and not the substance and it resulted in omission.

Laywer: Mr …(name) do you agree you spoke about sjambok?

Interpreter*: Vho amba nga ha mbona naa?* (Did you speak about the sjambok?)

While the name was mentioned by the lawyer, the interpreter did not. The interpreter further left out the introductory part of the sentence; 'do you agree', which may be critical for lawyers. The interpreting tone was harsh, whereas the lawyer was just asking politely.

Witness*: Ndo amba, fhedzi ho to suvha lulimi.* (I said it, but it was a slip of the tongue.)

Interpreter: It was a slip of a tongue*.*

'*Ndo amba*' or 'I said it' … was not interpreted, but, that admission was important. The interpreter left it out and chose the second part, which was an excuse. Both the admission and the excuse should have been interpreted. The interpreter was supposed to translate everything said in full, that deviation augments the argument that court interpreters were active participants who might want to shape proceedings.

Lawyer: Mr … do you agree with me beating him with a sjambok can cause serious injuries?

Interpreter: *Vha ya tenda naa uri u rwa muthu nga sjambok zwi a huvhadza muthu.*
(Do you agree that beating someone with a sjambok can injure someone?)

The interpreter again omitted the name, perhaps, thinking that it was unimportant.

Lawyer: You also agree it was wrongful?

Interpreter: *Ni a zwi ḓivha na uri mulayo u a lwa na zwiito zwa u ralo naa?* (Do you know that the law is against such actions?)

The lawyer used the word 'agree'/ '*tenda*' and then 'wrongful'/ '*zwo khakhea'*. The interpreter used the word 'know'/ '*ḓivha*' and the phrase '*mulayo u a lwa nazwo naa'*/ 'that the law is against that'. The witness used the word '*ḓivha*' as he heard it from the interpreter. To say 'I agree', and to say 'I know' are two different things. The interpreter must just use the words used by a speaker.

5.4.4.4 Tools of Analysis
Omission Analysis Tool

SL Message	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)	Possible cause
Lawyer: Mr … can you take a look at exhibit B?	*Interpreter: Kha vha lavhelese tshinepe.* (look at the picture)	Name… and B	Unconscious	Memory issues
Lawyer: Do you remember that you were with the deceased?	Interpreter*: Vha khou humbula thiri*? (You recall, isn't?)	'that you were with the deceased?'	Unconscious	Memory/attention issues

Witness: *Ee, ndi kho zwi humbula.* (Yes I recall)	Interpreter: I recall.	Yes	Conscious	Attitude of the Interpreter. (Thinks it is unnecessary)
Witness: *Athi ḓivhi uri ndi zwi vheise hani mara ndo vhona mavhadzi. Interpreter:*	Yes, I did.	*A thi ḓivhi uri ndi zwi vheisee hani mara*/I do not know how to put it but…	Conscious	Attitude of the speaker. (she feels the first part is unimportant)

Code-switching Analysis Tool

SL message	TL Message	Code-switched item	Type of code-switching (Poplack, 1980)	Reason for code switching
Lawyer: Mr … do you agree with me beating him with a sjambok can cause serious injuries?	*Interpreter: Vhaya tenda naa uri u rwa muthu nga sjambok zwi a huvhadza muthu.*	*Sjambok*	*Intrasentetial*	*Habitual experience*
Lawyer: I'm asking you, did you see the scars or bruises of the deceased?	Interpreter: *Iḓanu mbudza, no vhona dzi bruise kana ku huvhalele kwawe?*	Bruises	Intrasentential	Habitual experience

Self-generated Utterances Analysis Tool

Word/sentence uttered	Type of Speech Act	Declarative, Non-declarative or Interrogative (Austin, 1956)
Lawyer: Why did you leave? Interpreter: *Ndi nga mini vho bva he mufu o vha e hone?*	Perlocutionary	Non-declarative (she adds in order to clarify)
Lawyer: Mr … can you take a look at exhibit B? Interpreter: *Kha vha lavhelese tshinepe.*	Illocutionary (commands)	Non-declarative (instructing)

5.4.4.5 Interim Findings

Omissions: Both conscious and unconscious omissions were used by the interpreter. Unconscious omissions could be attributed to the interpreter's ability to pay attention or memory recall, whereas conscious omissions were probably related to attitude. Some of the omitted phrases were explanations by the witness to justify his answer. The interpreter simply ignored them and interpreted what was thought was important, leaving out names, codes and phrases that revealed doubt. The items left out could have had a negative impact on the decision of the judge.

Code-switching: Intrasentetial code-switching that could be attributed to the habitual use of such words by the interpreter rather than a lack of facility were observed. The interpreter, as in the word 'sjambok', borrows it initially, but later uses the vernacular word for it '*mboma*'.

Self-generated utterances: Both illocutionary and perlocutionary speech acts or utterances had been observed, with the former in the command or instruction form. The lawyer had pleaded with the witness, but the interpreter commanded the witness. Perlocutionary utterances were observed in the quest for clarify during an interrogation.

Given that the setting was a high court where court interpreters must at least have a diploma and five years experience, deviations from the conduit role could be attributed to interpreter's conviction that they felt they had agency and should not just pass whatever that was said without being involved in how it should have been said. The level of education could not have been the cause of intentional omissions, code-switching and self-generated utterances.

5.4.5 Court Case 5: Ṱhohoyanḓou High Court

Type of Court Case: Rape

Date of the Court Proceedings: 22 February 2022

5.4.5.1 Written statements of the communicative event (see annexure E).

This was a rape case in which a minor was violated at the age of 9. It started on the 22nd of February 2022 and was postponed to the 1st of March 2022. Judgement was reserved for another day.

5.4.5.2 Ethnography of the Communicative Event

S- Setting- Ṱhohoyanḓou High Court

P- Participants- The complainant, the accused, the judge, the attorneys and the interpreter.

E- Ends- A trial where the prosecutor and the lawyer werstill examining the accused and the complainant.

A- Act Sequence- The prosecutor asked the accused, then, the complainant questioned through the interpreter. The accused and the complainant also respond through the interpreter. It was done in consecutive mode, in the dialogue or liaison interpreting type.

K- Key- The proceedings were on a serious legal note.

I- Instrumentalist- The judge spoke in English, but understood Tshivenḓa as well.

N- Norms- Norms of interaction- The prosecutor asked the accused questions and then, there was cross-examination.

G- Genre- The trial was done in full; there was examination in chief and cross examination.

5.4.5.3 General Analysis

Prosecutor: Tell us what happened on the day in question.

Interpreter*: Kha ri ṱalutshedze zwo iteaho nga heli ḓuvha la August nga 2015.* (Tell us what transpired on a day in August 2015.)

The prosecutor did not specify the date, but merely referred to it as the day in question. However, the interpreter put it explicitly as a day in August 2015. The aim could have been to clarify, hence, he decided to add something that was not uttered by the speaker.

Prosecutor: What kind of game?

Interpreter*: Ha hu game de?* (What kind of game?)

A word for game in Tshivenḓa is '*muṱambo*'. However, the interpreter used the English word, perhaps, because of habitual use. It is normal for people to use the English word 'game', than the Venda word.

Prosecutor: You said he told you that if you want to play the game, you must go to his room. Did you go to his room?

Interpreter*: Ene o ri hupfi a ri tuwe nḓuni, ene o fhedza oya?* (You said he said let's go into the room, did you end up going?)

The interpreter summarised the statement by the prosecutor omitting the portion, 'that if you want to play the game', or '*arali a tshi kho toda u tamba muṱambo'*. That omission could have been intentional, designed to shorten the sentence or unintentional. If unintentional, the interpreter had reception problems and could not analyse the statement by the prosecutor in full.

Complainant*: Ndi kho tamba game o mbo di thoma u bvula marukhu nda muvhudzisa uri mulandu?* (While playing a game he started to take off my trousers and I asked why.)

Prosecutor: Continue.

Interpreter*: Kha ise phanḓa.* (Continue)

Complainant*: O mbo di thoma u nnyita zwa vhudzekani a ri nda amba hayani u do mmbulaya and nda sa da u do mmbulaya.* (He started to have sexual matters with me and told me that if I told people at home he will kill me, and if I do not come to his place he will kill me.)

This section is one of the many, where the complainant was not interpreted for. There were 21 such situations and in each case, the one who was not interpreted for was the complainant. Reasons leading to that could be the speed of the prosecutor who usually posed the next question before the interpreter interprets. Another one could be that the interpreter lags, leading to the interpreter getting stuck, thus the prosecutor took over. It was a disadvantage to the complainant, who had the right to be tried in a language that he understood.

Prosecutor: So, he had sex with you that day; he threatened you. What else happened?
Interpreter: *So, o mu nyovha nga lelo ḓuvha, ha itea mini futhi?* (So, he had sex with you that day, what else happened?)

There are two issues of note in this section, the code-switched 'so', and the omitted part 'he threatened you' or '*o mu shushedza*?'. The code-switched item could have been done unconsciously due to habitual use. The omitted part could be unintentional due to information reception.

Prosecutor: You say you told her everything that happened. Did you tell her the sexual as well? What is everything you told her?

Interpreter*: Ene uri o vha vhudza zwothe, na zwa u nyovhiwa o vha vhudza?* (You said you told them everything, even the issue of sexual intercourse?)

The last part of the statement, 'What is everything you told her?', was not captured by the interpreter probably to shorten the statement by avoiding redundancy. The prosecutor wanted details of everything that the complainant told the mother. However, the interpreter wanted to know if the complainant told the mother about the sexual encounter.

Advocate: Let's talk about this period, August 2015. What grade were you doing?

Interpreter*: Ene nga 2015 a kha vhugai tshikoloni?* (You in 2015, in which grade were you?)

The month, August, was omitted by the interpreter, and it could have been unintentional. There were a few situations in this case where the interpreter did not repeat the name of the month. Such omissions could probably have been strategically designed to speed up the process of court proceedings.

Advocate: And amongst them, one of them will teach you about talking to strangers, right?

Interpreter*: Kha havho vhadededzi huna muṅwe o funzaho vho nga ha uri muthu a songo amba na vhathu asa vha ḓivhi?* (From those teachers is there anyone who ever taught you that you must not talk to strangers?)

The last part of the prosector's statement 'right', was a tag intended to solicit a yes or no answer from the complainant. The interpreter missds it, but still questioned in such a way that the answer provide addressed the prosecutor's probe.

Advocate: Is it possible that she might have told you and you might have forgotten? In August 2015, was it not a problem for you to go with a stranger?

Interpreter*: So, hu na tshikhala tsha uri vha nga vha vho amba, nga 2015 a zwo ngo vha thaidzo kha ene u ṱuwa na muthu a sa mu ḓivhi*? (So there is a time that she might have said it, in 2015, was it not a problem for you to go with a person you did not know?)

This is another situation where the interpreter omits the name of the month, August.

Advocate: You contradicted yourself, what do you say about this?

Interpreter: *Ene u kho di lumaluma, u kho amba a tshi di hanedza.* (You are biting your tongue, you are contracticting yourself.)

The interpreter translated the first part, 'you contradicted yourself', '*o dishanda*', and further explained it better forgetting to pose the question; 'what do you say about this?' It is probable that the interpreter concentrated on paraphraising the first part and ultimately forgot about the second part. Therefore, it was probably unintentionally done.

Advocate: Before he could undress your pants, he didn't threaten you in any way, right?
Interpreter: *Hezwi a sa thu mubvula o thoma a mu shushedza?* (Before he undressed you did he first threaten you?)

Complainant: *Ee.*

The second part by the advocate was designed in a tricky way, 'he didn't threaten you in any way, right?'or '*ha ngo vhuya a mu shushedza na luthihi, ndi zwone*?'. The answer should have been, 'Wrong, he threatened me!'. The way the interpreter posed it was 'Before he undressed you, did he threaten you?'. The answer given wasa ýes', which should have been a problem had the advocate not been someone who understood Tshivenḓa. That was self-generated speech act in the form of a question, and it was non-declarative.

Prosecutor: Somewhere in 2015, have you ever been in the accused's place?
Interpreter: *Nga nwaha wa 2015 hu na ḓuvha le na di wana ni ha xxx?* (In the year 2015 was there a day when you found yourself at xxx's place?)

The prosecutor did not mention the name of the person, but addresses the person as 'the accused'. The interpreter named the person, that demonstrated an interpreter in charge and who knew facts about this case. It defeats the possible end of speeding up the court case.

Advocate: According to him, he went there in August and you are saying July.

Interpreter*: U ya nga ha ene mune xxx ho vha hu August and ini ni kho ri ho vha hu July.* (According to xxx himself, it was in August and you are saying it was in July.)

The comment in the section before this one applies, the interpreter gave the name of the accused, yet the advocate did not mention it.

5.4.5.4 Tools of Analysis

Omission Analysis Tool

SL Message	TL Message	Word omitted	Nature of omission (Using Napier, 2001-125)	Possible cause
Prosecutor: You said he told you that if you want to play the game, you must go to his room. Did you go to his room?	Interpreter: *Ene o ri hupfi a ri tuwe nḓuni, ene o fhedza oya?*	he told you that if you want to play the game	-Conscious receptive	Lagging
Prosecutor: So, he had sex with you that day, he threatened you, what else happened?	Interpreter: *So, o mu nyovha nga lelo ḓuvha, ha itea mini futhi?*	he threatened you,	Conscious unintentional	Lagging
SL Message	**Speaker**	**TL Message**	**Word omitted**	**Nature of omission (Using Napier, 2001:125)**
Prosecutor: You say you	Interpreter: *Ene uri o vha*	that happened…	Conscious unintentional	Lagging

SL Message	Speaker	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)
told her everything that happened, did you tell her the sexual as well? What is everything you told her?	*vhudza zwothe, na zwa u nyovhiwa o vha vhudza?*	what is everything you told her?		
Advocate: Let's talk about this period, August 2015. What grade were you doing?	*Interpreter: Ene nga 2015 a kha vhugai tshikoloni?*	*Let's talk about this period August 2015*	*Conscious intentional*	*Tired interpreter*
Advocate: You contradicted yourself. What do you say about this?	Interpreter: *Ene u kho di lumaluma, u kho amba a tshi di hanedza*	what do you say about this?	Conscious receptive	Tired interpreter

Code-switching Analysis Tool

SL message	TL Message	Code-switched item	Type of code-switching (Poplack, 1980)	Reason for code switching
Prosecutor: So, he had sex with you that day, he	Interpreter: *So, o mu nyovha nga*	So	- Intrasentential	-habitual experience

| threatened you. What else happened? | *lelo ḓuvha, ha itea mini futhi?* | | | |

SL message	TL Message	Code-switched item	Type of code-switching (Poplack, 1980)	Reason for code switching
Advocate: According to him, he went there in August and you are saying July.	Interpreter*: U ya nga ha ene mune xxx ho vha hu August and ini ni kho ri ho vha hu July.*	August/July	- Intrasentential	-habitual experience
Prosecutor: What kind of game?	Interpreter*: Ha hu game de?*	Game	- Intrasentential	-habitual experience

Self-generated Utterances Analysis Tool

Word/sentence uttered	Type of Speech Act	Declarative, Non-declarative or Interrogative (Austin, 1956)
August nga 2015	Locutionary (naming)	Declarative
Ni ha xxx	Locutionary (naming)	Declarative

5.4.5.5 Interim Findings

Omission: Four cases of omission were observed in this case, and were identified as conscious receptive, and conscious intentional. They could be attributed to lagging

and tiredness of the interpreter. Omission was observed in situations where the interpreter wanted to paraphrase to shorten the speech by removing redundancies and superfluous information. The interpreter also used it to generalise, when unsure of the target language word.

Code-switching: Three cases of intrasentential or insertional code-switching were observed, which could all attributed to habitual experience.

Self-generated utterances: There were two incidents of utterances generated by the interpreter that were observed, and were both locutionary (naming) and declarative. The interpreter either gave the name of the institution or an item where the prosecutor was too general to make information more explicit.

Other observations: There were 21 cases of non-interpreting that were observed, and in all these, the complainant was not interpreted for. The interpreter translated all utterances by the magistrate, prosecutor and lawyer, but did not have time to interpret for the complainant. The reason could be that the examiners (prosecutor, lawyer and magistrate) understood Tshivenḓa, thus they could understand what he was saying. Therefore, they would immediately jump to the next question upon the slightest hesitance by the interpreter to interpret.

5.4.6 Court Case 6: Ṱhohoyanḓou Magistrate Court

Type of the Court Case: Reckless Driving/Car accident

Date of Court Proceedings: 14 October 2021

5.4.6.1 Written statement of the unfolding event (See annexure F).

It was a road accident case where cars collided at a four-way stop.

5.4.6.2 Ethnography of the event.

S: Setting: Ṱhohoyanḓou Magistrates' Court.

P: Participants: The complainant, the magistrate, the attorneys and the interpreter.

E: Ends: To adjudicate on a case where two people were accusing each other of reckless driving, which led to two cars colliding at a four-way stop.

A: Act Sequence: Prosecutors, lawyers and the magistrate questioned the accused, the complainant and witnesses questioned through an interpreter, who interpreted English to Tshivenḓa and vice-versa.

K: Key: The proceedings were on a serious legal note.

I: Instrumentalist: The magistrate spoke in English.

N: Norms: Norms of interaction: The magistrate set the scene, allowing prosecutors and lawyers to examine the complainant and the accused.

G: Genre: Legal language was used.

5.4.6.3 General Analysis

Magistrate: You are still under oath; you said that the accused was moving from western to southern direction.

Interpreter*: Vha tshe fhasi ha mulayo, goloi yo vha i kho bva kha western direction to southern direction?* (You are still under law, was the car moving from western to southern direction?)

The interpreter omits 'you said'. This leaves the utterance of the magistrate changed from being an accusation/allegation to a question.

Witness*: Ee.* (Yes)

Magistrate: You said in your testimony, she was moving from western to southern*.*

Interpreter*: Kha vhuṱanzi havho vho ri vha kho bva western to southern.* (In your testimony you said you were from the west to the south).

There are the words for western (*vhukovhela*) and Southern (*tshipembe*). The code-switched elements may reflect a lack of facility for the interpreter. Issues like names of the months, dates and numbers, to mention a few are usually kept in English. This could reflect the society's inadequate training of its people in reciting these issues.

Witness*: Hai, ndo ri* south*, goloi yo vha i khou bva* south *i tshi khou ya* north. (No I said south, the car was from the south to the north.)

Judge: The witness said that the accused was travelling to the south from the western direction, and he is now saying the accused was moving from eastern to western.

Interpreter: *Ṱhanzi iri vha khou bva south to west vha tshi ri vha bva western*. (The witness said that you were driving from south to west, saying you were from the west.)

The interpreter does not interpret the second part of the sentence probably because of lagging. The omitted part should have been translated '*zwino vha vho ri muhwelelwa o vha a tshi bva vhubvaḓuvha a tshi ya vhukovhela'*.

COMPLAINANT ON THE DOCK.

Magistrate: Any objections to taking the oath? Your full names for the record.
Interpreter*: Vha kho u ḓi ana naa uri zwine vha kho amba ndi ngoho, Vha ri Mudzimu a nthuse ndi ambe ngoho fhedzi.* (Are you taking an oath that what you are saying is true?, say God help me to speak the truth only.)

Instead of interpreting for the magistrate, the complainant could understand English and therefore took the oath and gave the names. The interpreter took the responsibility of oath-taking. It has become a norm for interpreters to go beyond their normal duties of interpreting. They sometimes act as clerks, managing the files/dockets, calling people to order and even leading complainants, witnesses and accused persons to oath-taking.

Lawyer: What treatment was given to you at the hospital?

Interpreter*: Vho wana dzilafho ḓe sibadela? Vho fhiwa pills kana injection?* (What kind of treatment did you get at the hospital, were you given pills or an injection?)

The first part of the interpreter's translation is correct and should end there. However, the interpreter added; "were you given pills or injection?". The interpreter wanted to help the complainant to respond appropriately but was acting as a helper. Interpreters are not supposed to take sides, could this deviation be an evidence of them preferring the agency than the conduit? I think so. .

Lawyer: Can you testify that she was on a gravel road and that she looked at both sides before she could pass?

Interpreter*: Ni nga ṱanziela uri o vha a kha bada ya mavu, na uri a tshi ṱoda u dzhena o thoma sedza thungo dzoṱhe uri hu* safe *na?* (Can you testify that she was on the gravel road, and that before she entered the road she first looked at both sides?)

The English word 'safe' appears to be more popular than '*tsireledzea*'. (Code-switching is habitual in this regard).

Lawyer: When the NP200 was turning to the left, you approached it with high speed?

Interpreter*: Goloi I tshi kho khonela kha right heila, inwi no ḓa no I kanda vhukuma yanu?* (When that car was turning to the right, you then accelerated yours heavily.)

'Right' is 'tshauḽa'. The Venda word is also common. Maybe, the interpreter just preferred it thinking everyone understood it.

CROSS-EXAMINATION

Lawyer: Did you see the other car when you entered the road?

Interpreter*: Zwino mbudziso yanga ndi ya uri no I vhona goloi ni tshi dzhena badani?* (Now the question is, did you see the car when it entered the road?)

The interpreter added an introductory part, which was unnecessary when interpreted to English.

Lawyer: It is said that you were a passenger in the car.

Interpreter: *Hupfi vho vha vha muṋameli kha goloi nga 18 July 2020 kha iṅwe goloi ine yo thulana na inwe goloi.* (It is said that you were a passanger in a car that smashed another car on the 18th July 2020.)

The utterance by the lawyer was extended by the interpreter who went on to give the date and explained the incident that took place. Such details indicate that the interpreter was only active, but also going beyond the call of duty and was now acting as a lawyer.

Lawyer: Which side was the one you were in?

Interpreter: *Ye vha vha vhe khayo yo vha i kha side ifhio?* (On which side was the one you were in?)

Lawyer: What could you say if the accused said that before she entered the road, she stopped and observed?

Interpreter*: Vha nga ri mini arali muhumbulelwa a nga ri o thoma a ima before a tshi dzhena badani?`* (How can you respond if the accused says that she first stopped before she entered the road?)

In the utterances, above, the interpreter code-switched by inserting English words 'side'/ '*lurumbu*' or '*thungo*' and 'before'/ 'a sa athu'. It might be a case of habitual experience.

5.4.6.4. Tools of Analysis

Omission Analysis Tool

SL Message	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)	Possible cause
Magistrate: You are still under oath; you said that the accused was moving from western to southern direction.	Interpreter: *Vha tshe fhasi ha mulayo, goloi yo vha I khou bva kha western direction to southern direction?*	You said/vhone vho ri	Unconscious	Lagging
Magistrate: The witness said that the accused was travelling to the south from the western direction and	Interpreter*: Ṱhanzi iri vha khou bva south to west, vha tshi ri vha bva Western.*	And he is now saying the accused was moving from eastern to western/ zwino vha vho ri muhwelelwa	Unconscious	Lagging

SL Message	Speaker	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)
he is now saying the accused was moving from the eastern to the western.		o vha a tshi khou bva vhubvaḓuvha atshi ya vhukovhela.		

SL Message	Speaker	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)
Lawyer: When the NP200 was turning to the left, you approached it with high speed.	Interpreter: *Goloi I tshi khou khonela kha right heila, inwi no da no I kanda vhukuma yanu?*	NP200	Conscious strategic	Lagging

Code-switching Analysis Tool

SL message	TL Message	Code-switched item	Type of code-switching (Poplack, 1980)	Reason for code switching
Magistrate: You are still under oath; you said that the accused was moving	Interpreter: *Vha tshe fhasi ha mulayo, goloi yo vha I khou bva kha western*	Western direction to Southern direction?	- Intrasentential	-habitual experience

from western to southern direction.	*direction to southern direction?*			
SL message	**TL Message**	**Code-switched item**	**Type of code-switching (Poplack, 1980)**	**Reason for code switching**
Lawyer: Can you testify that she was on a gravel road and that she looked at both sides before she could pass?	Interpreter*: Ni nga ṱanziela uri o vha e kha bada ya mavu, na uri a tshi toda u dzhena o thoma a sedza thungo dzoṱhe uri hu safe naa?*	Safe/*tsireledzea*	Intrasentential	Habitual experience
Lawyer: Which side was the one you were in?	Interpreter: *Ye ya vha vhe khayo yo vha I kha side ifhio?*	Side/*lurumbu or thungo*	Intrasentential	Habitual experience
Lawyer: What could you say if the accused said that before she entered the road, she stopped and observed?	Interpreter*: Vha nga ri mini arali muhumbulelwa a nga ri o thoma a ima before a tshi dzhena badani?*	Before/ *a sa athu*	Intrasentential	Habitual experience

Self-generated Utterances Analysis Tool

Word/sentence uttered	Type of Speech Act	Declarative, Non-declarative or Interrogative (Austin, 1956)
Magistrate: You are still under oath; you said that the accused was moving from western to southern direction. Interpreter*: Vha tshe fhasi ha mulayo, goloi yo vha I khou bva kha western direction to southern /*	Locutionary: The magistrate used the phrase 'the accused', but the interpreter said 'goloi'/ the car.	Declarative (fact)
Lawyer: What treatment was given to you at the hospital?/ Interpreter*: Vho wana dzilafho de sibadela? Vho fhiwa pills kana injection?*	Perlocutionary (asking)	Interrogative (questioning)
Lawyer: Did you see the other car when you entered the road?/Interpreter*: Zwino mbudziso yanga ndi ya uri*	Illocutionay: (commissives)	Non-declarative.

no I vhona goloi ni tshi dzhena badani?		
Lawyer: It is said you were a passenger in the car/ Interpreter*: Hu pfi vho vha vhe muṋameli kha goloi nga dzi 18 july 2020 kha inwe goloi ine yo thulana na iṅwe goloi.*	Illocutionary (assertive)	Non - declarative (explanation

5.4.6.5 Interim Findings

Omission: Both conscious strategic and unconscious omissions were committed and were all caused by the interpreter who was lagging and who sought ways of skipping certain phrases to summarise longer statements.

Code-switching: Only intrasentential code-switching mainly caused by habitual experience was observed in this communicative event.

Self-generated utterances. All types of speech acts namely locutionary, illocutionary and perlocutionary were observed as interpreters tried to question or be assertive.

Other observations: The trend of using interpreters to shoulder responsibilities outside their scope, like leading the accused in taking the oath, was observed.

5.4.7 **Court Case 7**: Ṱhohoyanḓou Magistrate Court

Type of the Court Case: Assault

Date of the Court Proceedings: 28 October 2021

5.4.7.1 Written statements of the communicative event (See Annexure G).

A young man is accused of stabbing young man by ambushing him in a bush.

5.4.7.2 Ethnography of the communicative event

S: Setting: Ṱhohoyanḓou Magistrates' Court

P: Participants: The complainant, the magistrate the attorneys and the interpreter.

E: Ends: To interrogate the complainant who accused someone of stabbing him.

A: Act Sequence: The prosecutor asked the complainant questioned through the interpreter, and the complainant also responded through the interpreter. The complainant was cross examined by the lawyer.

K: Key: The proceedings were on a serious legal note.

I: Instrumentalist: The magistrate spoke in English.

N: Norms: Norms of interaction. Lawyer/magistrate probing the accused and witnesses.

G: Genre: Court Interpreting.

5.4.7.3 General Analysis

Prosecutor: Sir, where do you reside?

Interpreter*: U dzula ngafhi?* (Where do you reside?)

The prosecutor addresseed the complainant as 'sir', but the interpreter ignores that and simply used '*u*', which showed that the complainant was a young person not fit to be addressed as 'sir '.

Prosecutor: On the 3rd of February, there is an incident that happened or occurred.

Interpreter*: Hupfi nga dzi 3 ho vha na tshiwo.* (It is said that on the 3rd there was an incident).

The interpreter does not mention the month, whereas the prosecutor was specific in mentioning it. Perhaps, the interpreter considered it as given. However, in court, such details as the month, days and times are important.

Prosecutor: Is Maniini four way a residential area?

Interpreter: *Afha hu dzula vhathu?* (Do people stay here?)

Again, the interpreter does not mention the given name of the village.

Prosecutor: Can you explain to the court what happened?

Interpreter: *A nga kona na u zwi toolola zwo iteaho? A tshi khou ambela nṱha.*

The interpreter does not mention the phrase 'to the court', but simply says 'Can you explain what happened?'. He also adds something not uttered by the prosecutor, 'A *tshi khou ambela nṱha'/* 'Speaking loudly'. This addition is an advisory statement.

Prosecutor: You said it was in the evening when you were travelling, what happened?

Interpreter: *O vha a kho ṱalutshedza, ho vha hu madekwana a kho bva gai?* (You were explaining, it was in the evening, where were you from?)

Complainant: *Ndi tshi kho u bva ha …, a mbo di soko u bvelela phanḓa hanga a mbodi soko u thoma u nṱhavhekanya* (While I was coming from…..'s home, he just appeared before me and started to stab me with a knife.)

The question as posed by the lawyer demands the complainant to explain what happenend, but the interpreter changed the question to clarify where he was from that evening. The complainant responded to the interpreter's and not to the lawyer's question. The interpreter was playing the role of a lawyer.

Prosecutor: You are not speaking louder.

Interpreter: *A zwi kho pfala zwine a kho amba khotsimunene.* (We can't hear whar you are saying young man!)

The interpreter should have interpreted the prosecutor's utterance as "*A ni khou ambela nṱha*". However, he interpreted it as, '*A zwi khou pfala zwine a khou amba khotsimunene*". This could either mean that what the complainant said could not be heard or what the complainant said was unreasonable. The interpreter also added by addressing the complainant as *'khotsimunene'*, which indicated that the interpreter was older than the complainant. I infer that the interpreter was personalising the case; it was now literally between the interpreter and the complainant. The tone used indicated impatience with the complainant for always asking him to speak loudly.

Prosecutor: Can you please explain what the accused was wearing?

Interpreter: *A nga ri ṱalutshedza.* (Can you tell us?)

The interpreter shortened the answer, perhaps to avoid redundancies. He should have said, '*A nga ri ṱalutshedza uri muhwelelwa o vha o ambara mini*?' The part left out by the interpreter had already been covered when the lawyer asked if the complainant could still recall what the accused was wearing. However, it was not the interpreter's duty to try managing redundancies. The duty was to interpret everything that was said.

Prosecutor: You said he stabbed you with a knife.

Interpreter: *Itsho tshithu tshe a tshi shumisa o tshi vhona na?* (Did you see the thing that he used to stab you?)

The prosecutor did not question, but gave an allegation statement; "*No ri o ni ṱhavha nga lufhanga*". The interpreter modifies the utterance into a question and does not mention a knife, 'Did you see the thing he used to stab you?'. Fortunately, the complainant answered, 'Yes'. It can be 'Yes', he stabbed me with a knife when responding to the prosecutor or 'Yes, I saw what he used to stab me'. The prosecutor sticks to his approach of 'a knife'.

Lawyer: Where on the body parts were you assaulted?

Interpreter: *O ni ṱhavha kha mini?* (where did he stab you?)

The prosecutor emphasised the 'body parts', but again, the interpreter avoided redundancy and omits 'body parts'/ '*zwipiḓa zwa muvhili*'. The interpreter's question produced the same response as that by the prosecutor. The only difference was that the interpreter used a concise and an unambiguous question. This was an interpreter who was acting a gatekeeper and wanted the court case to move swiftly.

Prosecutor: What type of treatment was rendered to you?

Interpreter: *Ndi dzilafho ḓe?* (What kind of medication?)

Complainant: *Ndo itiwa stitch.* (They stitched me).

The literal translation of the lawyer's question is, '*No ṱhaṱhuvhiwa nga mini*? / or '*No fariswa hani*?' It has an element of ambiguity. It could mean the way he was received and cared for or the type of medication he received. The interpreter simply asks, "What

kind of medication?" The complainant responds to the kind of treatment and not medication.

CROSS EXAMINATION

Lawyer: You testified that he stabbed you five times is that correct?

Interpreter*: Hu khou pfi o mu ṱhavha luṱanu.* (It is said he stabbed you five times).

The interpreter should have formulated the lawyer's question as '*No ṱanziela na ri o ni ṱhavha luṱanu, ndi zwone*?'; but simply said, 'It is said he stabbed you five times'. The complainant's answer fits all questions, although he leaves out important details like the complainant testified himself. This is not just hearsay as the interpreter's formulation portrays.

Lawyer: Did he come side ways or front?

Interpreter*: O da nga matungo kana nga murahu?* (Did he appear from the sides or from the back?)

Complainant*: Nga phanḓa. (From the front?)*

The interpreter confuses directions in Tshivenḓa by translating 'front' or '*phanḓa'* as *'murahu'* or 'behind/back'. The interpreter was showing signs of exhaustion. However, if the complainant had stuck to the two choices presented by the interpreter and chose 'behind', the interpreter would have been in trouble. The complainant chose '*phanḓa'* or 'front' as the lawyer asked. The complainant probably understood English well.

5.4.7.4 Tools of Analysis

Omission Analysis Tool

SL Message	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)	Possible cause
Prosecutor: On the 3rd of February, there is an incident that	Interpreter: *Hupfi nga dzi 3 ho vha na tshiwo.*	February	- conscious unintentional	- Lagging

SL Message	Speaker	TL Message	Word omitted	Nature of omission
happened or occurred.				
Prosecutor: Is Maniini four way a residential area?	*Interpreter: Afha hu dzula vhathu?*	*Maniini*	Conscious unintentional	Lagging
Prosecutor: Can you explain to the court what happened?	*Interpreter: A nga kona na u zwi toolola zwo iteaho? A tshi khou ambela nnṱha.*	To the court	Conscious strategic	Interpreting strategy
SL Message	**Speaker**	**TL Message**	**Word omitted**	**Nature of omission (Using Napier, 2001:125)**
Prosecutor: Can you please explain what the accused was wearing?	*Interpreter: A nga ri ṱalutshedza.*	What the accused was wearing*.*	Unconscious	Tiredness
Lawyer: You testified that he stabbed you five times. Is that correct?	*Interpreter: Hu khou pfi o mu ṱhavha luṱanu.*	Is that correct?	Unconscious	Tiredness

Code-switching Analysis Tool

SL message	TL Message	Code-switched item	Type of code-switching (Poplack, 1980)	Reason for code switching
(No code-switched items)				

Self-generated Utterances Analysis Tool

Word/sentence uttered	*Type of Speech Act*	*Declarative, Non-declarative or Interrogative (Austin, 1956)*
A tshi khou ambela nṱha! (Speaking loudly)	Illocutionary (commands)	Non-declarative
Zwine a khou amba khotsimunene (What you are saying, young man*).*	Illocutionary (commands)	Non-declarative
Itsho tshithu tshe a tshi shumisa o tshi vhona na? (Did you see the instrument he used?)	Perlocutionary (asking)	Interrogative (questioning)

5.4.7.5 Interim findings

Omission: Five cases of omission were observed, two of which were conscious unintentional, conscious strategic and unconscious. The interpreter was actively involved and conscious of the proceedings, but due to lagging, missed information, such as names of places and dates that were not affecting the unlocking of the intention of a message. Conscious strategic omissions were done in redundant sentences, as an interpreting strategy. Besides lagging and interpreting strategy, tiredness was observed in at least two incidents of omission.

Code-switching: No situations of code-switching were observed.

Self-generated utterances: Three situations where the interpreter brought in something that was not uttered by a speaker were observed. Two were illocutionary speech acts in the form of commands,and the other one was perlocutionary, where interpreters probed the accused/complainant their way.

Other observations: Two cases of wrong interpreting where a wrong word was used were observed. The interpreter confused directions in translating 'front/phanḓa' as 'back/*murahu*'. A second case is when The interpreter could not get the exact word for the word 'treatment' in Tshivenḓa.

One case of confusing roles was observed where the interpreters tried to act as an advocate, asking and commanding the accused. Seemingly, they were personalising issues. They uttered statements that were not spoken by the lawyer where they commanded, asked, and even addressed the accused as "Khotsimunene" or "young man".

5.4.8 Court Case 8: Ṱhohoyanḓou Magistrate

Type of the Court Case: Assault

Date of The Court Proceedings: 04 November 2021

5.4.8.1 Written Statements of the communicative event (See Annexure H). Hawkers fight over customers, a man runs to separate them, and he too is wounded.

5.4.8.2 Ethnography of the event

S- Setting- Ṱhohoyanḓou Magistrates' Court

P- Participants- The complainant, the witness, the magistrate, the attorneys and interpreter.

E- Ends- A trial where the prosecutor and the lawyer were still examining the accused and the complainant.

A- Act Sequence- The prosecutor questioned the accused, then the complainant questions through the interpreter. The accused and the complainant also respond through the interpreter. It was done in consecutive mode, in the dialogue or liaison interpreting type.

K- Key- The proceedings were on a serious legal note.

I- Instrumentalist- The magistrate spoke in English.

N- Norms- Norms of interaction- The prosecutor asked the accused questions and then there was examination of witnesses.

G- Genre- The trial was being done in full; there wash examination in chief and cross-examination.

5.4.8.3 General Analysis

Lawyer: What is it that he did?

Interpreter*: A itani a tshi vhuya?* (What did he do when he came back?)

The lawyer wanted to know what accused number 2 did, and the interpreter added, "a *tshi vhuya*" or "when he came back". This is a way of directing the events, however, the aim of swiftly finishing the case is at stake.

Accused *1: A nkhwikhwidza.* (He pulled me)

Interpreter: He grabbed me

The word '*nkhwikhwidza'* comes from the verb '*hwihwidza'*, which means to pull something hard to pull. The interpreter interprets the word as, 'grabbed'. It should have been 'he grabbed and pulled me'. This term exposed the interpreter's knowledge of both the source and target languages. The   the International Association of

Conference Interpreters (AIIC) recommends that professional interpreters must have a complete mastery of their working languages.

Lawyer: How was his position? Did he grab you too?

Interpreter*: Vha tshi rwiwa vho vha tshe vho fara?* (Was he still holding you when you were assauled?)

Accused: *Ee!*

Interpreter: Yes.

Lawyer: When you were assaulted by an iron, were you still holding to accused number 2?

Interpreter*: Vha tshi rwiwa nga aini vho vha vha tshe vho fara muhumbulelwa wa vhuvhili?*

The interpreter's interpretation "*Vha tshi rwiwa vho vha tshe vho fara*?", means, 'when you were assaulted, was he still holding/grabbing you?'. It is different from the lawyer's question, which comes in two ways, with the first one asking about accused number 2's position, and the second one is asking if accused number 2 grabbed him as well. The interpreter decided to formulate it in a way that made the respondent respond to the second question, hence, the answer was just a 'yes'. Perhaps, it was because the interpreter remembered only the second part. Therefore, that was a form of omission, which could also be a self-generated utterance. The second is most probable given the short nature of the lawyer's two questions. Therefore, this view presents an active interpreter who actively participates to shape the discourse.

Lawyer: How was he holding the sand saw?

Interpreter*: O vha a tshe o fara itsho tshihali?* (Was he still holding the weapon?)

This section exposed the language competence of the interpreter, and, such incompetence is chronic because it deals with the core area of the language practitioner. The question, as posed by the interpreter, began with 'how', and the interpreter begins with 'was'; that is, 'was he still holding that weapon?'. The interpreter missed the mark completely and could not translate the instrument and generalises it as a weapon. The interpreter deserves absolution for doing so because generalising is also a way of interpreting in situations where you are unsure of the target language

word. But, generating own statements in the way done here defeated the intention of the lawyer.

Lawyer: How was he holding the sand saw? The accused number 1?

Interpreter*: O vha o tshi farisa hani?* (How was he holding it?)

For the 'sand saw', the interpreter uses the pronoun, 'it'. It is understandable since the interpreter lacked the correct target language word. However, the interpreter decided to be explicit on the pronoun 'he' and clarified it as 'the accused number 2?'. This addition was unnecessary, but probably helped the accused number 1 not to guess as to who was being referred to as 'he'.

Lawyer: You are the accused who assaulted the complainant?

Interpreter*: Zwino vhone hupfi vha muhumbulelwa vho rwa xxx nga tsimbi? (*Now it is said that you are the accused who beat xxx with an iron rod).

The lawyer's question should have started with 'are' (Are you the accused who assaulted the complainant?'. However, if it was intended to be a statement, it should not have sounded like a question, but as putting a fact to the respondent. The interpreter interpreted it as an accusation, 'Now, you are said to have assaulted the accused xxx with an iron rod'. The interpreter further misnameed the complainant as the accused, and then added a section that named the complainant and the kind of weapon which was used. This self-generated utterance intended to make things explicit. Such additions are symbolic of a participant who is bent on doing the best in having a case in which everything is explicit to solicit clearer responses.

Interpreter*: Vha ita mini?* (What do you do?)

Witness*: Ndi luka mavhudzi na u panga screen protector.*

Interpreter: I plait hair and screen protector*.*

In a quest to be swift, the interpreter gave an ambiguous translation. The witness is a hairdresser, and he plaits hair and instals screen protectors. The interpreted statement was ambiguous because it implied that the witness also 'plaited screen protectors'. I think the interpreter lacked an immediate English word for '*panga*', which is 'instal'. Again, it points to language competence in the target language, in this situation,

English. It is expected of professional interpreters to know general affairs so that they can use that knowledge when interpreting.

Witness*: A ri ni kho delela why ni kho ndzhiela customer.* (She said you are daring me, why are you taking my customer?)

Interpreter: He said he is taking his customer*.*

The interpreter's competence in languages was again being tested and English competence is questionable. The following items were omitted; '*ni kho delela'* and 'why'. The omitted part dilutes the strength of the offence committed by the accused. The word can mean 'dare', 'provoke' or 'goad'. The magistrate or lawyer in adjudication may miss the real cause for the squabble and take it simply 'taking someone's customers' and miss the anger and the ferocity going with that.

Witness*: Ya ṱanganedzana vha kho rwana nga mafeisi.* (The started to fight, beating each other with fists).

Interpreter: He started insulting them.

The witness says that '*ya ṱanganedzana*', and this is an expression which means they started fighting. The interpreter says 'he started insulting them'. If it was not a slip of the tongue for wanting to say 'assaulting', the interpreter was incompetent. However, since this word was interpreted correctly earlier, it was probably a slip. The interpreter ignored to interpret the second part, which elaborated on how they were fighting (they were beating each other with fists). Choosing not to interpret the mentioned part denies the magistrate crucial information in the build up of this case and maybe on the decision.

Witness: *Mufumakadzi a tavha mukosi uri ndi yo lamula.* (A woman screamed saying I should break the fight)

Interpreter: I went to separate them.*ṱ*

The woman shouted to him to go and separate them. This is what the witness said. The interpreter did not 'mention'the woman, which makes it look like the witness volunteered without being asked to intervene. The interpreting here was technically incorrect.

Witness*: Ndi shumela nṱha havha vha vha vha fhasi.* (I work on the upper side, they are on the lower side)

Interpreter: *I work opposite to him*

Details were given on where the witness and the accused person's workshops/stalls were in the form of direction; 'upper-end' and 'lower-end'. The interpreter summarised that as 'opposite them'. Such information could be important.

Witness*: A thi ḓivhi uri o rwana na luvhondo naa ngauri ndi passagini. (*I do not know if she hit the wall because it was in the passage).

Interpreter: I don't know whether I was hit or not.

The witness was unsure if the complainant bumped/hit against a passage wall. The interpreter omits the passage wall and leaves the statement open. In this situation where people are suspected of assaulting the one who tried to separate them, it is questionable if the interpreter did not implicate certain individuals to be responsible, thus acting as a prosecutor.

Lawyer: You said that you were assaulted trying to break the fight?

Interpreter: Vhari vhone vhovha vho ya u lamula? (Are you saying you went there to break the fight?)

The lawyer wanted to confirm if the witness was assaulted while trying to break the fight. The interpreter coined it to mean, 'Are you saying you had gone there to break the fight?' The lawyer was asking if the complainant was assaulted when he was trying to separate the fight, but the interpreter interrogates wrongly. It appears the interpreter was now in charge, asking and probing; - acting as a prosecutor.

Lawyer: So, amongst everything, did accused number 2 assault the complainant?

Interpreter*: Muhumbulelwa wa vhuvhili no rwa mupoti wa mulandu*? (Did accused number 2 assault the complainant?)

The first part, amongst everything, which introduces the question is omitted by the interpreter. The interpreter probably feels it is unnecessary.

Lawyer: In other words, you want to tell the court that the customer knew you and you knew her?

Interpreter: *Nga iṅwe nḓila vha kho toda u amba uri vhone na customer vha ya ḓivhana?* (In other words are you saying that you and the customer knew each other?)

This section is significant for code-switching for the interpreter code-mixes by insertional code-switching or intrasentential code-switching. The code-switched element 'customer' is a common word, which people do not care much about translating. (I think it is habitual code-switching).

Lawyer: On that day when the customer arrived, you are saying the complainant assaulted the accused number 2, did the complainant leave?

Interpreter*: Zwino vhone customer I tshi fhedza hu na he muhwelelwa aya hone?* (Now, you, after the customer finished, did the accused go somewhere?)

An ambiguous question was posed by the lawyer. The sentence was long and winding. The interpreter omitted most of its parts and concentrated on the last part, 'did the complainant leave?' I suppose this was an omission done because of reception. The last part seemed logical and, therefore focus was on it. The interpreter was shaping meaning through intentional omission.

Lawyer: The complainant said that you assaulted him.

Interpreter*: U ri vho murwa nga tsimbi.* (He said you beat him with an iron rod).

The interpreter did not mention the 'complainant', but added what the accused used to hit the complainant; with an iron rod. Omission and self-generated utterance in this section again testify to active, conscious and participatory interpreting.

5.4.8.4 Tools of Analysis

Omission Analysis Tool

SL Message	TL Message	Word omitted	Nature of omission (Using Napier, 2001-125)	Possible cause
Witness: *Mufumakadzi a tavha mukosi*	Interpreter: I went to separate them.	A woman shouted/screamed	Conscious intentional	Lagging

uri ndi yo lamula.				
Witness: *A thi ḓivhi uri o rwana na luvhondo naa ngauri ndi passagini.*	Interpreter: I don't know whether I was hit or not.	*…o rwana na luvhondo naa ngauri ndi passagini* (...he hit against a passage wall…)	Conscious intentional	Grammatical incompetence
SL Message	**Speaker**	**TL Message**	**Word omitted**	**Nature of omission (Using Napier, 2001:125)**
Lawyer: You said that you were assaulted trying to break the fight?	Interpreter: *Vhari vhone vhovha vho ya u lamula?*	Assaulted trying to	Unconsious	Lagging
Lawyer: So, amongst everything, did accused number 2 assault the complainant?	Interpreter: *Muhumbulelwa wa vhuvhili no rwa mupoti wa mulandu?*	So, amongst everything	Conscious strategic	Lagging
Lawyer: On that day when the customer arrived, you are saying the complainant assaulted the accussed	Interpreter: *Zwino vhone customer I tshi fhedza hu na he muhwelelwa aya hone?*	On that day when the customer arrived the complainant assaulted accused number 2,	Conscious strategic	Lagging

number 2, did the complainant leave?				

Code-switching Analysis Tool

SL message	TL Message	Code-switched item	Type of code-switching (Poplack, 1980)	Reason for code switching
Lawyer: In other words, you want to tell the court that the customer knew you and you knew her?	Interpreter: *Nga iṅwe nḓila vha kho ṱoḓa u amba uri vhone na customer vha ya ḓivhana?*	Customer	- Intrasentential	- lack of facility

Self-generated Utterances Analysis Tool

Word/sentence uttered	Type of Speech Act	Declarative, Non-declarative or Interrogative (Austin, 1956)
rwa xxx nga tsimbi/ hit xxx with an iron rod.	Locutionary for naming the person, and the iron rod.	Declarative

5.4.8.5 Interim Findings

Omission: There were five cases of omission observed in this case, two conscious strategic, two conscious intentional and one unconscious. Four of these could be attributed to the interpreter lagging and one to grammatical incompetence. The interpreter inadvertently omited while trying to eliminate redundant statements. In some cases, omission was due to message reception and the complex nature of

sentences. Complicated sentence structures can affect the encoding of a message. Omission was also a result of lack of facility in English. I observed that the interpreter did not struggle or omit when translating from English to Tshivenḓa, but from Tshivenḓa to English.

Code-switching: One (1) case of intrasentential code-switching was observed and it was because of a lack of facility or language competence.

Self-generated utterances: Locutionary speech act was observed once in naming items or people.

Other observations: There were few other observations that unrelated to the three in question in this study (omission, code-switching and self-generated utterances). Following is a brief presentation of those observations:

- Confusing roles: The interpreter at times acted like an advocate, asking and probing like a prosecutor.
- Incompetence when translating from Tshivenḓa to English: There were few situations where grammatical competence of the interpreter when working from Tshivenḓa to English was tested, and found wanting, for example:

→ One situation where directions were confused..

→ Complainant was misnamed and addressed as the accused.

→ Issuing ambiguous statement, such as, 'I plait hair and screen protectors'.

→ Lack of knowledge of certain English. (Does not know them in Tshivenḓa).

→ Incompetence in English vocabulary, for example, in '*A nkhwikhwidza'*, which was translateed as 'he grabbed me'.

5.4.9 Court Case 9: Vuwani Magistrate Court

Type of the Court case: Assault case

Date of the Court Case: 21 October 2021

5.4.9.1 Written statements of the communication event (see Annexure I).

A man breaches the protection order laws and assaults his former lover.

5.4.9.2 Ethnography of the event

S- Setting- Vuwani Magistrates' Court

P- Participants- The complainant, the accused, the magistrate, the attorneys and the interpreter.

E- Ends- A trial where the prosecutor and the lawyer were still examining the accused and the complainant.

A- Act Sequence- The prosecutor asked the accused, then the complainant questioned through the interpreter. The accused and the complainant also responded through the interpreter. It was done in consecutive mode, in the dialogue or liaison interpreting type.

K- Key- The proceedings were on a serious legal note.

I- Instrumentalist- The magistrate speaks in English.

N- Norms- Norms of interaction- The prosecutor asked the accused questions and then there was cross examination.

G- Genre- The trial was being done in full; there was examination in chief and cross examination.

5.4.8.3 General Analysis

Prosecutor: You indicated that he was assaulting you, did you take any step on what he was doing?

Interpreter: *Hu na maga e na a dzhia na, musi ni tshi kho u vhona ezwo?* (Are there any steps that you took when you saw that?)

The interpreter omitted the introductory part of the prosecutor's question, 'You indicated that he was assaulting you', which is translated '*No sumbedza uri o vha a khou ni rwa'*. However, translates the second part was translated, which is the question part. (This was a deliberate omission done to speed up the pace of the proceedings).

Prosecutor: Tell the court what transpired.

Interpreter*: Vhudzani court uri ho itea mini nga dzi 12 January 2020.* (Tell the court what transpired on the 21st January 2020).

The interpreter added the date on which the incident took place. However, the prosecutor did not mention it. This addition was self-generated consciously in the quest to be explicit. However, this is not the duty of professional interpreters. Their role is to interpret everything that is being said without taking sides. If something is unclear, complainants must be the ones who ask through the interpreter.

Prosecutor: At that stage, were you still in love with the accused?

Interpreter*: No vha na kha ḓi funana nae?* (Were you still in love with him?)

Again, purposeful omission was done by the interpreter, and the trend seems to be omitting sections that are introductory to the question. In this case, she omitted, 'at that stage?'. The accused is only referred to as him, thus replacing the accused with a pronoun that specifies the gender.

Prosecutor: Anything else that transpired on 12 January 2020?

Interpreter*: Kha mulandu wa dzi 02 dza January 2020 hu na zwiṅwe zwo iteaho zwine a zwingo ambiwa?* (In the case of the 2nd January, is there anything which took place which was not mentioned?)

The interpreter misses the date and pronounces it as the 2nd. The interpreter uttered own invention by adding '*zwine a zwo ngo ambiwa*?'/ 'Which has not been mentioned?'. It helps the respondent to be straightforward when responding. This seemed to habe been done intentionally as a self-generated utterance aimed at clarifying what the question sought.

Complainant*: O dzhena o fara boḓelo ḽa halwa, a tshi to dzhena ṅwana a da kha ṋne.* He came in holding a beer bottle, as he entered, the child came to me)

Interpreter: He was holding a bottle; the child came to me*.*

The interpreter did not distinguish as to the nature of the bottle held by the accused, however, the complainant had stated that it was a beer bottle. The interpreter decided to generalise, consequently omitting the descriptive 'beer'. The description of the bottle is important, since it also alludes to the nature of the solution in it, which might have

implications. Since it was a beer bottle, it might be that the accused was drunk, which led to the incident that triggered the court case.

Complainant: *A nthwa nga mipama.* (He slapped me).

Interpreter: He slapped me with open hands.

The interpreter's translation includes redundant elements, 'with open hands'. It was enough to say 'he slapped me" because that is what the complainant said.

Prosecutor: Anything else that transpired on the 16th of August 2020?

Interpreter*: Zwiṅwe zwo iteaho ndi mini?* (What else transpired?)

The date was omitted by the interpreter. There is no consistency, and sometimes, dates were not given and the interpreter added them. In this case, a date was given and it was not mention it by the interpreter.

Prosecutor: Is that all regarding charge 2?

Interpreter*: Ndi zwezwo fhedzi?* (Is that all?).

Another omission where superfluous information were left out by the interpreter was that when a relational part was omitted; 'regarding the charge'. It was an intentional omission done to quicken the pace of the case.

Magistrate: Matter stand down.

Interpreter*: Kha vhavhe vho bvela nnḓa vha ḓo dovha hafhu vha vhidziwa.* (Go and wait outside, you will be called again).

This section presents an interpreter who knows the proceedings of the court. The expression 'matter stand down' was uninterpreted, but the implication. The complainant was instructed to go out for a while waiting to be called in again. That self-generated utterance was meant to be an order.

5.4.9.4 Tools of Analysis

Omission Analysis Tool

SL Message	TL Message	Word omitted	Nature of omission (Using Napier, 2001-125)	Possible cause
Prosecutor: You indicated that he was assaulting you, did you take any step on what he was doing?	Interpreter: *Hu na maga e na a dzhia na, musi ni tshi kho u vhona ezwo?*	You indicated that he was assaulting you,	-conscious intentional	Lagging

SL Message	Speaker	TL Message	Word omitted	Nature of omission (Using Napier, 2001:125)
Prosecutor: At that stage were you still in love with the accused?	Interpreter*: No vha na kha ḓi funana nae?*	At that stage	Conscious intentional	Interpreting strategy to avoid lagging.
Prosecutor: Anything else that transpired on the 16th of August 2020?	Interpreter*: Zwiṅwe zwo iteaho ndi mini?*	On the 16th of August	Conscious intentional	Interpreting strategy to avoid lagging.
Prosecutor: Is that all regarding charge 2?	Interpreter*: Ndi zwezwo fhedzi?*	Regarding charge 2?	Conscious intentional	Interpreting strategy to avoid superfluous information.

Code-switching Analysis Tool

SL message	TL Message	Code-switched item	Type of code-switching (Poplack, 1980)	Reason for code switching
Prosecutor: Anything else that transpired on 12 January 2020?	*Interpreter: Kha mulandu wa dzi 02 dza January 2020 hu na zwiṅwe zwo iteaho zwine a zwingo ambiwa?*	January	Intersentential	Habitual experience

Self-generated Utterances Analysis Tool

Word/sentence uttered	Type of Speech Act	Declarative, Non-declarative or Interrogative (Austin, 1956)
…nga dzi 12 January 2020.	Locutionary (Naming)	- Declarative (True/false/fact)
… zwine a zwingo ambiwa?	Illocutionary (assertive)	Non-declarative (explaining)
Interpreter: *Kha vhavhe vho bvela nnḓa vha ḓo dovha hafhu vha vhidziwa.*	Illocutionary (commissives)	Non-declarative (permissions)

5.4.9.5 Interim Findings

Omission: Three cases of omission were observed in this case. Omissions were done in the quest to leave out the obvious issues, such as case numbers, dates and names. The interpreter seems to be interested in giving out that information which will not only speed up the proceedings, but guide the respondent to answer exactly what the interrogator wanted.

Code-switching: One case of code-switching was recorded, although it might be one type, the date. I observed my students doing Work Integrated Learning and observed the same trend. It does not matter the language, but, African languages interpreters and speakers cannot just interpret days, dates and months, to mention a few in their local languages. Perhaps, this is a topic that can be researched by another scholar, since it is not part of the mandate of this study. It is not that local languages do not have words for numbers, days of the week, months or seasons; they are well-captured in the dictionaries. Could it be that English makes it easier or is it because of the foundation education, which did not teach them in their local languages? However, just as I hinted earlier, another scholar could research that.

Self-generated utterances: Surprisingly, the interpreter, in this case, was active in trying to shape the proceedings by adding or uttering statements that clarified or reduced the possibility of the respondent asking for clarification. The interpreter either added a date or explained where interrogation was not clear. The reduction of redundancies and superfluous information seems becoming the crucial issue interpreters deal with in their active participatory role.

Other observations: Knowledge of court procedures helps the interpreter in this case to explain legal procedures and expectations that could otherwise not be explained by someone new in the discipline.

5.4.10 Court Case 10: Vuwani Magistrate Court

Type of the Court Case: Assault

Date of the Court Proceedings: 26 October 2021

5.4.10.1 Written statements of the communication Event. (See Annexure J).

Two men are on bad terms, one greeted the other, and the other feels he was spiteful, leading to a quarrel, with one insulting the other.

5.4.10.2 Ethnography of the event

S- Setting- Vuwani Magistrates' Court

P- Participants- The complainant, the accused, the magistrate, the attorneys and the interpreter.

E- Ends- A trial where the prosecutor and the lawyer were still examining the accused and the complainant.

A- Act Sequence- The prosecutor asked the accused, then, the complainant questioned through the interpreter. The accused and the complainant also responded through the interpreter. It was done in consecutive mode, in the dialogue or liaison interpreting type.

K- Key- The proceedings were on a serious legal note.

I- Instrumentalist- The magistrate spoke in English.

N- Norms- Norms of interaction- The prosecutor asked the accused questions and then, there was cross examination.

G- Genre- The trial was being done in full; there was examination in chief and cross-examination.

5.4.10.3 General Analysis

Prosecutor: You are the complainant in this matter that happened on the 21 of August.
Interpreter*: Ndi inwi na mupoti wa mulandu?* (Are you the complainant?)

Complainant*: Ndi zwone.* (True)

The prosecutor does not ask a question, since he began with with 'you' instead of 'are'. The interpreter formulates it in the form of a question that in English reads, 'Are you the complainant?'. The interpreter avoids the part from '…in this matter that happened on the 21 of August'. That omission is probably meant to simplify the question,

however, it leaves out important details such as the date. Since the prosecutor wanted the complainant to confirm, the answer given by the complainant achieves that aim.

Prosecutor: Tell the court what transpired on the 21st of August that led you here.

Interpreter*: Vhudzani khoro zwo iteaho nga dzi 21 dza August.* (Tell the court what transpired on the 21st August).

Complainant*: Nga dzi 21 nga vho 9 ya matsheloni ndo vha ndi kho lugisa ḓirataḓirata he nguluvhe dza vha dzo vula buli dzo sera nga fhasi.*

Interpreter: On the 21st at 9 a.m, I was busy correcting the fence where the pigs have gone under.

The interpreter omits the last part of the prosecutor's question; '… that led you here', and stops at the date. The omitted part again is unnecessary. I think the interpreter consciously avoided it. In the response that follows, the complainant says he was fixing a broken fence. The interpreter chooses the word 'correcting' instead of 'fixing'. This exposes the interpreter's knowledge of English to be inadequate.

Complainant: *Nda ndi tshe ndo kwatela zwe a ntsema.* (I was still angry because of him having insulted me).

Interpreter: I was still angry at him.

The interpreter does not interpret the reason the complainant was angry, which is being insulted by the accused. She simply states that the complainant was still angry with the accused. This omission could have been unconscious.

Prosecutor: What do you mean by that? And what exactly did he say when he insulted you?

Interpreter: *O to ri mini a tshi vha sema?* (What did he say when insulting you?)

In this section, the interpreter omits to interpret the first question; 'What do you mean by that?' or '*Vha khou amba mini nga hezwo*?'. She combines the two questions into one. The aim is to manage the proceedings in a way that avoids ambiguity and unnecessary information.

Prosecutor: Anything else?

Interpreter*: Hu na zwiṅwe zwine vha nga vhudza khoro*? (Is there anything that you can tell this court?)

The interpreter's translation is longer because in attempting to be explicit. However, unlike in the section before this one, she is superfluous by adding 'that you can tell the court'. It was enough to stop at 'anything else' or '*huna zwiṅwe*?'.

Accused*: Na nne nda ndo khakha na ndi tshi vha lumelisa ngeno ri kho amba zwavhuḓi?* (Was I wrong in greeting you whereas we used to talk nicely?)

Interprete*r: Was I wrong to greet you?*

Contractions leading to omission continue in this section. By avoiding the second part, a situation that ensued took place when the accused thought things were normal, and there were no discords. The perspective of the accused is important here because it implies that he never meant to be provocative by greeting the complainant. Therefore, this is omission is unfortunate although it was consciously done.

Accused*: Vha kha di zwi humbula uri vho fhira nga mudini wanga vha tshi khou da u mpfarisa vha ri ndi kho yo farisa mmbwa hei I na matshimba nga maanda.* (Do you still remember that on your way to press charges you passed by my house saying that you where going to open a case against this filthy f*** dog?)

Interpreter: Do you still remember that when you were going to press charges, you said that you dog?

The accused asked the complainant if he still remembered the time the complainant passed by his house on his way to press charges and said that he was going to press charges against this dog which is full of faeces. The interpreter does not interpret the swearing part. It is required that interpreters interpret everything without being shy, including swear words and taboos. This omission is intentional.

Complainant*: Ndi mazwifhi madaladala, mudini wawe ndi kha left and nne nda kho ya kha right.* (Those are blue lies, his house is on the left and I was heading to the right)

Interpreter: That's lies.

Perhaps the interpreter was tiring by summarising the statement by the complainant that had fifteen words in three words, 'that is lies'. However, the complainant brushed aside the accused's claims as blue lies, and said, 'his house is on the left and I was

going to the right'. The complainant presented facts supporting his claim, but the interpreter performed dismally. If the intention was to speed up the proceedings, then, it was done in a way that disadvantaged the client. Professional interpreters must be loyal to their speakers who are their clients. Being loyal includes observing the tone and timbre of the original speaker. It also includes observing the choice of words. It is possible that in trying to gatekeep, the interpreter forgot some of the ethics of interpreters; accuracy and impartiality.

Accussed: *Ndo ita vhukhakhi nga u vha lumelisa ngauri nda sa ḓivhi uri a ri tsha amba.* (I made a mistake by greeting you because I did not know that we were no longer in good terms)

Interpreter: I was wrong by greeting you*.*

Another situation suggests that the interpreter was becoming tired. Thet interpreter omits the second part, 'I did not know that we are not supposed to talk anymore'. This omission is done because she is getting tired and is always resorting to shortening statements.

Accused: *A thi tsha humbula ngauri ndi nga vha ndo vha ndo kambiwa, fhedzi ndi humbula zwa linwe ḓuvha vhe vha vho dzula nṱha ha tshidulo.* (I cannot remember because I was drunk, but I recall what happened one day when he was sitting on a chair)

Interpreter: I don't remember.

Magistrate: Comment on this.

What was said in the section just before this one applies again as twenty-five (25) words were shortened to three, which were literally the first four of the accused's words. From 'because I could have been drunk, but I remember what happened the other day when he was sitting on a chair'. The level of omission is chronic; a lot of information is being lost.

5.4.10.4 Tools of Analysis

Omission Analysis Tool

SL Message	TL Message	Word omitted	Nature of omission (Using Napier, 2001-125)	Possible cause
Prosecutor: You are the complainant in this matter that happened on the 21 of August.	Interpreter*: Ndi inwi na mupoti wa mulandu?*	In this matter that happened on the 21st of August.	-conscious intentional	- Lagging
Prosecutor: Tell the court what transpired on the 21st of August that led you here. Interpreter:	*Vhudzani khoro zwo iteaho nga dzi 21 dza August.*	That led you here	Conscious intentional.	Interpreting strategy.
Complainant*: Nda ndi tshe ndo kwatela zwe a ntsema.*	Interpreter: I was still angry at him	*Zwe a ntsema/* because he insulted me.	Conscious intentional	Interpreting strategy.
Prosecutor: What do you mean by that? And what exactly	Interpreter: *O to ri mini a tshi vha sema?*	What do you mean by that?	Conscious unintentional.	Lagging.

did he say when he insulted you?				
SL Message	**Speaker**	**TL Message**	**Word omitted**	**Nature of omission (Using Napier, 2001:125)**
Accused*: Na nne nda ndo khakha na ndi tshi vha lumelisa ngeno ri kho amba zwavhuḓi?*	Interpreter: Was I wrong to greet you?	*Ngeno ri kho amba zwavhuḓi?*	Conscious unintentional.	Lagging.
Accused: *Vha kha di zwi humbula uri vho fhira nga mudini wanga vha tshi khou da u mpfarisa vha ri ndi kho ya u farisa mmbwa hei I na matshimba nga maanda.*	Interpreter: Do you still remember that when you were going to press charges, you said that you dog.	*I na matshimba nga maanda/* is full of faeces.	Conscious strategic.	Grammatical Incompetence.
Complainant*: Ndi mazwifhi madaladala, mudini wawe*	Interpreter: That's lies.	*Madalala, mudini wawe ndi kha left nne nda kho ya kha*	Conscious strategic	Grammatical incompetent and tired Interpreter

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ndi kha left and nne nda kho ya kha right.		*right/*blue lies, his house is on the left and I was going to the right.		
Accused*: A thi tsha humbula ngauri ndi nga vha ndo vha ndo kambiwa, fhedzi ndi humbula zwa linwe ḓuvha he vha vho dzula nṱha ha tshidulo.*	Interpreter: I don't remember.	*Ngauri ndo vha ndo kambiwa, fhedzi ndi humbula zwa linwe ḓuvha he vha vha vho dzula nṱha ha tshidulo/*because I was drunk, but I remember what happened one day when he was seating on a chair.	Conscious strategic.	Tired Interpreter

Code-switching Analysis Tool

SL message	TL Message	Code-switched item	Type of code-switching (Poplack, 1980)	Reason for code-switching
(No code-switched items)				

Self-generated Utterances Analysis Tool

Word/sentence uttered	Type of Speech Act	Declarative, Non-declarative or Interrogative (Austin, 1956)

Prosecutor: You are the complainant in this matter that happened on the 21 of August. Interpreter: *Ndi inwi na mupoti wa mulandu?*	- Perlocutionary (asking/permitting/ praising	- Interrogative (questioning)
Hu na zwiṅwe zwine vha nga vhudza khoro?	Perlocutionary (asking)	Interrogative

5.4.10.5 Interim Findings

Omission: This case presented at least six instances where omission was prevalent. Interpreters omit actively as participants who are shaping discourse, and at this stage, it is no longer an issue. However, how and what one omits could be the question. On the what, it was observed in the previous nine (9) cases before this one, that interpreters leave out redundant information. They also omitted the obvious. This case presented a different angle on how to omit. It is possible that in the quest to be clear and brief, one might leave out crucial information. Also, what you may think to be unimportant might be life-saving to another. There were at least four (4) situations in this case where the interpreter omitted explanations and reasons that were meant to be heard by the magistrate and the interrogator. The interpreter omitted insults that the respondent said he got from the accused. I think such information is important in giving the magistrate an understanding of the kind of emotional torture that the respondent endured and possibly give a better verdict. While it can be said that the interpreter played an active participatory role, she still needs to grow to know what and how to omit.

Code-switching: No instances of code-switching were observed.

Other findings: The interpreter lacked English competence as evidenced by using wrong words, leaving statements uninterpreted into English or too short. The

interpreter seems too exhausted, and as such, resorted to cutting statements. The respondents were also denied interpreting twenty five times, that is, where they talked, and they were not interpreted for, but instead, the turn was usurped by the interrogator.

This concludes the analysis of of the ten court cases, general conclusions about which shall be discussed in Chapter 6.

5.5 Conclusion

This chapter analysed the three cases of omission, code-switching and self-generated utterances. The Ṱhohoyanḓou High Court case presented five court cases between August 2018 and April 2022, the Ṱhohoyanḓou Magistrates' Court case had three court cases analysed, while the Vuwani case presented two court cases. The court cases were about different issues from murder, rape, reckless driving, robbery and family matters. Preliminary findings demonstrated that omissions, code-switching and self-generated utterances were used by interpreters. Chapter 6 will analyse motives for using them in detail, although to a certain extent, that has been covered in this chapter. It will also draw conclusions about the findings and present recommendations.

CHAPTER 6: FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

Chapter 5 analysed data for omission, code-switching and self-generated utterances and also presented some interim findings. This chapter details findings per case, that is, Ṱhohoyanḓou High Court, Ṱhohoyanḓou Magistrates' Court and Vuwani Magistrates' Court. Therefore, the findings were used to reach certain conclusions regarding the study, followed by recommendations.

6.2 Findings

This study was influenced by studies conducted elsewhere, which suggested that court interpreters have shifted from the conduit role to a more active role as supported by Davidson (2000), Angermeyer (2010), Roy and Metzger (2014) and Usadolo (2016). It aimed at discovering the situation in South Africa in the Limpopo Province, Vhembe district, and specifically at the Ṱhohoyanḓou High Court and Ṱhohoyanḓou and Vuwani Magistrates' Courts. It focused on the argument that court interpreters have started shifting away from being mere conduits and are using language to influence the proceedings in courts, which is signified by several omissions, code-switching and self-generated utterances that are prevalent during communication events. It aspired to address the following questions:

- What is the role of court interpreters in a bilingual courtroom involving English and Tshivenḓa and vice-versa?

- How are sociolinguistic aspects such as omission, code-switching and self-generated utterances manifested in the interpreting situation involving Tshivenḓa and English and vice versa?

- What is the impact of omission, code-switching and self-generated utterances on interpreter performance?

- What can we learn from the interpreters' choice and use of language in the interpreting situation?

After gathering data, which was analysed in Chapter 5, although some interim findings were highlighted to foreshadow this chapter, I present findings per case in relation to

omission, code-switching and self-generated utterances, starting with the Ṱhohoyanḓou High Court case.

6.2.1 The Ṱhohoyanḓou High Court Case

The analysis comprises five court cases attended between 2018 and 2022.

6.2.1.1 Findings related to omission.

All five court cases had omission situations ranging from conscious intentional, to conscious receptive, conscious strategic and unconscious omissions. The analysis in Chapter 5 shows that interpreters omitted certain words consciously as a strategy of interpreting. The interpreters heard the words clearly, suggesting that they were active, thereby strategically opting to omit. In most situations, words that were left out were those that did not temper with the intention of the original speaker. Interpreters chose to omit to deal with ambiguous utterances or superfluous information..

The analysis further showed that conscious omissions, whether strategic or intentional, were done in situations where interpreters were lagging and getting tired. To catch up with the speaker and as a way of self-protection, the interpreters decided to omit. Gile (2009) discusses norms in the selection of tactics during interpreting and one of those is self-protection, which is done under bad working conditions such as long working hours. So, omitting elements that are ambiguous or problematic and presenting what is crucial can be opted for while working online. Interpreters resorted to strategies, such as paraphrasing to shorten utterances while removing superfluous information. They also generalised where they were unsure of the target language word and that resulted in omission.

I posit that omission is a strategy that interpreters persue to deal with redundant and ambiguous statements. There were few cases where omission happened because interpreters did not know the meaning of words. Sometimes, speakers were too fast, leading interpreters to omit so that they could catch up with them. That was the reason for conscious receptive omissions.

The impact of omission can be negative for other participants. For example, some of the omitted phrases are explanations by the witnesses to justify their answers. If

interpreters ignored them and interpreted what they thought was important, leaving out names, codes, and phrases that reveal doubt it could have a negative impact on the decision of the judge.

Unconscious omissions identified could be attributed to tiredness and were observed during succeeding sessions where the interpreter worked alone. One interpreter, during the second full interpreting session, always summarised two or three exchanges, giving long sentences even when a speaker answered in one word.

6.2.1.2 Findings related to code-switching.

The interim analysis in Chapter 5 reveals that only intrasentential and intersentential code-switching were resorted to and most of them can be attributed to habit. Some code-switched items, for example, 'voice', are not difficult words. However, the word 'Certificate' has its translation, (Ṱhanziela), which other people may not quickly recall because of the constant use of the borrowed English word. It suggests that the choice of the interpreter when code-switching could be due to habitual experience and a lack of register. The interpreter also switched intra-sententially when translating familiar titles, which could be an indication of habitual experience.

In another example, intra-sentential code-switching, which can be attributed to the habitual use of such words by the interpreter rather than a lack of facility, has been observed. The interpreter, as in the word '*sjambok*' borrows it initially, but later uses the vernacular word for it '*mboma*'. In this regard, code-switching is reflected in words that are well-known in English, although they are also a commonplace in Tshivenḓa. This tendency might be a sign of habitual experience where interpreters get used to frequently used words in the community The status of English as a language of instruction, might be the reason why interpreters to always switch to it. There is no situation where interpreters switch to tribal languages that are also spoken in Vhembe district. I observed that interpreters at the Ṱhohoyanḓou High Court mainly code-switched at will; although, lack of immediate equivalents also contributed to that.

6.2.1.3 Findings related to self-generated utterances

The interpreters at Ṱhohoyanḓou High Court uttered statements that were not spoken by the judge or changed the statement by the judge into a question. All three kinds of speech acts were observed, locutionary, illocutionary and perlocutionary and the dominant one was perlocutionary. The interpreters were asking questions that made the respondents clarify certain issues. Sometimes they change statements uttered by the lawyer into questions. There were instances where interpreters changed pronouns from first person to third person. In courts, only the first person must be used. Therefore, the interpreters battled with understanding their role.

Another example of perlocutionary speech was observed when one interpreter changed the format of the judges' speech from a perlocutionary speech act of pleading to an illocutionary speech act of commanding and threatening, a non-declarative act. Perhaps, the practitioner did not like the tone used by the judge and thought needed to amend that by using a stricter one, which would deter the offenders from stopping the said act of threatening witnesses. Seen from this angle, the act was planned by an interpreter who did not want to be used as a tap but who wanted to be an active participant in shaping meaning in the courtroom.

Illocutionary speech acts or utterances were observed in the command or instruction form. The lawyer had pleaded with the witness, but the interpreter commanded the witness. Perlocutionary utterances were observed in the quest to clarify during interrogation.

The locutionary speech acts or incidents of utterances generated by the interpreter that were observed were in the form of naming people and giving dates, to mention a few and were declarative. The interpreters either gave the name of the institution or an item where the prosecutor's utterance seemed implicit.

Interpreters at the Ṱhohoyanḓou High Court displayed traits of uttering statements that were not uttered by the speakers by asking questions, issuing instructions, explaining and naming as a way of clarifying and making certain issues explicit. The impact is both positive and negative. It is positive in the sense that communication becomes clearer, as ideas are well explained and controversies are removed. It is negative

because it makes the interpreter assume the prosecutor/lawyer role by asking and instructing the defendant. On a positive note, when doing that, interpreters participate actively in the creation of meaningful communication in the courtroom.

6.2.1.4 Other observations

The practice of using one interpreter per courtroom in a day has adverse effects on the performance of interpreters and could have been one of the reasons leading to omissions. Secondly, in case 5, there were 21 cases of non-interpreting that were observed, and in all these, the complainant was not interpreted for. The interpreter interpreted all utterances by the magistrate, prosecutor, and the lawyer, but did not have time to interpret for the complainant. The reason could be that the examiners (prosecutor, lawyer and the magistrate) understood Tshivenḓa, so, they could understand what the complainant was saying and would immediately jump to the next question upon the slightest hesitance by the interpreter to interpret. This is an infringement of the defendants' right, to hear proceedings being conducted in the language that they speak.

6.2.2 The Ṱhohoyanḓou Magistrate Court's Case

There were three court cases observed.

6.2.2.1 Findings related to omission.

Thirteen incidents of omission were observed, which is at least 4 incidents per case. Four were unconscious due to lagging, while nine were conscious intentional or conscious strategic. One was because of grammatical incompetence. Most of them were caused because the interpreter lagged, therefore devised ways of catching up with the speaker.

In the case of conscious intentional and conscious strategic, the interpreter was actively involved and conscious about the proceedings, but due to lagging, missed information such as names of places and dates that were not affecting the unlocking of the intention of a message. Conscious strategic omissions were manifested when interpreters worked through redundant sentences. Besides lagging and interpreting strategy, tiredness was responsible for at least two incidents of omission. The interpreters omitted while trying to eliminate superfluous statements.

In some cases, omission was due to message reception and the complex nature of sentences. Complicated sentence structures can affect the encoding of a message. They omitted when they lacked the proper English word. I observed that they did not omit or struggle when translating from English into Tshivenḓa, but from Tshivenḓa into English.

I conclude that while interpreters at the Ṱhohoyanḓou magistrate omitted due to grammatical constraints and complicated sentence structures, they mainly omitted consciously and with intentions. The speakers were to a certain extent responsible for this predicament. However, interpreters need to improve their language skills to be competent in their tasks.

6.2.2.2 Findings related to code-switching

Only two cases of code-switching were observed and they were both intrasentential. One was due to habit and another was a lack of facility. The interpreters at the Ṱhohoyanḓou Magistrates' Court avoid code-switching, and if they did, it was either because of habit or a lack of facility.

6.2.2.3 Findings related to self-generated utterances

All types of speech acts, locutionary, illocutionary and perlocutionary, were observed as interpreters tried to question or to be assertive. Three (3) situations where the interpreter brought in something that was not uttered by a speaker were observed. Two were illocutionary speech acts in the form of commands, and the other one was perlocutionary, where interpreters probed the accused/complainant in their way. Locutionary speech act was observed once in naming items or people. The aim was to make information explicit.

Interpreters at the Ṱhohoyanḓou Magistrates' Court participated actively in the court proceedings by asking questions, issuing commands and giving details such as names and dates, and these aspects were not given by speakers.

6.2.2.4 Other observations

There were a few other observations that were unrelated to the three in question in this study (omission, code-switching and self-generated utterances). The following is a brief presentation of those observations:

- Confusing roles: The interpreter at times acted like an advocate, asking and probing like a prosecutor.
- Incompetence when translating from Tshivenḓa into English: There were few situations where their grammatical competence was tested as they were working from Tshivenḓa to English , for example:
  → One situation where an interpreter confused directions.
  → Misnaming the complainant and addressing him as the accused.
  → Issuing ambiguous statements such as, 'I plait hair and screen protector'.
  → Lack of knowledge of certain English words. (Does not know them in Tshivenḓa).
  → Incompetence in English vocabulary, for example, in '*A nkhwikhwidza'*, which was translated as, 'he grabbed me'.

The trend of using interpreters to shoulder responsibilities outside their scope, like leading the accused in taking the oath was observed.

Two cases of wrong interpreting where a wrong word was used were observed. She confused directions in translating 'front/*phanḓa*' as 'back/*murahu'*. A second case is when she could not get the exact word for the word 'treatment' in Tshivenḓa.

The impact of the above cannot be overemphasised. If interpreters confuse their roles and do almost everything, they will become exhausted quickly and begin making mistakes, which will ultimately have an impact on the intended meaning. Gross language errors are chronic interpreter problems and interpreters must improve their language skills. Interpreters must be professional; they must be educated and not just be hired based on knowing a certain language. Problems identified in this case cast doubt on the training of some interpreters.

6.2.3 The Vuwani Magistrate Court Cases

Two court cases were observed.

6.2.3.1 Findings related to omission

There were nine cases of omission that were observed in which obvious issues such as case numbers, dates and names were left out. The interpreters seemed to be interested in interpreting mesages in a way that would speed up the proceedings, and which guided the respondent to answer exactly what the interrogator wanted.

6.2.3.2 Findings related to code-switching

Only one case of code-switching was observed although it might be one type, it had many occurrences in this study, the date. I observed my students doing Work Integrated Learning and noted the same trend. African languages Interpreters, and speakers fail to interpret days, dates and months in their local languages. Common usage across these languages show that the speakers use them in the English form. Perhaps, this is a topic that can be researched by other scholars, since it is not the mandate of this study. It is not that local languages do not have words for numbers, days of the week, months or seasons; they are well captured in the dictionaries. Could it be that English makes it easier or is it because of the foundation education which did not teach them in their local languages? However, just as I hinted earlier, another scholar could research that.

6.2.3.3 Findings related to self-generated utterances

Locutionary and perlocutionary speech acts were observed: two acts of asking questions and one of naming or giving details regarding a date. The dominant ones were perlocutionary speech acts where interpreters were active in trying to shape the proceedings by adding or uttering statements that clarified or reduced the possibility of the respondent asking for clarification.

6.2.3.4 Other observations

Two issues, one positive and the other negative, were observed. The interpreters knew court proceedings. Knowledge of court procedures helped the interpreters to explain legal procedures and expectations that could otherwise not be explained by someone new to the discipline. This is a positive feature. One interpreter lacked

English competence evidenced by using wrong words, leaving statements uninterpreted into English or too short. The interpreter seems too exhausted, thus resorted to cutting statements. The respondents were also denied interpreting 25 times, that is, where they talked, and they were not interpreted for, but instead, the turn was usurped by the interrogator.

6.3 General Findings

This sections presents the findings of omission, code-switching, and self-generated utterances of all the ten court cases combined starting with omission.

6.3.1 Omission

It was observed in the ten (10) cases that interpreters left out redundant and superfluous information. They also omitted the obvious. However, case 10 presented a different angle. In the quest to be consice, and to catch up with a fast speaker, one might leave out crucial information. Also, what may be considered to be unimportant by one person, may be lifesaving to another. There were at least four (4) situations in case 10 where the interpreter omitted explanations and facts that were meant to be heard by the litigants. Interpreters also omitted to interpret which could be crucial in convincing the magistrate to perhaps reach a better verdict. Training could produce mature interpreters who could be brave enough not to sacrife justice in the shackles of societal hedges such as taboo. Though being active participants, court interpreters must learn when to omit intentionally.

In general, interpreters omitted more intentionally than unintentionally. Unintentional omissions were observed when:

(a) They omitted difficult technical terms.

(b) Interpreters simply referred to sections quoted rather than translating/interpreting fully.

(c) Judges used a lot of legal jargon.

Conscious intentional omissions were observed when:

(a) Interpreters left out superfluous information.

(b) They also omitted the obvious.

(c) Interpreters omitted to avoid redundancy.

(d) They omitted to avoid ambiguity.

(e) They omitted to speed up the proceedings.

(f) The interpreter assumed the defendant understood what was said.

6.3.2 Code-switching

This mainly took the form of code-mixing as captured hereunder:

a) They code-switched and used obvious words. (In other words, instead of translating, they simply opted to keep the word if it was simple).

b) In case the words were difficult, they simply maintained the word in the order without translating them.

c) In case the speaker was too fast; the translation reflected several untranslated items. (In most of these cases the lawyers spoke when the interpreters had not finished interpreting).

6.3.3 Self-generated utterances

These were statements given by the interpreters and not by the litigants.. The findings showed that interpreters resorted to self-generation to achieve the following:

(a)To ask for clarification from the complainant or plaintiff. (Ethically, interpreters are not allowed to do so).

(b)To ask for the complainant to speak louder.

(c)To clarify certain points or proceedings.

(d)They shaped sentences by inserting new items not introduced by speakers (where language is difficult or legal jargon is used).

(e)They substituted certain items and introduced new ones.

(f) They generalised and sometimes simplified the words.

(g) To keep pace with the judge, they also generalised and simplified the words.

6.4 Conclusions and recommendations

I begin by giving concluding remarks based on the findings.

It might be concluded that the springboard and claim of this thesis that court interpreters were not mere conduits, but were active participants in court proceedings, adding, clarifying, omitting and choosing a language to shape discourse could be said to have been sustained. All 10 court cases produced evidence that interpreters omitted, code-switched and generated statements not uttered by the speakers. While most of them were voluntary pickings, some were, albeit few, due to constraints. Omissions seemed to dominate, followed by self-generated utterances, while code-switching was the lowest preferred tool of involvement. Magistrates' Courts produced fewer incidences of code-switching, but had serious problems regarding the role and grammatical competence which High Court interpreters seemed to have perfected. Both the High Court and the two Magistrates' Courts had interpreters who questioned, clarified and added while the speakers had not uttered a word. Omission at Magistrates' Court was more of a constraint than at the High court where it was a choice. The reason could be because of the requirements which demands grade 12 without experience as opposed to the high court where a diploma in interpreting and three to five years experience are needed.

The following is a list of recommendations drawn from data analysis:

(a) Need for a follow-up study that will ascertain the current findings of this thesis through follow-up interviews, review of recorded court proceedings and focus group discussions with observed court interpreters and other relevanmt court officials.

(b) Workshops or pieces of training such as in-service training, and constant improvement through life-long learning need to be done on role playing, since it was observed that some interpreters are still battling with understanding the role they must play.

(c) Traditional conduit, the tap water emitting type is unviable, thus, a tolerance of participatory conduit could be the solution.

(d) Court interpreters, exclusively at the Magistrates' Courts levels must constantly improve their language skills, especially when interpreting from vernacular to English.

(e) Lawyers, prosecutors and judges/magistrates must be oriented to know how they must speak, since their tempo sometimes makes interpreters lag and ultimately omit.

(f) Court interpreters must know how and what to omit if they must since others omit trifle, but crucial information that may either cast doubt or convince a listener when included.

(g) Working conditions must be improved to enable relief for interpreters after 1 long session or 2 small sessions to avoid exhaustion.

(h) Need for a code of ethics for court interpreters.

(i) Need to engage professionally trained and accredited court interpreters.

The next section, which is the last one presents the limitations of this study, possible future research and the conclusion of the study.

6.5 Conclusion

The Covid-19 situation which besieged the world when this research was at its proposal stage had an impact on delaying court visits. While the study was in Vhembe district, the focus was on three courts, and I do not claim that the findings apply to the whole country, but it can serve as a tool that projects court interpreting situations. This study can be done extensively by focusing on a wider area or more court sessions. Issues such as courts not sitting due to water crises, for example, at Ṱhohoyanḓou magistrate, had adverse effects on continuity and timely access to justice.

It can be argued that interviews could have added value in triangulating this study, however, given the predicaments highlighted in the paragraph above, circumstances did not permit. Under normal circumstances and in situations where maximum benefits were priority, triangulating this study was done as stated chapter 4.

This study on court interpreting, the effect of omission, code-switching and self-generated utterances introduced the topic and research questions in Chapter 1, gave background to court interpreting in Chapter 2 before focusing on conceptual framework where it also explored agency role theory in Chapter 3. Chapter 4 details how the methodology was done to gather data at three courts (Ṱhohoyanḓou High

Court, Ṱhohoyanḓou and Vuwani Magistrates' courts). Chapter 5 analysed the gathered data, which had used the conversation analysis and the SPEAKING acronym. The findings and conclusions based on the analysis done in Chapter 5 are then presented in this chapter.

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ANNEXURE A: (Ṱhohoyanḓou High Court)

Judge: Tell us your names and age.

Interpreter: *Ndi inwi nnyi, nahone ni na minṅwaha mingana?*

Accused: My name is….I am 22 years old. (Low voice)

Judge: At home, whom do you stay with?

Interpreter: *Hayani ni dzula na nnyi? (A ambele nṱha thi?)*

Accused: *Na mme anga.*

Interpreter: With my mother.

Judge: What is your present occupation?

Interpreter: *Mushumo wanu ndi mini zwino?*

Accused: *A thi shumi, ndi kho ita Learnership.*

Interpreter: I do not work. I am doing a learnership. *(A takuse voice yawe thi?)*

Judge: What is this learnership? Mechanical; engineering…what?

Interpreter*: Certificate yawe ndi ya u gudela mini?*

Accused: *Ndi ya Carpentry.*

Interpreter: Carpentry.

State Attorney: Who supports you financially?

Interpreter: *Ndi nnyi ane a ni tikedza kha masheleni?*

Accused: *Mme anga.*

Interpreter: My mother.

State Attorney: Your father? Where is he?

Accused: *Vho lovha.*

State Attorney: When did he pass away?

Accused: *Nga 2016.*

State Attorney: The court has convicted you of 3 serious offenses. In view of the fact that the court has found you guilty, what is your take to the family of the deceased?

Interpreter: *Khothe yo ni wana mulandu kha milandu miraru ya u lemela. Ni tshi vhona ni nga ri mini kha vha muṱa?*

Accused: *Ndi kho di pfa ndi na mulandu badi.*

Interpreter: I feel guilty.

State Attorney: When did you start feeling guilty?

Interpreter: *No thoma u pfa lini uri zwe na ita a si zwavhuḓi"?*

Accused: *Musi ndi tshi vhona malofha.*

Interpreter: When I saw the blood?

State Attorney: Whose Blood?

Interpreter: *Malofha a nnyi?*

Accused: *Ndi tshi vhona malofha e kha mateki anga.*

Interpreter: When I saw blood on my tekkies.

State Attorney: Was it because you saw the person who was stained with blood? You are not even remorseful.

Interpreter: *A si uri no vhona muthu e na malofha? A ni vhuyi na ḓisola.*

ANNEXURE B: (Ṱhohoyanḓou High Court)

State VS Police Officer

The accused is said to have assaulted; and forced a prisoner who was awaiting trial to go to a scene of crime.

Lawyer: Do you work at ……police station?

Interpreter: *Vha shuma tshititshini tsha mapholisa tsha…?*

Accused: Yes.

Interpreter: *Ee.*

Lawyer: Were you an investigating officer when the accused/prisoner was arrested?

Interpreter: *Vho vha vhe muṱoḓisisi musi muhwelelwa a tshi fariwa?*

Accused: *Musi muhwelelwa a tshi fariwa nda sa athu u vha muṱoḓisisi.*

Interpreter: When the accused was arrested I was not yet a detective.

Lawyer: So, it is true. You only became aware of the accused after you have been assigned to investigate the case.

Interpreter: *Ndi zwone na, uri vho thoma u ḓivhana na muhwelelwa nga murahu ha musi vho no itwa muṱoḓisisi?*

Accused: *Ndo mu vhona a tshi da tshitokisini u nwalisa tshitatamennde, u bva afho ndi si tsha mu vhona.*

Interpreter: I saw him at charge office when he was giving a statement, but from there I did not see him.

(*Vha ri ndi tshi thoma u mu vhona ndo mu vhona a tshi da u nwalisa tshitokisini, u bva afho a vho ngo tsha mu vhona).*

Lawyer: You never assaulted him?

Interpreter: *A vho ngo mu rwa na?*

Accused: *Hai*

Interpreter: No, I did not assault him. *(Vha ri nne musi a tshi ya u ita dzi pointing out dzawe ndo vha ndi siho, na u mu rwa a thongo mu rwa).*

Judge: Can you remember how far the case had gone when you were then assigned the case?

Interpreter: *Vha ya humbula na uri kheisi yo vha I ngafhi musi vhone vha tshi itwa muṱoḓisisi wayo?*

Accused: *Ṱhoḓisiso dzo vha dzo no khunyelela.*

Interpreter: Investigations were already finalized.

(Vha ri musi ndi tshi dzhenelela, ho vha ho no itwa dzi investigations dzoṱhe, nne nda to dzhenelela).

Lawyer: Is it true that you work at….police station?

Interpreter: *Ndi zwone uri vha shuma tshititshini tsha….?*

Accused: *Ee.*

Interpreter: Yes. *(Vha ri ee, vha muṅwe wa mapholisa a……..)*

Lawyer: Where were you on the 18 December 2015?

Interpreter: *Vho vha vhe ngafhi nga dzi 18 December 2015?*

Accused: *Ndo vha ndi mushumoni.*

Interpreter. I was at work. *(Vha ri vho vha vhe mushumoni)*

Lawyer: Did you visit the holding cells?

Interpreter: *Nna vho ya vha dzhena kha dzi sele dza tshifhinga nyana?*

Accused: *Hai.*

Interpreter: No. (*Vha ri a vho ngo dzhena kha sele dza tshifhinga nyana)*

Lawyer: I am told that you are one of the officers who forcefully removed him from the holding cells to the pointing out scene.

Interpreter: *Vha muṅwe wa mapholisa e a kombetshedza mufariwa u bva?*

Accused: *A si zwone.*

Interpreter: It is not true. *(Vha ri a si zwone hewo zwauri vho vha muṅwe wa mapholisa e a kombetshedza mufariwa uri a bve).*

Judge: What is the procedure to visit an inmate?

Interpreter*: Maitele a u dalela mufariwa a tshimbidzwa hani?*

Accused*: Ndi ya ha mulangatshiṱitshi a mpha linwe pholisa nda ya nalo. A thi fari khii dza seleni.*

Interpreter: I go and consult a charge office commander and ask for permission, then I will be given another police officer to accompany me. I cannot hold keys to the cells. *(Vha ri musi ndi tshi toda u vhona mufariwa ndi thoma nda ya kha commander, ene u do nṋea muṅwe wa mapholisa ane a mpheletshedza.*

N.B Case postponed to 27/08/2018 S- Setting and Scene: Ṱhohoyanḓou High Court, About 10h00.

ANNEXURE C (Ṱhohoyanḓou High Court)

Judge: I received some anonymous call that witnesses are being intimidated.

Interpreter: *Vha ri vho vhudzwa zwiṅwe zwithu.*

Judge: I am just begging you through your counsel to stop that.

Interpreter: *Vha ri arali zwi tshi khou itea kha zwi khauwe.*

Judge: If there is any intimidation, the evidence will show.

Interpreter: *Vha ri arali hu na u shushedzwa, zwi do vhonala nga vhuṱanzi .*

ANNEXURE D: (Ṱhohoyanḓou High Court)

Lawyer: Mr ……………. can you take a look at exhibit B.

Interpreter: *Kha vha lavhelese tshinepe.*

Lawyer: Do you remember that you were with the deceased?

Interpreter: *Vha khou humbula thiri?*

Witness: *Ee, ndi kho zwi humbula.*

Interpreter: I recall.

Lawyer: Where were you?

Interpreter: *Vho vha vhe ngafhi?*

Witness: *Ndo ri ndà ndo dzula nae.*

Interpreter: I said I was sitting with him.

Laywer: Why were the other accused on the front?

Interpreter*: Ndi nga mini vha vhahumbulelwa vho vha……*

Witness*: Nne ndi khou shavha u vha ambela.*

Interpreter: I'm afraid to talk on their behalf.

Lawyer: Why did you leave?

Interpreter: *Ndi nga mini vho bva he mufu o vha e hone?*

Witness: *Ndo vha ndi khou vhona vhathu vho no dzhia mulandu vha u vheya zwanḓani zwavho.*

Interpreter: It's because people were talking the law into their hands.

Lawyer: When you take a look at exhibit 1 the deceased was half naked in part 1 of the photo.

Interpreter: *Vha tshi sedza tshinepe 1 tshipida 1 tsha mufu o vha a songo ambara per photo 1. Why?*

Lawyer: You said you did not see the injuries.

Interpreter: *No vha ṋekedza vhuṱanzi ha …….. (name), na ri a vho ngo zwi vhona.*

Witness: *Nne a thi ngo ri o vha o huvhala ndo ri a thi ngo zwi vhona.*

Interpreter: I never said he was not injured. I said I did not see his injuries.

Lawyer: You are tempering with your word…

Interpreter: *Vhone vha khou galikanya kha maipfi avho.*

Witness: *Nṋe ndo to ri thi ngo zwi vhona fhedzi.*

Interpreter: I only said I did not see his injuries.

Lawyer: I'm asking you, did you see the scars or bruise of the deceased

Interpreter: *Iḓanu mbudza, no vhona dzi burusisi kana ku huvhalele kwawe?*

Witness: *Athi ḓivhi uri ndi zwi vheise hani mara ndo vhona mavhadzi.*

Interpreter: Yes, I did.

Laywer: Mr……..(name) do you agree you spoke about sjambok?

Interpreter: *Vho amba nga ha mbona naa?*

Witness: *Ndo amba, fhedzi ho to suvha lulimi.*

Interpreter: It was a slip of a tongue.

Lawyer: You spoke of a sjambok because you were there.

Interpreter: *Vho amba nga uri vho vhona mboma naa?*

Witness: *Ndo ri ho to suvha lulimi.*

Lawyer: Mr ……… do you agree with me beating him with a sjambok can cause serious injuries.

Interpreter: *Vhaya tenda naa uri u rwa muthu nga sjambok zwi a huvhadza muthu.*

Witness: *Ee, ndi ya zwi ḓivha.*

Interpreter: Yes, I know.

Lawyer: You also agree it was wrongful?

Interpreter: *Ni a zwi ḓivha na uri mulayo u a lwa na zwiito zwa u ralo naa?*

Witness: *Ee, Ndi ya zwi ḓivha.*

Interpreter: Yes, I know.

Lawyer: Do you know why the deceased was mentioning people?

Interpreter: *Ni a ḓivha uri ndi ngani mufu o vha a tshi amba madzina a dzi ṱhanzi naa?*

Witness: *A khou rwiwa nne ndo vha ndi siho.*

Interpreter: When he was beaten, I was not there.

ANNEXURE E: (Ṱhohoyanḓou High Court)

22-02-2022

Prosecutor: There are events that took place in August 2015, do you still remember them?

Interpreter: *Hu na zwithu zwo iteaho nga August nga 2015 ni kha di zwi humbula?*

Defendant: *Ee!*

Prosecutor: Do you know mr xxx?

Interpreter: *Vho xxx ni a vha ḓivha?*

Defendant: *Ee!*

Prosecutor: How do you know him?

Interpreter: *U vha divhela gai?*

Defendant: *Ri bva kusini kuthihi.*

Prosecutor: Where do you reside?

Interpreter: *U dzula gai ene?*

Defendant: *Kusini kwa ha xxx.*

Prosecutor: Tell us what happened on the day in question.

Interpreter: *Kha ri ṱalutshedze zwo iteaho nga heli ḓuvha la August nga 2015.*

Defendant: *Nda kho vhuya u badela bugu nda vha ndi kho fhira nga hahawe, nda wana a kho tamba game na vhangana vhawe, sa ṅwana nda humbela u tamba game, a ri a ri tuwe ha hawe arali ndi kho toda u tamba.*

Prosecutor: What kind of game?

Interpreter: *Ha hu game de?*

Defendant: Ya gambling

Prosecutor: What instruments were used to play that game?

Interpreter: *Ya tshi kho tambiwa nga mini?*

Defendant: *Nga phone.*

Prosecutor: Whose phone?

Interpreter: *Nga phone ya nnyi?*

Defendant: *Ya xxxxx.*

Prosecutor: You said he was with his friends where were they?

Interpreter*: Ene o ri a na vhangana vhawe, vho vha vhe ngafhi?*

Defendant: *Vho vha vha nnda hanefho dzharatani.*

Prosecutor: You said he told you that if you want to play the game you must go to his room, did you go to his room?

Interpreter*: Ene o ri hupfi a ri tuwe nḓuni, ene o fhedza oya?*

Defendant: *Ndo ya rumuni yawe.*

Prosecutor: Tell us what happened when you get there?

Interpreter*: Kha ri vhudze uri ene a tshi swika nḓuni ho itea mini.*

Defendant: *Ri tshi swika rumuni, ndi rumu mbili ndo ya kha tshanḓa tsha u la a ri kha ndi badame kha mmbete ndi tambe game.*

Prosecutor: How did you lie on the bed?

Interpreter: *Ene o vha o to baḓamisa hani?*

Defendant: *Nda ndo shuvhama nga thumbu.*

Prosecutor: What happened after?

Interpreter: *Ha itea mini u bva afho?*

Defendant: *Ndi kho tamba game o mbo ḓi thoma u bvula marukhu nda muvhudzisa uri mulandu?*

Prosecutor: Continue.

Interpreter: *Kha ise phanḓa.*

Defendant: *O mbo ḓi thoma u nnyita zwa vhudzekani a ri nda amba hayani u ḓo mmbulaya and nda sa ḓa u ḓo mmbulaya.*

Prosecutor: When you said he had sex with you can you explain in details, what did he do?

Interpreter: *A tshi ri o mu lala u kho to zwi ambisa hani?*

Defendant: *O to nnyovha.*

Prosecutor: What did he use?

Interpreter: *O shumisa mini u mu nyovha?*

Defendant*: Lukanda lwawe.*

Prosecutor: What part of skin did he use, since the whole body is covered with skin?

Interpreter: *Tshipida tshifhio tsha lukanda ngauri muvhili wothe hoyu ndi lukanda?*

Defendant: *O shumisa penis yawe a songo ambara na condom, penis yawe I lukanda.*

Prosecutor: When he was using his penis on you what did you do?

Interpreter: *A tshi kho shumisa nnyo yawe ene o ita mini?*

Defendant: *Vha kho amba u ita mini sa?*

Prosecutor: Didn't you say he had sex with you?

Interpreter: *Thi ene o ri o mu nyovha?*

Defendant*: Ee.*

Prosecutor: That process when you said he had sex with you how did he do it?

Interpreter: *Zwezwo a tshi kho mu nyovha a tshi kho to zwi itisa hani?*

Defendant: *A tshi kho nnyovha a tshi kho ita up and down ṋtha hanga.*

Prosecutor: And you said that he said if you tell at home he will kill you and if you don't come back he will kill you, I don't understand that second part.

Interpreter: *Ene a ri o ri a amba hayani u do mu vhulaya, na uri a sa da u do mu vhulaya, hetsho tshipida tsha vhuvhili a thi kho tshi pfesesesa zwavhuḓi.*

Defendant: *U kho amba nda sa da a ntshumisa sa musadzi wawe u do mmbulaya*.

Prosecutor: So, he had sex with you that day, he threatened you, what else happened?

Interpreter: *So, o mu nyovha nga lelo ḓuvha, ha itea mini futhi?*

Defendant: *Nda tshi vho da ngauri nda kho ofha uri u do mmbulaya, thi o nnyita maḓuvha mavhili?*

Prosecutor: The two days, is it calculating your 1st time or not?

Interpreter: *Maḓuvha mavhili o vhala na la u thoma?*

Defendant: *Ri sa kho vhala na la u thoma.*

Prosecutor: He had sex with you for 3 days?

Interpreter: *O mu nyovha maḓuvha mararu?*

Defendant: *Ee.*

Prosecutor: Tell us, did you know xxx prior the day you had sex with him?

Interpreter: *Kha do mmbudza afha, ene uyu xxx a tshi mu ḓivha a sa thu mu nyovha?*

Defendant: *Hai.*

Prosecutor: What made you enter his home if you didn't know him?

Interpreter: *Ndi ngani o dzhena hahawe asa muḓivhi?*

Defendant: *Ndo kungea nga game, ndo mu vhona a na vhangana vhawe*.

Prosecutor: What made you go back 2nd and 3rd time?

Interpreter: *Ndi ngani o humela lwa vhuvhili na lwa vhuraru?*

Defendant: *Ngauri nda ndo tshuwa u vhulaiwa o vha o ntshutshedza uri u do mmbulaya.*

Prosecutor: What made you stop going there for the fourth time?

Interpreter: *Tsho mu imisaho uri a si tsha ya lwa vhuna ndi mini?*

Defendant: *Lwa vhuna ndi tshi ya ndo wana huna vhatukana vhavhili nda wana vha tshi kho tamba tv game nda vhudzisa uri u gai hapfi haho.*

Prosecutor: They said he wasn't around, what happened afterwards?

Interpreter: *Ho pfi haho, ha itea mini u bva afho?*

Defendant: *Ndo ya ha vhangana vhanga, mme anga vho da vha kho ntoda vha nngwana ha vhangana vhanga.*

Judge: What are your friends'names?

Interpreter: *Vhangana vhawe vha pfi vho nnyi?*

Defendant: xxx and his sisters.

Prosecutor: Your mother found you then what happened?

Interpreter: *Mme awe vho mu wana, ha itea mini?*

Defendant: *Vha mmbudzisa uri ndi kho bva gai nda ri ndi kho bva u tamba vha dovha vha mmbudzisa vha harsh, nda kona u amba zwothe zwo iteaho.*

Prosecutor: You say you told her everything that happened, did you tell her the sexual as well, what is everything you told her?

Interpreter: *Ene uri o vha vhudza zwothe, na zwa u nyovhiwa o vha vhudza?*

Defendant: *Ndo vha vhudza uri ndi kho bva ha xxx and asi lwa u thoma a tshi ita zwa u nnyovha.*

Prosecutor: Then what happened?

Interpreter: *U bva afho ha itea mini?*

Defendant: *Ndo guma hanefho u vha ṱalutshedza a thi tsha ḓivha uri ho iteani u bva hanefho.*

Prosecutor: Did she take you to the doctor?

Interpreter: *Vho mu isa ha dokotela?*

Defendant: *Ee.*

Prosecutor: Did the doctor examine you?

Interpreter: *Dokotela o mu tola?*

Defendant: *Ee.*

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CROSS-EXAMINATION

Advocate: Lets talk about this period August 2015, what grade were you doing?

Interpreter: *Ene nga 2015 a kha vhugai tshikoloni?*

Defendant: Grade 4

Advocate: Who was your teacher?

Interpreter: *Mudededzi wawe ho vha hu nnyi?*

Defendant: Vho xxx (class teacher).

Advocate: Besides this Mrs xxx, you had other teachers who were teaching you?

Interpreter: *Nga nndani ha havha vho xxx, a na vhanwe vhadededzi vhe vha vha vha tshi mu funza?*

Defendant: *Ee.*

Advocate: And amongst them one of them will teach you about talking to strangers, right?

Interpreter: *Kha havho vhadededzi huna muṅwe o funzaho vho nga ha uri muthu a songo amba na vhathu asa vha ḓivhi?*

Defendant: *Ra sa thu thoma u funziwa nga hazwo.*

Advocate: Your mother, didn't she tell you about talking to strangers?

Interpreter: *Mme awe a vha ngo mu vhudza uri muthu ha ambi na vhathu a sa vha ḓivhi?*

Defendant: *A thi tsha humbula zwavhuḓi.*

Advocate: Is it possible that she might have told you and you might have forgotten? In August 2015, was it not a problem for you to go with a stranger?

Interpreter: *So, hu na tshikhala tsha uri vha nga vha vho amba, nga 2015 a zwo ngo vha thaidzo kha ene u ṱuwa na muthu a sa mu ḓivhi?*

Defendant: *Hai.*

Advocate: You said you didn't know the accused on the 1st day you saw him with his friends, right?

Interpreter: *Ene o ri muhumbulelwa a sa mu ḓivhi a tshi mu vhona ḓuvha la u thoma a na khonani dzawe ndi zwone?*

Defendant: *Nda sa mu ḓivhi.*

Advocate: Does it mean that you also didn't know his place of resident in August?

Interpreter: *Zwi amba na uri u dzula gai ene a sa zwi ḓivhi?*

Defendant*: Nda tshi hu ḓivha.*

Advocate: Did you also knew his neighbours?

Interpreter: *Vhadzulatsini vha muhumbulelwa a tshi vha ḓivha?*

Defendant: *Ee, nda tshi vha ḓivha.*

Judge: Did you know the neighbours there around xxx home?

Interpreter: *A tshi ḓivha vhathu vha tsini na muhumbulelwa?*

Defendant: *Ee, nda tshi vha ḓivha.*

Advocate: How did it come for you to know where the accused was residing?

Interpreter: *Ene o zwi ḓivhisa hani uri muhumbulelwa u dzula gai?*

Defendant: *Ndi nḓila ine nda I shumisa u yo badela bugu ya lufu.*

Advocate: I understand but how did you know that the accused stay there?

Interpreter: *Ndi kho zwi pfesesa mara uri ndi ha muhumbulelwa o zwi ḓivhisa hani?*

Defendant: *Ḓuvha le nda wana vha kho tamba game, ndi tsini na nḓilani, nda humbela u tamba game.*

Judge: Before all this how did you know that this is the accused`s homestead?

Interpreter: *Hu sa thu itea zwothe hezwi a tshi zwi ḓivha uri fhala mudini ndi wa muhumbulelwa?*

Defendant: *Nda sa zwi ḓivhi uri ndi ha accused nda tshi ḓivha uri ndi mudi wa musanda.*

Advocate: You told the court that you knew where the accused resided?

Interpreter: *Ene o vhudza khoro uri ene a tshi ḓivha hune muhumbulelwa a dzula hone.*

Defendant*: Ndo zwi ḓivha uri u dzula hone o no nnyovha.*

Advocate: You contradicted yourself, what do you say about this?

Interpreter: *Ene u kho di lumaluma, u kho amba a tshi di hanedza.*

Defendant: *U di lumaluma vha kho amba uri ndi kho zwifha?*

Advocate: If I follow your evidence, are you saying that the accused and his friends were sitting, where was the accused and his friends seated?

Interpreter: *Ndi tshi kho tevhelela vhuṱanzi he a nea, ene uri muhumbulelwa o vha o dzula na vhangana vhawe, muhumbulelwa na vhangana vhawe vho vha vho dzula gai?*

Defendant: *Vho vha vho dzula kha dzi bannga vha tshi kho tamba game.*

Advocate: Where was they?

Interpreter: *Vho dzula ngafhi?*

Defendant: *Dzharatani.*

Advocate: As you were passing by, were you able to see what was on the phone?

Interpreter: *Ene a tshi kho fhira, o kona u vhona zwe zwa vha zwi kha phone?*

Defendant: *Hai thi ngo kona u vhona, ndo to pfa sound nda sendela tsini ngauri mudini wa hone ahuna dzharata ri fhira nga hanefho.*

Advocate: Amongst all people who were there, do you still remember who were there?

Interpreter: *Kha vhathu vhe vha vha vhe ngei u kha di zwihumbula uri ho vha huna nnyi na nnyi?*

Defendant: *A thi tsha humbula zwavhuḓi, ndi kho humbula muthihi.*

Advocate: How many were there?

Interpreter: *Vho vha vha vhangana?*

Defendant: *Vho vha vha vhararu.*

Advocate: On that day was it your 1ˢᵗ day?

Interpreter: *Nga ilo ḓuvha ho vha hu lwa u thoma?*

Defendant: *Ee.*

Advocate: You said he said that let's go to my room, was the room on that home?

Interpreter*: Ene o ri hupfi a ri tuwe rumuni, rumu iyo I hanefho hayani?*

Defendant: *Ee I hanefho.*

Advocate: Did you ask the accused on why must you to his room in order for you to play the game?

Interpreter: *Ene o vhuya a vhudzisa muhumbulelwa uri ndi ngani a tshi ri a ri ye rumuni uri ene a kone u tamba game?*

Defendant: *Hai.*

Advocate: As you were in the room, lying in your stomach and when you learn that he was undressing you, did you wake up?

Interpreter: *Zwezwi a haningei kamarani o adela nga thumbu a tshi kho zwi pfa uri u kho bvuliwa, o vuwa?*

Defendant: *Hai.*

Advocate: Why not?

Interpreter: *Ndi ngani a songo vuwa?*

Defendant: *Ndi ngauri nda tshi vho to tamba game and….*

Advocate: Will I be correct if I say the reason you asked him was because you didn't feel comfortable? When he was undressing you

Interpreter: *Ndi do vha ndi sa kho zwifha musi ndi tshi ri ene a tshi kho bvuliwa o pfa a songo tsha dzulisea.*

Defendant: *Ee.*

Advocate: On that day what were you wearing from waist downwards? Did you put on an underwear and a trouser?

Interpreter: *Nga ilo ḓuvha, o vha o ambara mini u bva khunḓuni u tsa? O vha o ambara vhurukhu na shuthupheni?*

Defendant: *A tshi nnyovha o vha o bvula vhurukhu na underwear a zwi vhea fhasi ha magona.*

Judge: So, your answer is that you were wearing an underwear and a trouser?

Interpreter: *Ene phindulo yawe ndi ya uri o vha o ambara vhurukhu na shuthupheni?*

Defendant*: Ee.*

Advocate: How old were you in 2015?

Interpreter: *O vha e na miṅwaha mingana nga 2015?*

Defendant*: Nda na 9 years*

Advocate: Correct me if i`m wrong, did he 1st undress the trouser or did he pull them both simultaneously?

Interepreter: *A nkhakhulule arali zwi si zwone, o thoma u bvula vhurukhu kana o zwi kokodza zwothe nga khathihi?*

Defendant: *O fara vhurukhu na shuthupheni a zwi tsitsela fhasi ha magona*

Advocate: Despite him doing that, you didn't try to stop him.

Interpreter: *Zwezwo a tshi kho ita zwezwo ene o lingedza u mu imisa?*

Defendant*: Ndo to vhudzisa uri u kho nnyita mini?*

Advocate: When he was approaching you on top of you, did you see it?

Interpreter: *Hezwi a tshi kho da nga nṱha hawe, ene o mu vhona?*

Defendant: *Ee, ndo zwi vhona.*

Advocate: Did you ask as to why he was climbing you?

Interpreter: *O mu vhudzisa uri ndi ngani a tshi kho mu gonya?*

Defendant: *Hai.*

Advocate: Why didn't you ask him?

Interpreter: *Ndi ngani a songo vhudzisa?*

Defendant: *Ndi ngauri nda ndi ṋḓuni yawe nda kho ofha.*

Advocate: Before he could undress your pants, he didn't threaten you in anyway right?

Interpreter: *Hezwi a sa thu mubvula o thoma a mu shushedza?*

Defendant: *Ee.*

Advocate: What were you afraid of when he was climbing you because you weren't threatened?

Interpreter: *Ene a tshi kho ofha mini u vhudzisa izwi a tshi kho mu gonya ngauri a songo mu shushedza?*

Defendant: *Nda kho ofha uri anga nnyita zwiṅwe na zwiṅwe ngauri ndi kho tambisa phone yawe*

Advocate: Outside you have left two people, right?

Interpreter: *Nnda o vha o sia vhathu vhavhili?*

Defendant: *Hai.*

Advocate: Where were they?

Interpreter: *Vho vha vha gai?*

Defendant: *Vho vha vho no takuwa vha ṱuwa*

Advocate: At what time did they leave?

Interpreter: *Vho ṱuwa tshifhinga de?*

Defendant: *Lelo ḓuvha*

Advocate: Before you enter the house or when you were already in the house?

Interpreter: *A sa thu dzhena ṋḓuni kana o no vha nga ngomu ṋḓuni?*

Defendant: *Vho ṱuwa musi a tshi ri a ri ye ṋḓuni if ndi kho toda u tamba game*

Advocate: Were you comfortable with him climbing?

Interpreter: *Ene o vha o vhofholowa a tshi kho gonyiwa?*

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Defendant: Hai.

Advocate: Why didn't you scream for help?

Interpreter: *Ndi ngani a songo tavha mukosi uri a thusiwe?*

Defendant: *Nda kho ofha ngauri nda ndi nḓuni yawe*

Advocate: Can you tell the court what you have seen inside his room that you remember? Does the room have the same entrance or different doors?

Interpreter: *A nga kona u vhudza khothe zwe a vhona rumuni arali a kha di zwihumbula? rumu iyo I dzheniwa nga munango muthihi kana minango yo fhambana?*

Defendant: *Ri shumisa vothi lithihi la u dzhena havha na inwe I re na vothi layo nga ngomu.*

Advocate: Let's talk about the time you were told to lie in bed.

Interpreter: *Kha ri ambe nga tshifhinga hu tshi pfi kha edele kha mmbete?*

Defendant: *Ee.*

Advocate: What contents did you see in that room?

Interpreter: *O vhona mini afho rumuni?*

Defendant: *Ha na mmbete ndo humbula mmbete na tshivhoni.*

Advocate: What was the bed next to if you still remember?

Interpreter: *Mmbete wo vha u tsini na mini arali a kha di zwi humbula?*

Defendant*: Wo vha u tsini na luvhondo.*

Advocate: And the mirror?

Interpreter: *Tshivhoni tshone?*

Defendant: *Tsho vha tshi tsini na luvhondo.*

Advocate: Was it hanged or leaned against the wall?

Interpreter: *Tsho vha tsho to nembeledziwa kana tsho to gogodedziwa?*

Defendant: *Tsho vha tsho to gogodedziwa.*

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Witness vs the State

Prosecutor: Do you know mr xxxx?

Interpreter: *xxx ni a mu ḓivha?*

Witness: *Ee.*

Prosecutor: How do you know him?

Interpreter: *Ni mudivhela gai?*

Witness: *Ndi mungana wanga*

Prosecutor: Do you also know xxx?

Interpreter*: xxx ene ni a mu ḓivha?*

Witness: *Ee!*

Prosecutor: Do you know xxx?

Interpreter: *xxx ni a muḓivha?*

Witness: *Ee!*

Prosecutor: How do you know xxx?

Interpreter: *Ni mu divhela gai xxx?*

Witness: *Ra tshi dzhena rothe primary*.

Prosecutor: Somewhere in 2015, have you ever been in the accused place?

Interpreter: *Nga nwaha wa 2015 hu na ḓuvha le na di wana ni ha xxx?*

Witness*: Ee!*

Prosecutor: Tell us more about that.

Interpreter: *Kho humbela ni ri ṱalutshedze nga helo ḓuvha.*

Witness: *Ndi fhethu hune ha vha uri ndi musanda, a tshi tambisa dzi game dzawe nga computer na nga dzi phone, ha tshi dzula huna vhathu vhanzhi.*

Prosecutor: Was it only computer games?

Interpreter: *Ho vha hu game dza computer fhedzi?*

Witness: *Na kha dzi phone.*

Prosecutor: What happened when you were there?

Interpreter: *Ho itea mini musi ni haningei?*

Witness: *Hu na ḓuvha le nda ya nda wana xxx a kho tamba game.*

Prosecutor: What kind of game was he playing?

Interpreter: *A kho tamba game de?*

Witness: *A kho tamba kha phone a thi tsha humbula uri ndi ifhio?*

Prosecutor: Was this inside or outside the house?

Interpreter: *O vha a kho tamba a nnda kana a nga ngomu nḓuni?*

Witness: *Nga ngomu.*

Prosecutor: Where was xxx when xxx was playing game?

Interpreter: *xxx o vha a gai musi xx a kho tamba game?*

Witness: *A kho cleaner.*

Prosecutor: Who did you go with to his place?

Interpreter: *No vha no ṱuwa na nnyi haningei?*

Witness: *Nda tshi ya na murathu wanga*

Prosecutor: On that day were you with your younger brother?

Interpreter: *Na lelo ḓuvha no vha ni na murathu wanu?*

Witness: *Ee!*

Prosecutor: You find him playing, how long did you stay?

Interpreter: *No wana a kho tamba, na dzula lwa tshifhinga tshingafhani?*

Defendant: *A thi ngo dzulesa.*

Prosecutor: When you left did you go with xxx?

Interpreter: *Ni tshi ṱuwa no ṱuwa na xxx?*

Witness: *Ndi nne ndo thomaho u ṱuwa.*

Prosecutor: When you left the place was it only them alone?

Interpreter: *Ni tshi ṱuwa vho sala vhe vhavhili kana ho vha hu na vhanwe vhathu?*

Witness: *Ha hu sina vhanwe vhathu.*

Prosecutor: You left with your younger brother?

Interpreter: *Ini no ṱuwa na murathu wanu?*

Witness*: Ee!*

Prosecutor: After that day was there any other day you found xxx there?

Interpreter: *Nga nndani ha helo ḓuvha ho dovha ha vha na linwe ḓuvha le na wana xxx haningei?*

Witness: *O da a wana nne*

Prosecutor: On the day in question?

Interpreter: *Nga august nga 2015?*

Witness: *Ee!*

Prosecutor: Tell us what happened on that day?

Interpreter: *Ri vhudzeni uri ho itea mini lelo ḓuvha.*

Witness: *O ri wana haningei a tshi swika rine ra ṱuwa*

Prosecutor: What happened?

Interpreter: *Ha itea mini futhi?*

Witness: *O da a vhudzisa ra ri haho a huma.*

Prosecutor: After you told him, did he leave or stay?

Interpreter: *Vheiwe no no muvhudza, o dzula kana o ṱuwa?*

Witness: *O mbo di ṱuwa.*

Prosecutor: You remained there with your brother?

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Interpreter: *Ini na sala na murathu wanu?*

Witness: *Ee, o mbo di ṱuwa.*

Prosecutor: Was there any other occurs he came or you remember only two times?

Interpreter: *Ho vha na manwe maḓuvha ane ni kho a humbula e a da ngao kana ni kho humbula luvhili fhedzi?*

Witness: *Ndi kho humbula lonolo fhedzi.*

CROSS-EXAMINATION

Advocate: When was the 1st time he came?

Interpreter: *Lwa u thoma a tshi da ho vha hu lini?*

Witness: *A thi tsha humbula zwavhuḓi uri ho vha hu lini mara ha hu July 2015*

Advocate: And you are quite sure it was around July?

Interpreter: *Ni na vhuṱanzi uri ho vha hu July?*

Witness: *Ee!*

Advocate: According to him he went there in August and you are saying July.

Interpreter: *U ya nga ha ene mune xxx ho vha hu august and ini nim kho ri ho vha hu july*

Witness: *Ndo thoma u mu vhona nga July.*

Advocate: And you agree with me that July and August are two different months?

Interpreter: *Ni kho tendelana na nne uri July na August ndi minwedzi mivhili I sa fani.*

Witness: *Ee!*

Advocate: There was no time you were there with xxx.

Interpreter: *A huna ḓuvha le na vha ni hangei na xxx a hone ini.*

Witness: *Zwo itea.*

Advocate: He will tell this court that xxx never entered his homestead.

Interpreter*: Muhumbulelwa u do vhudza hei khoro uri xxx ha thu dzhena nḓuni yawe.*

Witness: *O dzhena*

    COURT ADJOURN FOR TEA BREAK

ANNEXURE F: (Ṱhohoyanḓou Magistrate)

Magistrate: You are still under oath, you said that the accused was moving from western to southern direction.

Interpreter: *Vha tshe fhasi ha mulayo, goloi yo vha i kho bva kha western direction to northern direction?*

Witness: *Ee.*

Magistrate: You said in your testimony she was moving from western to southern.

Interpreter*: Kha vhuṱanzi havho vho ri vha kho bva western to northern*

Witness: *Hai, ndo ri south, goloi yo vha i khou bva south i tshi khou ya north.*

Judge: The witness said that the accused was travelling to the south from the western direction and he is now saying the accused was moving from Eastern to western.

Interpreter: *Ṱhanzi iri vha khou bva South to West vha tshi ri vha bva western.*

Witness: *Nda songo pfa mbudziso zwone, ndo ri yo vha i tshi khou bva east to west.*

Magistrate: He is now changing the story.

Interpreter: *Hupfi vha kho u shandukisa tshitori.*

Magistrate: So, you are saying from East to west?

Interpreter: *Zwino vha kho uri yo bva East to West?*

Witness*: Ee*

COMPLAINANT ON THE DOCK.

Magistrate: Any objections on taking the oath? Your full names for the record.

Interpreter: *Vha kho u di ana naa uri zwine vha kho amba ndi ngoho, Vha ri Mudzimu a nthuse ndi ambe ngoho fhedzi.*

Complainant:

Lawyer1: Where you driving a car?

Interpreter: *Nga dzi 18 July no vha ni kho reila?*

Complainant: *Ee*

Lawyer: Which car were you driving?

Interpreter: *No vha ni kho driver goloi ya hani?*

Complainant: *Nda kho driver tazz.*

Lawyer: Which colour?

Interpreter: *Ya muvhala mufhio?*

Complainant: *Ya Grey nga muvhala*

Lawyer: What time was it, if you can recall?

Interpreter: *Tshifhinga vha kha di tshihumbula?*

Complainant: *Twelve ya masiari*

Lawyer: You are alleged to have hit a car.

Interpreter: *Zwino hu na mafhungo a uri vhone vho thulana na inwe goloi.*

Complainant: *Ee*

Lawyer: Can you please explain to us what actually happened on that day

Interpreter: *Vha ngari ṱalutshedza na uri ho itea mini?*

Complainant: *Ho vha hu nga dzi eighteen (18) dza July ndi tshi khou bva Ṱhohoyanḓou ndi tshi kho u ya Lwamondo. Ndo no vha kha bada ya Lwamondo ndo ri ndi tshi swika stop sign ndi tshi kho u toda u dzhena kha tshinwe tshitarata ha vha hu khou da inwe goloi, yo da I sa ime kha stop sign.*

Lawyer: Which road were you driving on? Was it a tar road or gravel?

Interpreter: *Zwino vhone vho vha vha tshi khou driver kha bada ya tshigontiri kana ya gravel na?*

Complainant: *Kha ya Gravel*

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Lawyer: On which side did the car hit you?

Interpreter: *Goloi yo thuliwa lurumbu lufhio?*

Complainant: *Yo thuliwa kha Kha lurumbu lwa left, I tshi reverse ya humela kha direction ye ya vha I khou bva khayo*

Lawyer: What did the driver do after hitting you?

Interpreter: *Mureili o itani musi o no vha tshaisa?*

Complainant: *Driver o bva a da a humbela pfarelo u bva hafho athi ngo tsha pfa tshithu, ndo vha ndi kho to pfa pain kha thoho. Ndo mangala ndo no vha kha ambulance.*

Lawyer: Do you remember the speed that you were driving?

Interpreter*: Luvhilo lwe vha vha vha khalo vha kha di lu humbula?*

Complainant: *Nda khou gidima 40km/h.*

Lawyer: How bad were you hurt?

Interpreter: *Vho vha vho huvhala lwa hani?*

Complainant: *Nda khou pfa dzi pain thohoni.*

Lawyer: What treatment was given to you at the hospital?

Interpreter: *Vho wana dzilafho de sibadela? Vho fhiwa pills kana injection?*

Complainant: *Vho mpha pills nda thavhiwa na injection.*

Lawyer: How damaged was the car?

Interpreter: *Goloi yo vha yo vhaisala hani?*

Complainant: *A thi ngo zwi vhona zwavhuḓi zwa heila inwe goloi ndo I vhona kha tshinepe mara yanga yo vha yo vhaisala mavhone, bammbara, bonnet na window screen na nga ngomu.*

Lawyer: You said your car was damaged on the left, bonnet, windscreen and where?

Interpreter: *Vha kho ri yo vhaisala kha left, bonnet, windscreen na mini?*

Complainant: *Na nga ngomu kha chase.*

Lawyer: You told the court that you went to the hospital who did you go with?

Interpreter: *No vhudza khothe uri no ya Vhufuli Sibadela no vha no ṱuwa na nnyi?*

Complainant: *Ndo vha ndi na mianga*

Lawyer: Can you testify that she was on a gravel road and that she looked at both sides before she could pass.

Interpreter: *Ni nga ṱanziela uri o vha a ca bada ya mavu, u kho toda u dzhena o thoma sedza thungo dzoṱhe uri hu safe u dzhena na?*

Complainant: *A tshi bvelela ha ngo ima.*

Lawyer: She didn't stop because when she gets there there was no car so she entered the road.

Interpret: *Zwino a tshi swika hanefhala o wana uri ahuna na goloi na nthihi a mbo di dzhena badani.*

Lawyer: When the NP200 was turning to the left you approached it with high speed?

Interpreter: *Goloi I tshi kho khonela kha right heila, inwi no da no I kanda vhukuma yanu?*

Complainant: *Hai, nda sa kho gidima nga speed tshihulwane.*

CROSS-EXAMINATION

Lawyer: Did you see the other car when you entered the road?

Interpreter: *Zwino mbudziso yanga ndi ya uri no I vhona goloi ni tshi dzhena badani?*

Complainant: *Hai, ndo soko mangala yo bvelela ro bvelela rothe.*

Lawyer: You mentioned that the accused asked for forgiveness.

Interpreter*: Hupfi vhone vho ri muhumbulelwa o humbela pfarelo.*

Complainant: *O ri sorry ha ngo I vhona goloi a tshi bvelela.*

Lawyer: How fast can the tazz go and what is its high speed?

Interpreter: *Luvhilo lwa tazz lu gidima vhugai hone lwa nthesa ndi vhugai?*

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Complainant: *A I gidimesi ngauralo.*

Lawyer: At what speed do you usually drive?

Interpreter: *Musi vho I kanda kanzhi I vha I kha vhugai?*

Complainant: *Ndi guma kha 40.*

WITNESS VS THE STATE

Lawyer: It is said that you were a passenger on the car.

Interpreter: *Hupfi vho vha vha muṋameli kha goloi nga 18 july 2020 kha inwe goloi ine yo thulana na inwe goloi.*

Witness: *Ndi zwone.*

Lawyer: Did you see how the other vehicle approached?

Interpreter: *Vho zwi vhona na uri inwe goloi yo bvelelisa hani?*

Witness: *Yo vha i khou gidima kha tshanḓa tsha monde*

Lawyer: Which side was the one you were in?

Interpreter: *Ye vha vha vhe khayo yo vha i kha side ifhio?*

Witness: *Ye nda vha ndi khayo yo vha i kha tshanḓa tsha ula.*

Lawyer: Did the other car observe before in entered the road?

Interpreter: *Goloi yo thulaho yo thoma ya sedza I saathu dzhena badani*?

Witness: *A thi ngo zwi vhona*

Lawyer: Did the other car stopped?

Interpreter: *Ila inwe goloi yo thoma ya ima?*

Witnesss*: Hai a thi ngo vhona yo ima.*

Lawyer: What speed was the driver was driving?

Interpreter: *O vha a kho reila luvhilo lungafhani?*

Witness: *A thi driver nne mara o vha a sa kho gidima nga luvhilo luhulwane.*

Lawyer: What could you say if the accused said that before she entered the road she stopped and observed?

Interpreter: *Vha nga ri mini arali muhumbulelwa a nga ri o thoma a ima before a tshi dzhena badani?*

Witness: *Ha ngo ima o soko dzhena.*

Lawyer: Were you able to see the car?

Interpreter: *Vho vha vha tshi co kona u vhona goloi?*

Witness: *Ho vha huna goloi nga murahu hashu.*

ANNEXURE G (Ṱhohoyanḓou Magistrate Court)

Prosecutor 1: Sir where do you reside?

Interpterter*: U dzula ngafhi?*

Complainant*: Maniini*

Prosecutor: Do you know the accused before today?

Interpreter: *Muhwelelwa vha ya muḓivha*?

Prosecutor: How well do you know him?

Interpreter: *U muḓivha u guma gai?*

Complainant: *Ndi to ḓivha u mu vhona*

Prosecutor: Have you ever met him before?

Interpreter: *O no vhuya a ṱangana nae?*

Complainant: *Hai.*

Prosecutor: On the 3ʳᵈ February, there is an accident that happened or occurred?

Interpreter: *Hupfi nga dzi 3 ho vha na tshiwo*

Complainant: *Ee*

Prosecutor: Where were you on that day?

Interpreter: *O vha a nga fhi?*

Complainant: *Ndo vha ndi kho bva ha ……….*

Prosecutor: Who is this ………..?

Interpreter: *Uyu ……….. ndi nnyi?*

Complainant: *Ndi mungana wanga.*

Prosecutor: Where does he reside?

Interpreter: *U dzula gai?*

Complainant: *Maniini*

Prosecutor: Is Maniini four way a residential area?

Interpreter: *Afha hu dzula vhathu?*

Complainant: *Ee*

Prosecutor: Can you explain to the court what has happened?

Interpreter: *A nga kona na u zwi toolola zwo iteaho? A tshi khou ambela nnṱha.*

Complainant: *Ndo vha ndi tshi kho u tshimbila hu nga madekwana, nda soko mangala hu na muthu a tshi kho bva tshitakani a mbo di soko thoma u nṱhavhekanya*

Prosecutor: You said it was on the evening when you were traveling, what happened?

Interpreter: *O vha a kho ṱalutshedza, ho vha hu madekwana a kho bva gai?*

Complainant: *Ndi tshi kho u bva ha ……., a mbo di soko u bvelela phanḓa hanga a mbodi soko u thoma u nṱhavhekanya.*

Prosecutor: You are not speaking louder.

Interpreter: *A zwi kho pfala zwine a kho amba khotsimunene.*

Complainant: *Ndo vha ndi na mungana wanga … nga masiari ri tshi ṱangana na muhumbulelwa.*

Prosecutor: What time of the day did you meet the accused?

Interpreter: *Ho vha hu nga tshifhinga de?*

Complainant: *Nga vho 19:00*

Prosecutor: Were you able to identify the person on that day?

Interpreter: *O kona na u zwi ḓivha uri ndi muhumbulelwa?*

Complainant: *Ee.*

Prosecutor: How was the visibility on that day?

Interpreter: *Tshedza tsho vha tshi hani nga ilo ḓuvha?*

Complainant: *Ho vha hu na tshedza tsha mavhone*

Prosecutor: From that late you can say that you can identify the person?

Interpreter: *Kha ayo mavhone o vha a kho kona u ḓivha uri ndi nnyi?*

Complainant: *Ee*

Prosecutor: Do you recall what the accused was wearing?

Interpreter: *U kha di zwi ḓivha uri o vha o ambara mini?*

Complainant: *Ee*

Prosecutor: Can you please explain what the accused was wearing?

Interpreter: *A nga ri ṱalutshedza*

Complainant: *O vha o ambara tshikhipa tsha white na vhurukhu ha blue.*

Prosecutor: You said that he just appeared from somewhere, do you know where he was coming from?

Interpreter: *A nga vha a tshi ḓivha uri u khou bva gai?*

Complainant: *Hai.*

Prosecutor: Did he say anything to you?

Interpreter: *Hu na zwe a amba na?*

Complainant: *Ha ngo amba tshithu.*

Prosecutor: You said he stabbed you with a knife.

Interpreter: *Itsho tshithu tshe a tshi shumisa o tshi vhona na?*

Complainant: *Ee*

Prosecutor: Did you see the knife he used?

Interpreter: *Ulo lufhanga o lu vhona?*

Complainant: *Ee*

Prosecutor: How were you able to see it?

Interpreter: *O lu vhonisa hani?*

Complainant: *Ho vha hu na tshedza tsha mavhone.*

Prosecutor: Can you explain what he did before he stabbed you?

Interpreter: *Ndi mini zwe a ita a sa athu ni ṱhavha?*

Complainant: *Ha ngo amba tshithu, o soko nṱhavha.*

Prosecutor: Where on the body parts where you assaulted?

Interpreter: *O ni ṱhavha kha mini?*

Complainant: *Kha mukulo na tshanḓa.*

Prosecutor: Which side, left or right?

Interpreter*: Kha tsha ula kana kha tsha monde?*

Complainant: *Kha right.*

Prosecutor: How many times where you assaulted?

Interpreter: *O mu ṱhavha lungana?*

Complainant*: Luṱanu.*

Prosecutor: What happened to the knife after he had stabbed you?

Interpreter: *Ho itea mini kha lufhanga nga murahu ha musi o ni ṱhavha?*

Complainant: *O dzhia lufhanga a ya hayani.*

Prosecutor: What happened afterwards?

Interpreter: *Ho itea mini nga murahu?*

Complainant: *Ndo mbo di faint.*

Prosecutor: Did you go to the hospital?

Interpreter: *O ya sibadela na?*

Complainant: *Ee*

Prosecutor: Were you treated?

Interpreter*: No wana dzilafho na?*

Complainant: *Ee*

Prosecutor: What type of treatment was rendered to you?

Interpreter: *Ndi dzilafho de?*

Complainant: *Ndo itiwa stitch.*

CROSS EXAMINATION

Lawyer: How well do you know the accused?

Interpreter: *Mupoti wa mulandu vha ya muḓivha na?*

Complainant: *A thi mu ḓivhi zwavhuḓi*

Lawyer: On the day of incident did you see him anywhere?

Interpreter: *Nga ḓuvha la tshiwo no vha no mu vhona hunwe fhethu?*

Complainant: *Ndo mu vhona nga masiari.*

Lawyer: Were you able to talk to him?

Interpreter: *No amba nae?*

Complainant: *Hayi a thi ngo mu dowela*

Lawyer: When you met him in the afternoon were he wearing the same clothes?

Interpreter: *Musi a tshi mu vhona nga masiari o vha o ambara zwiambaro zwenezwo na?*

Compainant: *Ee*

Lawyer: You testified that he stabbed you five times is that correct?

Interpreter: *Hu khou pfi o mu ṱhavha luṱanu.*

Complainant: *Ee.*

Lawyer: Where? Can you show the court?

Interpreter: *A nga kona u sumbedza court naa?*

Complainant: *A sumbedza court tshanḓa tsha monde na side ya left ya lito.*

Lawyer: When the prosecutor asked you, you only showed him the hand and neck

Interpreter: *Musi mutshutshisi vha tshi vhudzisa no vha sumbedza mukulo na tshanḓa.*

Complainant: *Ee.*

Lawyer: On the day of question you saw him, during the afternoon he was not there.

Interpreter: *Nga ḑuvha ḽe tshiwo tsha itea o vha a siho.*

Complainant: *O vha a hone.*

Lawyer: You said you were able to hear the sound of the knife, was he close to you?

Interpreter: *Ene uri o pfa lufhanga lu kho lila, o vha a tsini naa?*

Complainant*: O soko bvelela dakani.*

Lawyer: Did he came side ways or front?

Interpreter: *O da nga matungo kana nga murahu?*

Complainant: *Nga phanḑa.*

Lawyer: I put it to you that he was not on the incident scene and he never assaulted you

Interpreter: *Ndi kho ni vhudza uri ḑuvha ḽa tshiwo o vha a siho and a si ene o ni huvhadzaho*

Complainant: *Ndo mu vhona.*

ANNEXURE H (Ṱhohoyanḓou Magistrate)

Continuation of the case

Lawyer: Where was accused number two?

Interpreter: *Muhumbulelwa wa u thoma vha gai?*

Accused 1:

Lawyer: What is it that he did?

Interpreter: *A itani a tshi vhuya?*

Accused 1: *A nkhikhwidza.*

Interpreter: *He grabbed me*

Lawyer: At what stage did you grab accused number two?

Interpreter: *Zwino vhone vha mufara hu kho itea mini?*

Accused 1: *Na ene a tshee o mpfara*

Lawyer: How was his position? Did he grab you too?

Interpreter: *Vha tshi rwiwa vho vha tshe vho fara?*

Accused: *Ee!*

Interpreter: Yes.

Lawyer: When you were assaulted by an iron, were you still holding to accused number 2?

Interpreter: *Vha tshi rwira nga aini vho vha vha tshe vho fara muhumbulelwa wa vhuvhili?*

Accused 1: *Ee*

Interpreter: Yes

Lawyer: How was he holding the sand saw?

Interpreter: *O vha a tshe o fara itsho tshihali?*

Accused: *Ee.*

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Interpreter: Yes

Lawyer: How was he holding the sand saw? The accused number 1?

Interpreter: *O vha o tshi farisa hani?*

Accused 1: *O vha o tshi fara ho sala space nyana.*

Interpreter: He was holding it leaving a space.

WITNESS AND ACCUSED NUMBER 1

Lawyer: You are the accused, who assaulted the defendant?

Interpreter: *Zwino vhone hupfi vha muhumbulelwa vho rwa xxx nga tsimbi?*

Lawyer: Do you know xxx?

Interpreter*: xxx vha ya muḓivha?*

Witness: *Ndi mu divhela mushumoni.*

Lawyer: Where do you work?

Interpreter: *Ṱhohoyanḓou tsini na Pep cell*

Lawyer: How did you know xxx?

Interpreter: *Vha ita mini?*

Witness: *Ndi luka mavhudzi na u panga screen protector.*

Interpreter: I plant hair and screen protector.

Lawyer: Tell me the distance from where you work and the distance were the complainant work.

Interpreter: *A vha ṱalutshedze uri ndi vhukule vhungafhani hune vha shuma na mupoti wa mulandu.*

Witness: *U bva hafha hune nda vha u swika khoneni ya vothi.*

Interpreter: From where I am to the door.

Lawyer: He indicated the distance where you sat to where the prosecutor is seated.

Interpreter: *Zwino houla uri vha shuma ubva hafho u swika hu re na mutshutshisi.*

Witness: *A si zwone.*

Interpreter: Not true.

Lawyer: On the day in question, do you know the incident that took place?

Interpreter*: Vha ya ḓivha zwo iteaho nga ilo ḓuvha?*

Witness: *Ndi kha di zwi humbula.*

Interpreter: I remember.

Lawyer: Can you please tell the court?

Interpreter: *Kha vha ṱalutshedze.*

Witness: *Musi ndi mushumoni ho da customer a vhudzisa xxx.*

Interpreter: When I was at work customer came and asked where is xxx who piece ears.

Lawyer: When you say xxx who are you refering to?

Interpreter: *Musi vha tshi ri xxx vha kho amba nnyi?*

Witness: *Mupoti wa mulandu.*

Interpreter: The complainant.

Witness: *A ri ni kho delela why ni kho ndzhiela customer.*

Interpreter: He said he is taking his customer.

Witness*: A mu rwa nga mupama.*

Interpreter: He slapped him.

Witness: *Ya ṱanganedzana vha kho rwana nga mafeisi.*

Interpreter: He started insulting them.

Witness: *Mufumakadzi a tavha mukosi uri ndi yo lamula.*

Interpreter: I went to separate them.

Witness: *Ndi shumela nṱha havha vha vha vha fhasi.*

Interpreter: I work opposite to him

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Witness: *Ndo vhona xxx a kho bva malofha kha thoho.*

Interpreter: xxx was bleeding.

Witness: *A thi ḓivhi uri o rwana na luvhondo na ngauri ndi passagini.*

Interpreter: I don't know whether I was hit or not.

Lawyer: You said that you were assaulted trying to break the fight?

Interpreter: *Vhari vhone vhovha vho ya u lamula?*

Witness: *Ndi zwone.*

Interpreter: Correct.

Lawyer: What happened after?

Interpreter: *Nga murahu ha musi vho rwiwa o vha itani?*

Witness: *Vhari ndi khopfa ndi si tshena nungo.*

Lawyer: So, amongst everything, did accused number 2 assault the complainant?

Interpreter: *Muhumbulelwa wa vhuvhili no rwa mupoti wa mulandu?*

Witness: *A thongo zwi vhona.*

Lawyer: So, tell me, when he approached your son, he was seated at the place you work or he came at your work place?

Interpreter: *So, musi a tshi dela oyu ṅwana wavho, o vha a afho hune a shuma hone kana o toda mushumoni wavho?*

Witness: *O vha a hafha hune hoyu a shumela hone.*

Interpreter: He was at his work place.

Lawyer: I heard you say customer came and asked for you?

Interpreter: *Vha ri customer yo da ya vhudzisa uri vhone vhagai?*

Lawyer: In other words you want to tell the court that the customer knew you and you know her?

Interpreter: *Nga inwe nḓila vha kho toda u amba uri vhone na customer vha ya ḓivhana?*

Witness: *Customer o laedziwa kha nne nga muṅwe ane nda muḓivha.*

Interpreter: He was directed to me by someone that I know.

Lawyer: When the whole thing was happening was the customer still there?

Interpreter: *Zwino izwo zwithu zwothe zwi tshi kho itea customer o vha ahone hanefho?*

Witness: *Ee.*

Interpreter: Yes.

Lawyer: On the situation where in you said that he approached your son, was the customer already helped?

Interpreter: *Zwino ezwo zwithu zwi tshi itea customer o vha o no thusiwa?*

Witness*: Ee.*

Interpreter: Yes.

Lawyer: So, the time between when he indicated he is mr xxx and the time you responded can you estimate?

Interpreter: *Tshifhinga tsha musi customer a tshinvhudzisa na msi a tshi fhindula vha nga kona u tshi angarela.*

Witness: *Ndo fhindula zwezwo.*

Interpreter: I answered immediately

Lawyer: So, from that time the customer arrived where was accused number 2?

Interpreter: *Muhumbulelwa wa vhuvhili o vha a gai musi customer I tshi swika?*

Witness: He was at his work place

Lawyer: So, you work the same or he has his place.

Interpreter: *Vha shuma nae kana u na soace tshawe?*

Witness: *Vha na fhethu hafho mara ndi a kona u vha vhona.*

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Interpreter: He has his own spot but I can see him.

Lawyer: On that day when the customer arrived you are saying the complainant assaulted the accussed number 2, did the complainant leave?

Interpreter: *Zwino vhone customer I tshi fhedza hu na he muhwelelwa aya hone?*

Witness*: Hayi.*

Lawyer: You want to tell the court that on the day of question you did not assault the complainant?

Interpreter: *Zwino vhone vha co vhudza court uri avha ngo rwa mupoti wa mulandu?*

Witness: *Thi ngo mu rwa.*

Lawyer: *The complainant said that you assaulted him.*

Interpreter: *U ri vho murwa nga tsimbi.*

ANNEXURE I (Vuwani Magistrate)

Prosecutor: Mam, are you the complainant on the matter happened on the 2nd of January 2020?

Interpreter: *Ndi inwi no potaho mulandu wo iteaho nga dzi 02 January 2020?*

Prosecutor: Do you know the accused before court?

Interpreter: *Ni a muḓivha muhumbulelwa?*

Complainant: *Ndi khotsi a ṅwananga.*

Interpreter: He is the father of my child

Prosecutor: Are you still in love with the accused?

Interpreter: *Ni kha di funana?*

Complainant: *Hai.*

Interpreter: No

Prosecutor: When did the relationship end?

Interpreter: *No fhambana lini?*

Complainant: Last year.

Interpreter: Last year.

Prosecutor: What was the cause of said of relationship to end.

Interpreter: *Tshivhangi tsho itaho uri I fhele ndi tshifhio?*

Complainant: *O vha a tshi nthwa.*

Interpreter: He used to assault me.

Prosecutor: You indicated that he was assaulting you, did you take any step on what he was doing?

Interpreter: *Hu na maga e na a dzhia na, musi ni tshi kho u vhona ezwo?*

Complainant: *Ndo ita protection order.*

Interpreter: I filed a protection order.

Prosecutor: When did you file for it?

Interpreter: *No I ita lini?*

Complainant: Last year.

Prosecutor: Do you still remember the month?

Interpreter: *Ni kha di humbula nwedzi?*

Complainant: *Mahola.*

Prosectutor: Where was the protection order heard?

Interpreter: *Yeneyo ndaela yo pfiwa gai?*

Complainant: Court A.

Prosecutor: Was the accused person present when the protection order was heard?

Interpreter: *Musi khumbelo I tshi itiwa muhumbulelwa o vha a hone na?*

Complainant: *Ee*

Prosecutor: Tell the court what transpired.

Interpreter: *Vhudzani court uri hoi tea mini nga dzo 12 January 2020*.

Complainant: *Ndo vuwa ndaya Ha Vho xxx, ndo vha ndo ya u dalela xxx.*

Interpreter: I was visiting xxx at xxx place

Complainant: *Nda wana mupoti wa mulandu haningei.*

Interpreter: I found the witness there.

Prosecutor: Where was he coming from?

Interpreter: *A tshi kho u bva gai?*

Complainant: *Ha xxx mahafheni*

Interpreter: From xxx's place.

Prosecutor: What was the reason to intend to chop you with an Axe.

Interpreter: *O vha a kho toda uni remela mini?*

Complainant: *A thi ḓivhi.*

Interpreter: I don't know.

Prosecutor: At that stage were you still in love with the accused?

Interpreter: *No vha na kha di funana nae?*

Complainant: *Hai.*

Prosecutor: What made you believe that he intended to chop you?

Interpreter; *Ndi tshini tsho itaho uri ni kholwe uri a nga ni rema?*

Complainant: *Ngauri o vha a serious.*

Magistrate: Where did he get the axe?

Interpreter: *Mbado o I wana gai?*

Complainant*: Ha vho xxxx.*

Prosecutor: Anything else that transpired on 12 January 2020?

Interpreter: *Kha mulandu wa dzi 02 dza January 2020 hu na zwiṅwe zwo iteaho zwine a zwingo ambiwa?*

Complainant: *Hai.*

Interpreter: No.

Prosecutor: Tell the court what transpired on the 16th of August 2020.

Interpreter; *Kha ri ye kha mulandu wa dzi 16ᵗʰ August 2020*

Complainant: *O dzhena o fara boḓelo la halwa, a tshi to dzhena ṅwana a da kha nne:*

Interpreter: He was holding a bottle; the child came to me.

Complainant: *A nthwa nga mipama.*

Interpreter: He slapped me with open hands.

Prosecutor: Where on body did he assault you and how many times?

Interpreter*: Nga yeneyo mipama o ni rwa gai nahone lungana?*

Complainant: *Lunzhi, khofheni.*

Prosecutor: Did you sustain any injury?

Interprere: *Vho huvhala na?*

Complainant: *Hai*

Interpreter: No

Prosecutor: Anything else that transpired on the 16th of August 2020?

Interpreter: *Zwiṅwe zwo iteaho ndi mini?*

Complainant: *Vho dzhia kasi vhari vha kho toda u mbulaya.*

Interpreter: He took the crate and said he wanted to kill me.

Prosecutor: Was there a reason for the assault?

Interpreter: *Tshivhangi tsha izwi mdi mini?*

Complainant: *Thi ḓivhi.*

Interpreter: I don't know.

Prosecutor: Is there anything else that transpired?

Inrerpreter: *Zwiṅwe futhi ndi zwifhio?*

Complainant: *Vhori ndi do ni hunga, a tshi kho dia nga mipama a dovha a ri u do nthwa.*

Interpreter: He said he will hang me and beat me

Prosecutor: Is that all regarding charge 2?

Interpreter*: Ndi zwezwo fhedzi?*

Complainant*: Ee!*

Interpreter: Yes.

Magistrate: Matter stand down.

Interpreter: *Kha vhavhe vho bvela nnda vha do dovha hafhu vha vhidziwa.*

ANNEXURE J (Vuwani Magistrate)

Prosecutor: You are the complainant in this matter that happened on the 21 of August.

Interpreter: *Ndi inwi na mupoti wa mulandu?*

Complainant: *Ndi zwone.*

Prosecutor: Do you know the accused?

Interpreter: *Ni a muḓivha ula?*

Complainant*: Ee!*

Prosecutor: How do you know him?

Interpreter: *Ni mu ḓivha hani?*

Complainant: *Ndi mu ḓivha sa muthu a ne ra dzula kha tshitarata tshithihi.*

Prosecutor: Where are you residing?

Interpreter: *Inwi ni dzula gai?*

Complainant: *Tshakhuma Luvhalani.*

Prosecutor: Tell the court what transpired on the 21st of August that led you here.

Interpreter: *Vhudzani khoro zwo iteaho nga dzi 21 dza August.*

Complainant: *Nga dzi 21 nga vho 9 ya matsheloni ndo vha ndi kho lugisa ḓiraṱa he nguluvhe dza vha dzo vula buli dzo sera nga fhasi.*

Interpreter: On the 21st at 9 a.m I was busy correcting the fence where the pigs have gone under.

Complainant: *Muhumbulelwa o bvelela tshanḓani tshanga tshauḽa.*

Interpreter: The accused came from right hand.

Complainant: *O vha a kho lumelisa muṅwe muthu uri nne ndi mu vhone.*

Interpreter: He was greeting someone for me to see me.

Complainant: *A swika he nda vha ndi hone a nndumelisa nda sa fhindule.*

Interpreter: He arrived to where I was and he greeted, I did not respond.

Prosecutor: Was there a reason for you to not responding?

Interpreter: *Hu na zwo itaho uri ni si fhindule?*

Complainant: *Ee!*

Interpreter: Yes.

Prosecutor: What was it?

Interpreter: *Ndi mini zwenezwo?*

Complainant: *O ntsema nga dzi 16 dza June ndi tshi kho bva u ka maḓi.*

Interpreter: It was on the 16th of June he insulted me when I was from fetching water.

Prosecutor: He insulted you on the 16th and he greeted you and you kept quiet.

Interpreter: *O vha sema nga dzi 16, a tshi vha lumelisa vha fhumula.*

Complainant: *Ee.*

Interpreter: Yes.

Prosecutor: There was no bad blood between you and him on the 21st?

Interpreter: *Zwino kho amba uri nga dzi 21 ho vha hu si na nyanḓano?*

Complainant: *Yo vha I hone.*

Interpreter: There was peace.

Prosecutor: He greeted you and you kept quiet.

Interpreter: *Fhedzi o vha lumelisa vha fhumula*

Complainant: *Nda ndi tshe ndo kwatela zwe a ntsema.*

Interpreter: I was still angry at him.

Prosecutor: What happened thereafter?

Interpreter: *Ho iteani nga murahu vhaḽa vho no vha lumelisa?*

Complainant: *O nga u kho ṱuwa a rembuluwa a ntsedza a imisa muṅwe wa vhukati*

Interpreter: He turned and looked at me and he raised his middle finger.

Prosecutor: What did you understand by that?

Interpreter: *Kha vhone zwo amba mini zwezwo.*

Complainant: *Zwo mmbaisa.*

Interpreter: I was hurt.

Prosecutor: Did you consider it as a threat?

Interpreter: *Vhone vho zwi dzhia sa u shushedziwa?*

Complainant*: Ee!*

Interpreter: Yes.

Prosecutor: And why is that?

Interpreter: *Ndi ngani?*

Complainant: *Ndi zwa vhukuma ngauri ha thomi.*

Prosecutor: What do you mean by that? And what exactly did he say when he insulted you?

Interpreter: *O to ri mini a tshi vha sema?*

Complainant: *Ene uri a mphisele tsimbi I tsuke a mpfutunye tshivhunu hetshi.*

Interpreter: He said that he will burn an iron and wait for it to be red so that he can burn my ass with it

Prosecutor: What do you mean when you say its not the 1st time?

Interpreter: *Vha kho zwi ambisa hani vha tshi ri a si lwa u thoma?*

Defendant: *A si lwa u thoma a tshi ntsema not zwa u fhisa nga tsimbi.*

Interpreter: It is not his first time insulting me, not the iron issue.

Prosecutor: What transpired thereafter?

Interpreter: *Nga murahu ha izwo ho itea mini?*

Complainant: *Ndo ṱuwa nda da Vuwani u pota mulandu.*

interpreter: I came to vuwani to report the case.

Prosecutor: Anything else?

Interpreter: *Hu na zwiṅwe zwine vha nga vhudza khoro?*

Complainant: *Ndi zwezwo fhedzi.*

CROSS EXAMINATION BETWEEN THE ACCUSSED AND THE COMPLAINANT

Accused: *Na nṋe nda ndo khakha na ndi tshi vha lumelisa ngeno ri kho amba zwavhuḓi?*

Interpreter: Was I wrong to greet you?

Complainant: *Zwo vha zwo khakhea.*

Interpreter: It was wrong.

Accused*: A ri ngo lwa ra farelana na zwi amba zwa siho mbiluni yavho.*

Interpreter: Didn't we forgive each other? Or you lied?

Complainant: *A thi kho tendelana nazwo ngauri u kho amba zwa 2019 madzuloni a zwa 2021.*

Interpreter: I don't agree because he is talking about thing that happened in 2019 not 2021.

Accused: *U vha lumelisa nda ndo khakha naa, ngani?*

Interpreter: I was wrong by greeting you

Complainant: *Ndi zwa vhukuma.*

Interpreter: Correct.

Accused: *Vho vha vho mmbudza uri a vha tsha toda u amba na nne?*

Interpreter: Have you ever told me that you did not want to talk to me?

Complainant: *Ndo vha vhudza nga dzi 16 dza June.*

Interpreter: I told you on June 16.

Accused: *Vha kha ḓi zwi humbula uri vho fhira nga muḓini wanga vha tshi khou ḓa u mpfarisa vha ri ndi kho yo farisa mmbwa hei I na matshimba nga maanḓa.*

Interpreter: Do you still remember that when you were going to press charges, you said that you dog.

Complainant: *Ndi mazwifhi madaladala, muḓini wawe ndi kha left and nne nda kho ya kha right.*

Interpreter: That's lies.

Accused: *Vho huwelela nnyi we nda vha ndi kho tshimbila nae?*

Interpreter: Who did you call that I was walking with?

Complainant: *Ndo huwelela xxx ndi kho mu ṱalutshedza zwe na nnyita zwone.*

Interpreter: I called xxx.

Accused: *Vha kho hanedza uri vho fhira tsini na muḓi wanga?*

Interpreter: Are you denying that you passed next to my yard?

Complainant: *Ndo fhira tsini naho ngauri ndi tshiṱaraṱa tshi fhira nga hanefho.*

Interpreter: Yes, I passed through that kraal.

Accussed: *Ndo ita vhukhakhi nga u vha lumelisa ngauri nda sa ḓivhi uri a ri tsha amba.*

Interpreter: I was wrong by greeting you.

Complainant: *Nga 2019 vho humbela pfarelo nda vha farela.*

Interpreter: In 2019 you asked for forgiveness and I forgave you.

Magistrate: On the 16th of June, did you insult him?

Interpreter*: Nga dzi 16 dza June no mu sema?*

Accused: *A thi tsha humbula ngauri ndi nga vha ndo vha ndo kambiwa, fhedzi ndi humbula zwa ḽiṅwe ḓuvha vhe vha vho dzula nṱha ha tshidulo.*

Interpreter: I don't remember.

Magistrate: Comment on this.

Accused: *Ndi nga si fhindule hezwo ngauri vha kho ṱanganyisa zwithu zwi sa fani.*

Interpreter: I can't comment on that because you are mixing issues here.

Magistrate: Any question?

Interpreter: *Vha tshe na mbudziso?*

Accused: *Hayi.*

Interpreter: No.