ENSURING ACCESS TO JUSTICE AND THE RIGHT TO FAIR HEARING IN NIGERIA: THE COURT INTERPRETER CONUNDRUM

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Abstract

Many Nigerians are literate in English, but not many have the level of proficiency required for effective communication in the courtroom, whence court interpreters provide language translation in courts. However, literature reveals that skilled court interpreters are in short supply, and ad hoc court interpreters are sometimes engaged to make up the shortfall whence the prevalence of biases, misinterpretation, misrepresentations, inaccuracy, and incomplete interpretation in court interpretations which compounds and threatens the integrity of court proceedings, effective functioning of courts, judicial errors, flawed outcomes, miscarriage of justice, prolonged proceedings, erosion of the fidelity of the court, and public confidence in the Judiciary. While these observed deficiencies in court interpretation are unfortunate testimonies to the level of education of many court interpreters in Nigeria, it is also a call for the institutionalization of interpretation education in Nigeria, which this work recommends.

Keywords: Court interpreter, access to justice, right to fair hearing, interpretation education

Introduction

Generally, the major obstacles to access to justice include poverty and specifically, the cost of legal advice and legal representation.[1] Others include Geographic barriers such as the distance to courts; lack of awareness about rights and remedies available in courts; discrimination based on gender, race, ethnicity, disability; undue delay in the administration of justice; corruption, and the interpretation of court language to the least of members of vulnerable groups of citizens.

Although the interpretation of court language to members of vulnerable groups of citizens is included among the obstacles to access to justice, it is often treated as the least important, or put differently, it is the obstacle that attracts the least attention, at least from the point of public interest. Interestingly, while Legal Aid programmes[2] have become popular and are developing in scope and depth to address issues relating to the cost of legal advice and legal representation (poverty), and cutting down discrimination based on gender, race, ethnicity, and similar disabilities; Law Clinics in the Law Faculties of Universities in Nigeria (through Clinical Legal Education) are addressing issues of lack of awareness about rights and remedies available in courts; and the Nigerian Judicial Council (NJC) and Independent Corrupt Practices and Related Offences Commission (ICPC) are addressing

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[1] United Nations and the rule of law. https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/

[22] See In December 2012, the General Assembly unanimously adopted the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (67/187)

undue delays in the administration of justice and corruption respectively. As per geographic barriers such as the distance to courts, this is being addressed through Multidoor Courts, Small Claims Courts, Alternative Dispute Resolution (ADR) mechanisms (Arbitration and Mediation), whereas the interpretation of court language to the least of members of vulnerable groups of citizens through the court interpreters remain virtually underdeveloped in interest and relatively unattended to.

Meanwhile, access to justice has been studied more in the field of environmental law, where access to justice is held to refer to the ability of concerned citizens and social movement groups to access the courts and legal advice at reasonable cost; obtain adequate and effective remedies (including injunctive reliefs) for environmental offences, with the courts (or the entire justice system) serving as a fair and equitable platform for the treatment of environmental issues.[3] Within this space, it is believed that the Justice system can only ensure access to justice where it is just in the result it delivers, fair in the way it treats litigants, reasonable in cost, appropriate in the procedures it offers, reasonable in the speed it deals with cases, understandable to those who use it, responsive to the needs of those who use it, provide as much certainty as the nature of the particular case allows; and effective and adequate in its human and material resources and organization.[4] Incidentally, as it is applicable in the realm of environmental law, so it is in all instances of seeking access to justice involving the vulnerable class. Both relate to the element of fair hearing.

Unfortunately, not much literature exists in terms of exploring access to justice in the practice and procedure of the courts. More importantly, as it relates to fair hearing from the prism of making the language of the court easily understandable to the least of (for desirous) members of vulnerable groups of citizens through the use of Court Interpreters. Therefore, this work sets out to explore the issues relevant to making the court language**,** through the use of Court Interpreters, easily understandable to court users (litigants, witnesses, sympathizers, spectators, visitors, etc.) and court users with special needs (the deaf in particular), not versed in the Language of the court in ensuring access to justice.

This work is divided into five sections. The first section is an introduction to the work, the second is an examination of the concept of fair hearing and its application in Nigerian courts, the third section examines the concept of access to justice and its connection with interpretation of court language to the to the least of members of vulnerable groups of citizens, the fourth section is an exploration of the justification for making court language understandable to court users through the court interpreter, and the fifth section is the authors' concluding thoughts.

Fair Hearing

The Universal Declaration of Human Rights (UDHR) set the foundation for fair hearing in courts (or tribunals) to guarantee the rule of law. It provided that "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."[5] Other provisions of the UDHR provided similar opportunities for fair hearing. They include Article 8 of UDHR that provided for the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law; Article 9 UDHR that provided that no one shall be subjected

[3] See Odoeme, Chukwudi Victor "From Rio to Johannesburg: reflections on the role of judges in ensuring access to justice in environmental matters in Nigeria" Commercial and Industrial Law Journal (CILJ), Faculty of Law, Kogi State University, Vol. 3 No 2, 2012-2013, p 92 – 104; L Vanhala, *Courts and the Making of Public Policy: Access to Environmental Justice in England and Wales* (The Foundation for Law, Justice and Society in affiliation with The Centre for Socio-Legal Studies, University of Oxford www.fljs.org, 2011) 2; See also P Castle etal *Environmental Justice* (London: The Environmental Justice Project, 2003).

[4] See INTERIGHTS Bulletin, London: - "Access to Justice," in a Review of the International Centre for the Legal Protection of Human Rights, 1996, Vol. 10 No. 2, at P. 53 Access to justice is defined as the ability of citizens to turn to impartial arbiters to resolve disputes over access to information and participation in decisions that affect the environment. Such impartial arbiters include mediators, administrative tribunal and courts of law, among others.

[5] Article 10 Universal Declaration of Human Rights (UDHR)

to arbitrary arrest, detention or exile; and Article 11(1) UDHR that provided that everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

By these provisions of the UDHR, people have the right, in matters relating to the determination of their rights and obligations and of any criminal charge, to be provided the opportunity to state their side of the transaction in public.[6] Similar rights are available to enable people to approach the courts for a remedy for wrongs.[7] And when suspected of having committed a crime, not to be arrested, detained, or exiled arbitrarily, which means that some effort must be made to ensure that the authority in doing so is not abused, and an opportunity to challenge such arrest, detention, or exile is not foreclosed.

Similarly, the International Covenant on Civil and Political Rights (ICCPR) provided for free assistance of an interpreter for everyone charged with a criminal offence who cannot understand or speak the language used in court.[8] Although not expressly stated, it could, however, be inferred from the wording of the African Charter on Human and Peoples' Rights (ACHPR) 1986 that interpreters need to be made available when needed for achieving the objectives of the right to fair trial.[9]

The Constitution of the Federal Republic of Nigeria 1999 (CFRN 1999) concretized the right to fair hearing in Nigeria. The CFRN 1999 provided that in the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.[10] Furthermore, it provided that every person who is charged with a criminal offence shall be entitled to (a) be informed promptly in the language that he understands and in detail of the nature of the offence; (b) be given adequate time and facilities for the preparation of his defence; (c) defend himself in person or by legal practitioners of his own choice; (d) examine, in person or by his legal practitioners, the witnesses called by the prosecution before any court or tribunal and obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court or tribunal on the same conditions as those applying to the witnesses called by the prosecution; and (e) have, without payment, the assistance of an interpreter if he cannot understand the language used at the trial of the offence.[11]

Although references to fair hearing in the foregoing provisions appear to have been emphasised in relation to criminal matters, fair hearing is by no means restricted to criminal matters. Its scope extends to all matters, causes, and issues where people's rights and interests are at stake or are howsoever of great concern to the person involved, such as to demand of him the need to approach a court for some assurances, relief, protection, etc. These establish fair hearing as a fundamental human right.

The proper application of the concept of fair hearing has been held to entail "the impression of a reasonable person who was present at the trial whether from his observation, justice has been done."[12] Consequently, fair hearing involves situations where, having regard to all the circumstances of a case, the hearing may be said to have been conducted in such a manner that an impartial observer will conclude that the court was fair to all the parties in the proceedings.[13] This point was driven home

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[6] Article 10 UDHR
[7] Article 9 UDHR
[8] See article 14(3)(f) International Covenant on Civil and Political Rights (ICCPR)
[9] See Article 7 African Charter on Human and Peoples' Rights (ACHPR) - dealing with the right to fair trial
[10] S.36(1) CFRN 1999
[11] S.36(6) CFRN 1999
[12] Iyomon v L.P.D.C. (2025) 5 NWLR (Pt. 1984) 123 (Supreme Court); see similar statement in Iwuoha v Okoroike (1996) 2 NWLR (Pt. 429) 231(Court of Appeal). See also Akunwata Ogbogu Mbanefo V. Nwakaibie Henry Molokwu & Ors (2014) LLJR-SC
[13] Ibid. See Statoil (Nig.) Ltd. v Inducon (Nig.) Ltd. (2014) 9 NWLR (Pt. 1411) 43; see also Mohammed v Kano N.A. (1968) ALL NLR 424 referred to.] (P. 160, paras. A-D)

in Iwuoha v Okoroike,[14] where the Court of Appeal conceded that there is no difference between "Fair hearing" and "Fair trial." The idea is that a fair hearing must involve a fair trial starting from the mention to judgment. Therefore, guaranteeing fair hearing simply means that all parties in a case must have equal facilities or they must be placed in a position to obtain equal facilities in the trial process.[15]

Essentially, "to state their side of the transaction in public," "be informed promptly in the language that he understands and in detail of the nature of the offence," "facilities for the preparation of his defence," "defend himself in person," examine witnesses in person, and ultimately, to "have, without payment, the assistance of an interpreter if he cannot understand the language used at the trial of the offence" are phrases that buttress the purport of fair hearing. With regard to the least of members of vulnerable groups of citizens, the most important element in guaranteeing fair hearing is having the assistance of a court interpreter so as to be able the understand and follow the written, unwritten, spoken, and or unspoken language of the court.

It is not often about not understanding the English language used in courts. This is most important in a demography like Nigeria, where many languages or dialectical variations of languages are mother tongues and legal. Stating a person's side of a transaction in public often goes beyond the ability to speak English, it may depend on some cultural sensitivities involved in a transaction traditionally conducted in a local language, dialect, or culture. Similarly, in the matter of informing a suspect (or accused as the case may be) of the details of the nature of the offence he is alleged to have committed, it goes beyond understanding English to also having a fair working knowledge of the law, and appropriate words or terms that convey their meaning in the language of a suspect / accused devoid of the knowledge of law whence the need for a court interpreter skilled in English, the local language/dialect, and with basic knowledge of the law. As it relates to the least of members of vulnerable groups of citizens, facilities for the preparation of defence, defending oneself in person, and the opportunity to examine witnesses in person all depend on having access to court interpreter skilled in English, the local language/dialect of the interpretee, and with basic knowledge of the law. Without that, it would be nearly impossible for the impression to be created for a reasonable person present at the trial to observe that justice has been done, conceded to be the real test of fair hearing.[16]

Access to Justice

At the center of the Rule of Law is the issue of Access to Justice. At the center of access to justice is the element of fair hearing. At the center of fair hearing is the element of interpretation of court language to the least of (for desirous) members of vulnerable groups of citizens, and at the center of interpretation of court language is the Court Interpreter. Invariably, the Court Interpreter is the lifeblood of access to justice in relation to the rule of law.

A basic principle of the rule of law is access to justice. This is principally because it enables people to have their voices heard, exercise their rights, challenge discrimination, or hold decision-makers accountable.[17] Under appropriate circumstances, on the basis of the concept of access to justice, "ordinary" people are able to approach, access, seek, and obtain effective remedies for their problems through the justice system. This is only possible where the justice system is accessible, affordable, comprehensible to ordinary people, dispenses justice fairly, speedily, without discrimination, fear or favour.[18] In the main, access to justice leans heavily on transparent, effective,

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[14] (1996) 2 NWLR (Pt. 429) 231

[15] Nakundi v Rabiu (1998) 3 NWLR (Pt. 543) 671

[16] Iyomon v. L.P.D.C. (2025) op cit

[17] United Nations and the rule of law. https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/

[18] See British Government Department of International Cooperation (DFID) London: - Justice and Poverty Reduction, 2000, at Pp. 12-13 quoted in MT Ladan, "Enhancing access to justice in environmental matters in common law Africa". being a paper presentation at the 4th city of Rio De Janeiro Attorney General's Office International Congress on Environmental Law: - Tribute to Professor C. O. Okidi: Rio de Janeiro, Brazil 22nd – 24th May 2007.

non-discriminatory, and accountable fair hearing within a justice system studded with the credentials of impartiality and integrity, and open for service delivery-oriented reforms.[19]

Whereas people are free to approach the justice system to seek and obtain effective remedies for their problems, not many people have the capacity to so do. This is particularly the case where the people are disadvantaged by reason of illiteracy in English language, and the language of the justice system (specifically the courts) which language encompasses legal terminologies, courtroom procedures, professional ethics, cultural sensitivities, etc.). This is, however, besides other elements that constitute impediments to access to justice, such as the cost of hiring a Lawyer, court fees, and sundry expenses associated with functioning in the courts. While the later can be addressed by the offer of legal aid through the Legal Aid Council of Nigeria, the Nigerian Bar Association, civil society organizations with interest in the justice delivery system, and kind hearted Legal Practitioners offering pro bono services, the former can only be achieved through a structured, standardized, within the justice system language translation and interpretation system, that eliminates the gap between the justice system, the court and court users through faithful, accurate, complete, real-time and timeous confidential relay of information between the court and court users and vice versa, explained hereinunder:[20]

Structured and standardized language translation and interpretation system: While it is possible to provide people disadvantaged by reason of illiteracy in the language of the justice system with language translation and interpretation services, which is currently obtainable in Nigeria, doing same through a structured, standardized, within the justice system language translation and interpretation system offers better and sustainable outcomes. Besides closing the gap between the courts and those that appear before them, ensuring accurate, complete, real-time and timeous confidential relay of information between the court and court users and vice versa, structured, standardized, within the justice system language translation and interpretation system ensures uniformity and accuracy in court language interpretation, and a level of accountability for those that offer and or provided language translation and interpretation services or assistance in the courts. The element of accountability is most important in this regard, particularly to eliminate the celebrated deviousness, mischief, or lack of indepth knowledge of the court language as displayed by court interpreters of old as well as unskilled court interpreters in present day Nigerian courts.

Unfortunately, many educated persons, including lawyers, have come face-to-face with the reality of the difficulty inherent in the translation and interpretation of court language, either as volunteer interpreters or as counsel. Similarly, many lawyers have seen firsthand the potential danger inherent in wrong, misguided, or unintelligent translation and interpretation of court language. In this regard, the Chief Justice of Nigeria (CJN) had noted that "the dearth of properly trained and certified court interpreters has for too long hindered the effective functioning of our courts. It has contributed to avoidable delays, judicial errors, and, in unfortunate cases, flawed outcomes.[21] Therefore, a structured and standardized language translation and interpretation system presents a system where persons who provide language translation and interpretation services or assistance to the courts receive basic instructions on language translation and interpretation for courts, instructed and trained in court language translation and interpretation including legal terminologies, courtroom procedures, professional ethics, cultural sensitivities etc. Whence the CJN's commendation and the description of

[19] United Nations and the rule of law. https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/

[20] Most codes of ethics for court interpreters emphasize the need for sentences to be interpreted faithfully and completely ie Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation. See Hewitt, W. E. (1995). *Court interpretation: Model guides for policy and practice in the state courts*. Williamsburg, VA: National Center for State Courts.

[21] Keynote/opening address by Hon. Justice Kudirat M. O. Kekere-Ekun, GCON, Chief Justice of Nigeria & Chairman, Board of Governors, National Judicial Institute at the basic certification course for court interpreters, organised by National Judicial Institute (NJI) & Ahmadu Bello University, Zaria (ABU), April 28, 2025, at the Andrew Otutu Obaseki Auditorium, National Judicial Institute, Abuja

the NJI's initiation of training of court interpreters as a "decisive response to that longstanding challenge."[22]

Within the justice system language translation and interpretation services: as part of the structured and standardized language translation and interpretation system, within the justice system language translation and interpretation services represent a system where those who provide language translation and interpretation services for courts are staff of courts employed and trained specifically for such purposes. The foregoing would not only guarantee the sustainability of the practice but also eliminate the need for and any provision for ad hoc and or volunteer language translators and interpreters in Nigerian courts.

Similarly, a structured and standardized language translation and interpretation system addresses the element of cost in access to justice. In-house court interpreters (language translators and interpreters) save the court the cost of engaging or "conscripting" unskilled or volunteer court interpreters. It also saves the disadvantaged court users - litigants and witnesses in particular - the worry as to how to relate with the courts since the court interpreters understand the language they speak, including cultural realities where such exist. Litigants not skilled in the language of the court are able to meaningfully engage the justice system with the help of court interpreters without having to pay for their services. In the same way, disadvantaged witnesses can testify in court with the help of court interpreters at no cost to the litigant.

Essentially, litigants are able to appreciate court proceedings and outcomes because they have been provided with the opportunity to meaningfully engage the justice system. Even when the outcome of court proceedings is not in their favour, they retain a high level of confidence in the justice system, knowing that the courts (or the entire justice system) have provided them a fair and equitable platform to air their grievances and or adjudicate their matter. Above all, a reasonable person present and or an impartial observer at the trial would have observed that justice has been done[23] because the hearing was conducted in such a manner that it will be concluded that the court was fair to all the parties in the proceedings.[24]

Impact on the perception of the Justice system: providing in-house, structured, standardized language translation and interpretation services for court users at no cost affirms the age long saying that the judiciary is the last hope of the common man. Besides underscoring the "Judiciary's unwavering resolve to uphold the principles of fairness, accessibility, and inclusivity within our justice delivery system," it affirms that the Nigerian judiciary is particularly interested in ensuring the comprehensibility and accessibility of the courts to all individuals regardless of background or circumstances such as languages and dialectical differentials as well as the technical and complex nature of court proceedings. By this singular act, it could be correctly concluded that the structured, standardized language translation and interpretation services for court users serve to safeguard the constitutional right to fair hearing. It also serves to ensure that no court user is excluded from participating fully and meaningfully in their own matter.

Cumulatively, the justice system is seen to have some credence for the result it delivers, fair in the way it treats litigants, reasonable in cost, fast in justice delivery, understandable and friendly to those who come before it, responsive to the needs of those who use it, and adequately resourced and organized.

Making court language understandable to court users

As a result of increases in international trade, migration, displacement, and conflict there is a rising number of civil and criminal defendants and courtroom participants who do not speak the

[22] Keynote/opening address by Hon. Justice Kudirat M. O. Kekere-Ekun, GCON, CJN op cit.
[23] Iyomon v L.P.D.C. (2025) op cit.
[24] Iyomon v L.P.D.C. (2025) op cit.; See also Statoil (Nig.) Ltd. v Inducon (Nig.) Ltd. op cit.

language of the court in which they find themselves.[25] This is besides citizens and constituents who do not understand the language of the courts.

The rationale for making court language understandable to court users is to ensure that the courts (judges) and those who come before them unequivocally understand each other. This is achieved through (with the aid of) a medium that observes rigorous standards of exactitude in ensuring accurate, complete, and unbiased interpretation of legal terminologies, courtroom procedures, and professional ethics for those who come before the courts, and the relay of appropriate responses, and cultural sensitivities to the courts. Incidentally, without these, many of those who come before the courts, especially those who neither speak nor understand the language of the court, would be excluded from participating fully and meaningfully in their own trials. A situation that has the potential to hinder the effective functioning of courts, encourage avoidable delays in court proceedings, induce judicial errors, flawed outcomes, miscarriage of justice, prolonged proceedings, and erosion of public confidence in the Judiciary;[26] and sadly, too, can make an otherwise meritorious claim fail or bring an innocent person's liberty to an unfortunate end.

At the opening ceremony of the Basic Certification Course for Court Interpreters in Nigeria,[27] the CJN[28] indicated that the production of a Glossary of Legal Words and Terms for Court Interpreters in Nigeria,[29] translating the same to local Nigerian languages,[30] and using same in the training of court interpreters in legal terminologies, courtroom procedures, professional ethics, cultural sensitivities and in their native languages underscored "the Judiciary's unwavering resolve to uphold the principles of fairness, accessibility, and inclusivity within the Nigerian justice delivery system" essentially because "the essence of justice lies in its comprehensibility and accessibility to every individual, regardless of background or circumstances;" particularly in a richly diverse country such as Nigeria, where numerous languages and dialects coexist.

The CJN emphasised that accurate and complete interpretation during proceedings was pivotal to achieving the right of every individual to be informed of the nature of any charge against them in a language they understand, as guaranteed by the Constitution of the Federal Republic of Nigeria, 1999 – which is the cornerstone of the right to fair hearing.

Making court language understandable to court users is the court interpreter's primary responsibility and forte. To a larger extent, it involves rendering oral messages from the source language to the target language[31] thereby making effective "communication possible despite language barriers that exist between litigants and court personnel,"[32] and to a lesser extent it involves mediation for court users who do not speak the same language for the purpose of facilitating fair hearing.

Interpreting court language is an arduous task that presents multifaceted concerns. Interestingly, the description of court language as English belittles the scope of work of the court interpreter. Court interpreters struggle to interpret the language of the court, which has no fixed meaning and apparently no limitations. The court interpreter must possess language competency, intercultural competency, research competency, technological competency, thematic competency, transfer competency, service provision competency, and ethical competency[33] to be able to function effectively. He must also

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[25] Telesphore Ngarambe & Etienne Ruvebana (2023) "Court interpreting practice in Rwanda: Challenges and strategies for fair justice." *Translation & Interpreting* Vol. 15 No. 2. DOI: 10.12807/ti.115202.2023.a07

[26] Keynote/opening address by Hon. Justice Kudirat M. O. Kekere-Ekun, GCON, CJN op cit.

[27] Organized by the NJI

[28] Ibid

[29] "Glossary of legal words and terms for court interpreters in Nigeria." Produced by the NJI in collaboration with the Ahmadu Bello University Zaria

[30] Igbo, Hausa, and Yoruba

[31] Telesphore Ngarambe & Etienne Ruvebana, op cit

[32] Mikkelson, H. (2017). *Introduction to court interpreting*. London & New York: Routledge, p 1. Note also that court interpreters work not only in courts of law but also in law offices, law enforcement agencies, jails and prisons, and other public agencies associated with the judiciary"

[33] NAATI (2016). NAATI interpreter certification: Knowledge, skills and attributes. https://www.naati.com.au/media/1262/interpreter-ksa-paper-final_290216_2.pdf.
National Archives Foundation.

apply the Skopos Rule[34] in his interpretation exercise to avoid miscarriage of justice, open under such circumstances and preserve the fidelity of court interpreting. Moreso, court interpreters are expected to observe the nuances in words spoken in court and be faithful in the reproduction of the linguistic features of words spoken in court.[35]

Consequently, interpreting court language is not only about the language simplicita. It is also about terminologies, lexicons, and discursive issues without which an interpretation would be considered incomplete and may mislead the court, the lawyer, and or the interpretee. The terminologies, lexicons, and discursive issues are hereinunder described:

***The terminologies/lexicons*:** Court language is devoid of terminological or lexical precision. It is filled with wordiness, lack of clarity, pompousness, and dullness[36] that makes it often inaccessible to the average court user. The court interpreter understands this better than any other court functionary or user because they are faced with linguistic challenges regularly at work. While the court interpreter may be familiar with words of the law and court procedure, they often face new words, phrases and technical jargons (depending on the subject matter of a case, the level of education or exposure of the court user), technical terms specific or peculiar to expert witnesses in a specific area of a legal issue. The implication is that a court interpreter should be versed in a wide range of vocabulary, ranging from sports, medicine, narcotics, environment, through perhaps mathematics, to be prepared to serve in cases demanding expert witnesses, or fraught with technical jargon.

Discursive issues: these center around tag questions, speech styles, illocutionary acts, and force.[37] Consequently, knowledge of words (terminologies and lexicons) is not often enough for a court interpreter to function effectively. His duty extends beyond a mere relay of words from one court user to another, and or from one language to another. The court interpreter also engages in what is described as "discursive challenges."[38] It is not only the words used in court but also the nuances that go with the words. The court interpreter must have the capacity to manage the effect of the utterance on the listener, i.e., the speaker's intended meaning or purpose in making an utterance. In so doing, the interpreter passes not only the word-for-word interpretation of spoken words but also the tone, gesticulations, mannerisms, and perhaps sarcasm associated with the words spoken. This is more often the case with interpreting cross-examinations, where questions that have tags attached to them, such as "Isn't that right? Aren't you? Isn't it so? etc. are mostly employed.[39] Here, a court interpreter is expected to note that a "rising tone of the tag indicates a genuine question, whereas a falling tone has coercive illocutionary force."[40] Whence the omission of the tag portends an incomplete interpretation that opens the way for a miscarriage of justice. This is particularly the case because an omission of the "tag" attached to a statement /or question reduces the illocutionary force it carries and may subject the respondent to offer a light-hearted response to a very serious issue.

***Speech styles*:** speeches in courtrooms are supposed to be formal. However, the fact that court users are mixed presents a situation where informal words are used in courts, more so where it

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[34] "Each text is produced for a given purpose and should serve this purpose. The Skpos rule thus reads as follows: translate/interpret/speak/write in a way that enables your text/translation to function in the situation in which it is used and with the people who want to use it precisely in the way they want it to function." See Issa Illiasso (2013) "The role of translators and interpreters in the administration of justice" paper presented at the 11th NITI congress held on Thursday 28th and Friday 29th November at Rayfield Hotel, Asokoro, Abuja, Nigeria

[35] Wang, Danny & Grant, Lynn E. (2015) "Challenges of Court Interpreting: Implications for Interpreter Education," International Journal of Interpreter Education: Vol. 7: Iss. 1, Article 5. p 1. Available at: https://tigerprints.clemson.edu/ijie/vol7/iss1/5

[36] Mellinkoff, D. (1963). *The language of the law*. Boston, MA: Little, Brown.

[37] Hale, S. (2004). *The discourse of court interpreting: Discourse practices of the law, the witness and the interpreter*. Amsterdam, the Netherlands: John Benjamins. See also Wang, Danny & Grant, Lynn E. (2015) op cit.

[38] Wang, Danny and Grant, Lynn E. (2015) op cit

[39] Tag questions may be affirmative or negative statements, with "be" verbs, with auxiliary verbs, with model verbs, etc.

[40] Quirk, R., Greenbaum, S., Leech, G., & Svartvik, J. (1985). *A comprehensive grammar of the English language*. London, England: Longman.

involves a mixture of languages. While the judge and counsel could maintain a high level of formality, it is often not the case with court users such as plaintiffs, defendants, or witnesses who speak a language other than English more fluently. For the fact that lawyers have a reputation for engaging assorted linguistic styles to outwit others, enhance their credibility, discredit hostile witnesses,[41] and control the atmosphere in the courtroom, court interpreters are subjected to know how to factor these circumstantial issues into the interpretation exercise to soothe the litigants and counsel. Put differently, court interpreters must endeavour to cover in the interpretation the lexical equivalent in the target language, the speech style, and the illocutionary force of the spoken words, paying attention to demographics such as gender, age, status, and profession.

Conclusion

Nigeria's sociolinguistic profile is multilingual. However, English, the language of the former colonial master enjoys the status of the official language, while Igbo, Hausa, and Yoruba are the dominant languages in their respective geographic areas. Although many Nigerians are literate in English, many do not have the level of proficiency in English needed for effective communication in formal environments such as the courtroom, whence the need to protect their linguistic rights through the engagement of court interpreters to provide for local languages in courts.

Skilled court interpreters are in short supply thereby compelling judges to engage as ad hoc court interpreters bailiffs, secretaries, building janitors, arresting officers, probation officers, prison guards, prosecution witnesses, young children, friends and relatives of victims or witnesses, prison inmates, defendants and co-defendants, and counsel.[42] Unfortunately, these ad hoc court interpreters, randomly picked / engaged without reference to their standard of education, the skills required in interpreting, or the training of court interpreters, have predilections and predispositions that foster misinterpretation, misrepresentations, inaccuracy, and incomplete interpretation. Besides, this random case-by-case interpreter appointments leave the judges making such appointments without a veritable means of evaluating the accuracy of the interpretation provided. This situation has the capacity to easily compound and threaten the integrity of a court proceedings as well as the office of court interpreters.

It is obvious that court interpreters are very necessary in Nigerian courts. This is essentially because of the level of illiteracy in Nigeria and the presence of many dialectical differences of predominant languages among minority languages in Nigeria - which is an indicator that many Nigerians cannot effectively communicate in English within the justice system in Nigeria. However, the chilling observation that many court interpreters omit or ignore some essential parts of communications meant to be interpreted such as tag question in their interpreting of court proceedings among many other observed deficiencies in interpretation is an indicator that many court interpreters are not skilled enough for that office. While this is an unfortunate testimony to the level of education of many court interpreters in Nigeria, it is a call for the institutionalization of interpretation education in Nigeria.

To ensure access to justice and the right to fair hearing to the least of members of vulnerable groups in Nigeria, it is essential that the fidelity of the court interpretation is guaranteed. This can be achieved through the institutionalization of court interpreter education programs. Court interpreters should be made to undergo court interpreter education programs as a requirement for appointment and promotion. The curriculum of the proposed interpretation education should centre around making court interpreters versed in legal procedure, legal text, legal terminologies, courtroom procedures, professional ethics, cultural sensitivities, and basic terms and jargon used in court.

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[41] O'Barr, W. M. (1982). *Linguistic evidence: Language, power, and strategy in the courtroo*m. New York, NY: Academic Press.

[42] Alice J. Baker, (1999) *A Model Statute to Provide Foreign-Language Interpreters in the Ohio Courts*, 30 U. TOL. L. REV. 593, 603-04 (citing reports from New Jersey, New York, the Second Circuit and Third Circuit).

And finally, court interpreters must be constantly reminded that an accurate interpretation requires that the interpreter translate everything that is said, even "apparent misstatements."[43]

Acknowledgement
The work was inspired by Hon. Justice Salisu Garba Abdullahi's avowed concerns with the state of interpreter education in Nigeria, as explained at the opening ceremony of the Basic Certification Course for Court Interpreters in Nigeria organized by the National Judicial Institute & Ahmadu Bello University, Zaria, April 28, 2025, at the Andrew Otutu Obaseki Auditorium, National Judicial Institute, Abuja Nigeria. This work is therefore dedicated to **Hon. Justice Salisu Garba Abdullahi**, the Administrator of the National Judicial Institute, Nigeria.

[43] Franklyn P. Salimbene (1997) *Court Interpreters: Standards of Practice and Standards for Training*, 6 CORNELL J.L. & PUB. POL'Y 645, 647 n.14.