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COLLEGE OF LAW AND GOVERNANCE STUDIES

CENTER FOR HUMAN RIGHTS

**ACCESS TO JUSTICE IN ETHIOPIA: LANGUAGE BARRIER IN CRIMINAL
PROCEEDINGS AT THE FEDERAL LEVEL**

BY

YEMSERACH LEGESSE

A thesis submitted to the Center for Human Rights, College of Law and Governance Studies of
Addis Ababa University in partial fulfillment of the requirements for the Degree of Master of
Arts in Human Rights

June, 2016

Addis Ababa

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June, 2016

DECLARATION

I, Yemserach Legesse, hereby declare that this thesis is original and has never been presented in any other academic institution. Where other people's works have been used and/or referred to, acknowledgements have been duly made.

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Table of Contents

List of tables.....	vi
List of figures.....	vi
Acknowledgement	vii
Acronyms and abbreviations.....	ix
Abstract.....	x
CHAPTER ONE.....	1
1. INTRODUCTION.....	1
1.1 Background of the study	1
1.2 Statement of the problem	4
1.3 Research questions	6
1.4 Objectives of the study.....	7
1.4.1 General objective.....	7
1.4.2 Specific objectives.....	7
1.5 Significance of the study	7
1.6 Scope of the study	8
1.7 Limitation of the study.....	9
1.8 Operational definitions used.....	10
CHAPTER TWO	12
2. REVIEW OF LITRATURE	12
2.1. Communication, language and language barrier.....	12
2.2. Approaches to linguistic diversity.....	13
2.3. Language barrier in criminal proceedings.....	15
2.4. Language policy experience in different counties.....	17
2.4.1. Language policy in United States of America (USA)	17
2.4.2. Nigeria’s Language Policy Experience.....	18
2.4.3. Language Policy in Ethiopia.....	20
2.5. Normative Review.....	22
CHAPTER THREE	25
3. METHODOLOGY	25
3.1. Research Design.....	25

3.2.	Tools used and data collection process	25
3.2.1	Primary data sources.....	25
3.2.2	Secondary Data Sources	26
3.3.	Sampling Technique.....	26
3.4.	Background information of the research participants	26
3.5.	Method of data collection and analysis	28
3.6.	Ethical Consideration	29
CHAPTER FOUR.....		30
4.	FINDING, ANALYSIS AND DISCUSSION.....	30
4.1.	Language barrier in criminal cases at federal level.....	30
4.1.1.	Language barrier before trial	30
4.1.2.	Language barrier during trial	37
4.1.3.	Logistics of interpreter at the Federal Level	39
4.1.4.	Current strategies of federal courts in handling criminal cases of non-Amharic speakers	44
4.1.5.	Court Interpretation in Criminal Cases- the Law and the Practice	47
4.1.6.	Quality of Court Interpreting at the Federal Level	50
4.2.	The Impact of Inadequate Interpretation Service at the Federal Level	54
4.3.1	The Impact on Accused’s fundamental Human Rights	54
4.3.2	Administrative and procedural	56
4.3.4	How do non-Amharic speakers perceive the communication barrier in criminal proceeding?.....	57
CHAPTER FIVE		61
5.	CONCLUSION AND RECOMMENDATION	61
5.1.	Conclusion.....	61
5.2.	Recommendation.....	62

List of tables

Table 1 Background characteristics of the study participants.....27
Table 2 Background characteristics of key informants..... 28

List of figures

Figure 1 Cases of non-Amharic where interpreter is asked for at FFIC in 2007 E.C..... 38

Acknowledgement

First and foremost, I am grateful to God for all the blessing in my life and for giving me the strength to finish what I have started.

Next to God, my deepest gratitude goes to my mom, Almaz Ewnetu, for her unreserved support and amazing love which made me who I am today.

I would also like to express my gratitude to my advisor Ato Abduletif Kedir for his helpful advice and guidance.

My heartfelt gratitude goes to Justice for All-Prison Fellowship for understanding the importance of the research and providing me with partial financial support.

I would also like to take this opportunity to express my deepest and sincere love to Tibebe Moges who has been supporting me throughout my study. Thank you for believing in me!

I am indebted to my friends who gave me their precious time and unreserved support at different phases of my research. I am truly thankful for your valuable comments and continuous support.

Last but not least, I would like to forward my gratitude to all study participants who dedicated their time and shared their rich experiences.

Acronyms and abbreviations

A.A.	Addis Ababa
A.A.U	Addis Ababa Univeristy
ACRWC	African Charter on the Rights and Welfare of the Child
E.C	Ethiopian Calendar
EPRDF	Ethiopian People Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
FFIC	Federal First Instance Court
FHC	Federal High Court
FSC	Federal Supreme Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
MoJ	Ministry of Justice
NGOs	Non-governmental Organizations
SNNP	Southern Nations Nationalities and Peoples of Ethiopia
UNCRC	United Nations Convention on the Rights of the Child
USA	United States of America

Abstract

Ethiopia is a multilingual country with federal form of state structure. The 1995 FDRE Constitution gave equal recognition for all Ethiopian languages but chose Amharic to become the working language of the Federal Government. In order to accommodate the needs of non-Amharic speakers in the provision of public services, the Constitution as well as other laws require the use of interpreters in criminal proceedings at the federal level. These legislations state that non-Amharic speakers should be assisted with “qualified” interpreter so as to meaningfully participate in their criminal cases.

The objective of this research is to explore government strategies towards language barrier in criminal proceedings, before and during trial, and assess major challenges that non-Amharic speakers encounter at the federal level. The finding of this research revealed that non-Amharic speakers are not being effectively served up to the legal standards. In fact, they are encountering multifaceted challenges that endanger their fundamental human rights. This is mainly due to the absence or limited number of interpreters as well as the use of unprofessional interpreters in criminal proceedings at the federal level.

Key words: Non-Amharic speakers, language barrier, bilingual, interpreter, unprofessional

CHAPTER ONE

1. INTRODUCTION

1.1 Background of the study

Access to justice is a principal right for citizens and a foundation of a democratic society. It generally guarantees every person access to an independent and impartial process and the opportunity to receive fair and just trial when that individual's right and/or liberty is at stake. Thus, access to justice is a cardinal element of justice in any particular society that incorporates both substantive and procedural mechanisms designed to ensure citizens' opportunity for seeking redress for the violation of their legal rights within a certain legal system.

In addition, access to justice is a fundamental right and a key means to realize other rights. It is an expansive concept that embraces the nature, mechanism and efficiency of a justice system obtainable in a society as well as the place of the individual within the available judicial context.

Access to justice is a right that is recognized under several national, regional and international legislations. In Ethiopia, for instance, this right is recognized under the Federal Democratic Republic of Ethiopia (FDRE) Constitution as one of the fundamental democratic rights. Under Chapter 3, Article 37(1) of the Constitution expressly guarantying access to justice to all citizens, it is spelled out as follows:

“Everyone has the right to bring a justiciable matter to and to obtain a decision or judgment by, a court of law or any other competent body with judicial power”.

This right is also recognized under international and regional instruments that Ethiopia has become a party up on ratification, including the International Covenant on Civil and Political Rights (ICCPR), the International Convention on Economic, Social and Cultural Rights (ICESCR), the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). For instance, Articles 7 and 8 of the Universal Declaration of Human Rights (UDHR) and Article 14 of the ICCPR state that everyone is equal before the law and has the right to effective remedy against violations of fundamental rights.

One way to understand access to justice is to consider the different stages of a justice process, from recognition of a grievance to a tangible remedy in light of human rights standards. In order to effectively be a part of the justice process, from the beginning to the end, one is expected to know the working language of the justice system.

Ethiopia is home to diverse cultures, languages, ethnic groups, religions, customs, and traditions. The current Ethiopian constitution, adopted in 1995, provides the legal basis for Ethiopia's federal form of government constituted as a federation of nine ethnic-based regional states (Afar, Amhara, Benishangul-Gumuz, Gambela, Harar, Oromiya, Somali, Southern Nations Nationalities and People's and Tigray) and two charter cities (Addis Ababa and Dire Dawa). And in all these regions of the country, linguists estimate that more than 75 languages are spoken (The World Bank, 2004).

In this type of heterogeneous and multilingual community, it is difficult for government institutions to provide public services in all the languages of the society. And hence, the choice of one or more language as a working language i.e. adopting language policy becomes inevitable.

Generally, there are two approaches that governments follow towards the choice of language policy; assimilation and accommodation. Governments that pursue a policy of assimilation seek to create a homogenized society by suppressing linguistic diversity and imposing one dominant language on others (Regassa, 2009). Conversely, in countries that follow a policy of accommodation, governments adopt a language policy that responds to the competing demands of various linguistic groups. With this approach, a government can relatively manage to create peace and harmony among different linguistic groups.

With the adoption of the 1995 Constitution of Ethiopia, the government has given equal recognition to all languages in the country. This indicates that the country follows an accommodationist approach to linguistic pluralism. Despite that, Article 5(2) of the FDRE Constitution stipulates that Amharic is the working language of the Federal Government. Accordingly, the Amharic language has stayed as the working language for providing different public services within the Federal Government structure.

From a human rights vantage point, a language is a necessary condition for the exercise of all the fundamental human rights connected with the freedom of expression, verbal or written

communications. It is a vital marker of group identity, culture and common origin. Language is a means where human beings understand themselves and their society (Chumbow, 2009). It is also instrumental in opening up socio-economic and political opportunities. Hence, linguistic rights constitute an essential element in a set of fundamental, inalienable, universal human rights for an enjoyment of one's civil, political, economic, social and cultural rights.

Besides the choice of a working language, the issue of accommodating the rights and claims of different linguistic groups is bound to arise in a multilingual society. In linguistically plural society, language choice poses all kinds of problems that need to be handled cautiously (Regassa, 2009). The state must represent and reflect the interest of all its members, including members of the different linguistic communities who are legally entitled to demand public services in a language that they understand.

In Ethiopia's federal system, the legislative, executive and judiciary branches are constitutionally sanctioned to ensure citizen fundamental human rights and provide service to the public. These organs are decentralized at both the federal and regional government levels.

As per article 78 of the FDRE Constitution, the Ethiopian judiciary has a dual court system each with a three-tiered system: Supreme Court, High Court and First Instance Court. At the federal level, the court system comprises Federal First Instance Courts (FFIC), Federal High Courts (FHC) and the Federal Supreme Court (FSC).

This thesis will focus on assessing the communication problems or barriers that non-Amharic speakers face in criminal proceeding at the federal level. It examines the language access of non-Amharic speaking citizens and/or citizens with limited Amharic proficiency in criminal proceedings in light of human rights standards.

This study will have five chapters. The first chapter provides an introduction about the subject matter of this research. The second chapter discusses and reviews different literature about language barrier in criminal proceedings. The third chapter discusses the methodology while the fourth chapter provides the major findings, analysis and discussions. Finally, conclusion and recommendation are provided in the fifth chapter.

1.2 Statement of the problem

The Ethiopian Constitution provides for equal protection of different languages. When the Constitution was drafted, Amharic was selected as working language of the Federal Government and the regional states were entitled to choose their own working language. Despite the choice of working language, the Constitution also provides for a means of accommodating other language speakers specifically on criminal proceeding.

The reading of the Constitutional provisions, specific statutes as well as international conventions to which Ethiopia is signatory party provide that everyone charged with a criminal offence shall enjoy the minimum right to the free assistance of an interpreter if the accused cannot understand or does not speak the language used during investigation and trial. Accordingly, the federal system endeavors to accommodate the needs of the diverse peoples of Ethiopia from different regions.

In practice, it is observed that people that do not speak the working language of the federal government are facing communication problems in the adjudication of cases, especially criminal cases. At different stages of criminal proceedings, non-Amharic speakers are unable to effectively understand or get prompt and detailed information regarding the nature and effect of the case against them. Even if they know the case, they are not able to effectively explain their defenses to the court or associated bodies and defend their rights.

Currently, the problem in relation to the working language of the federal government becomes evident when non-Amharic speakers, both locals and foreigners bring their cases to the federal courts in accordance with its constitutionally-invested jurisdiction. Because people with limited Amharic proficiency don't understand the working language of the federal government, they are often faced with different challenges throughout all steps of the criminal proceeding. The problem is particularly complex in criminal cases. People who do not speak, read, write or understand Amharic, the federal court's working language, face the challenge of effective communication in general. Moreover, there are very few, if not none at all, interpreters to facilitate the justice process at different stages of criminal proceedings. Thus non-Amharic speakers are likely to face various procedural difficulties with the attendant financial, social, emotional and other problems. As a result, it is often observed that language is a barrier to effective communication at all stages of the criminal proceeding.

Non-Amharic speakers require the assistance of some other person, an interpreter in this case, in their attempt to access the justice system. The level and quality of justice system at every stage depends on language proficiency of individuals in their relationship with police, public prosecutor, judge, prison administration and other institutional frameworks in the justice system.

In addition to this, in a system where court proceedings are communicated in written submission, defendants who do not speak Amharic language face insurmountable difficulty to transmit pleadings or written evidences such as forensic and medical results. The severity of the problem could vary from court to court, case to case or person to person, but most non-Amharic speaking plaintiff or defendant is sure to face some difficulty. In addition to justice deficit, the self-esteem, social integration and the personality of non-Amharic speakers will be adversely affected when they face communication difficulties at every effort to access public service, especially access to justice. The frustration and emotional stress that they may go through could also be understood and clearly observed when they are unable to express themselves.

Despite the constitutional promise of public assistance for translation and interpretation, the communication difficulty that non-Amharic speakers encounter is overlooked and there is huge gap that is yet to be addressed by the federal system. As it is, hiring interpreters in sufficient numbers for the more than 75 languages spoken in Ethiopia presents a steep logistical challenge (Zahorik & Teshome, 2009). Currently only the judiciary hires interpreters, even if their number is insignificant, to facilitate the trial process. Even those hired by the courts don't stay at the job since their pay incommensurate with their workload. In addition, even if interpreters were available in the court, their mere existence would not guarantee effective interpretation and/or translation procedures. Moreover, some judges occasionally use non-professional interpreters who claim to know the language when the court runs out of options.

The challenge becomes exacerbated if the service is supposed to be extended to include people with hearing disabilities that only communicate through non-verbal languages. Persons with such disability are vulnerable groups and hence they need special assistance, an interpreter, to be part of the legal proceeding.

Moreover, currently, almost all major legislation of the country, such as the Penal Code and Criminal Procedure Code are only available in Amharic and English. Hence, persons who do not

understand either English or Amharic could not have access to the legislations. This also adversely affect people's attempt to access the justice system.

Due to all these factors, the rights of non-Amharic speaking citizens, especially those in criminal proceedings, are often jeopardized due to the fact that these individuals do not know the working language of the federal courts. Their major human rights such as their rights of access to justice, right to defend themselves and the chances of receiving effective remedy are regularly trampled on. This does not only affect citizen's right to have equal access and opportunity to public services, but also their equal participation in governmental institutions. This shows that the problem that non-Amharic speakers encounter with regard to language has not been given the attention it deserves. "This extremely important and fundamental issue has been allowed to become a 'stepchild' of the justice system: understudied, underfunded, and in terms of its ultimate impact, little understood" (Gibbons, 1996). The legal as well as the institutional structures existing in a system may be such as to preclude citizens from having access to the courts, who are therefore unable to seek for the enforcement or protection of their basic rights. And hence, this area needs to be systematically examined and require critical examination based on empirical research. Moreover, after assessing the problem, it is important to question whether or not an intervention mechanism needs to be devised to address the problem of language barrier at every stage of criminal proceedings.

1.3 Research questions

The research attempts to answer the following questions:

- I. How is language barrier manifested in criminal proceeding at federal level and how is it perceived by non-Amharic speaking accused?
- II. What are the major strategies designed and employed, if any, by the government to overcome language barrier in criminal proceedings at the federal level?
- III. What are the major challenges that non-Amharic speaking people encounter in criminal proceedings at the federal level and its implication on the accused's fundamental human rights?

1.4 Objectives of the study

1.4.1 General objective

The general objective of this research is to explore government strategies towards language barrier in criminal proceeding and assess major challenges that non-Amharic speakers encounter at the federal level.

1.4.2 Specific objectives

- I. To explore language barrier in criminal proceeding at the federal level and how the language barrier is perceived by non-Amharic speaking accused;
- II. To evaluate/assess the previous and current efforts by the federal government and other stakeholders to overcome language barrier in adjudication of criminal cases before and during trial;
- III. Suggest possible solutions for strengthening the federal form of government in addressing the rights and interests of non-Amharic speaking accused in criminal proceedings at the federal level in relation to language barrier; and
- IV. To identify major challenges of non-Amharic speaking accused at the federal level and assess its implication on fundamental human rights.

1.5 Significance of the study

As can be witnessed, the government of Ethiopia has been going through major transformations in different sectors in order for the country to achieve sustainable development. The justice system, as one fundamental sector, plays an important role in ensuring people's fundamental human rights and building democratic society and ensures sustainable development. Now days, there are many reform activities in the justice system such as the establishment of new courts throughout Ethiopia at federal, regional and local levels. But still, there are many untouched areas that entail legal and institutional interventions to enhance the delivery of justice to public. One of the areas in this regard would be the circumstance where non-Amharic speaking peoples pass through in the criminal proceeding. Due to language barrier, people that don't speak the working language of the federal government are currently encountering major challenges that hamper the recognition of their fundamental human rights.

Identifying the major challenges of people with no or limited Amharic proficiency and highlighting the seriousness of this problem in citizens right to access justice would enable the

government to acknowledge the existing problems, give due attention and take appropriate measures promptly to resolve the injustice wrought by language barrier. Moreover, given the fact that there is little literature on the subject matter, the data that are gathered during the course of this study will have considerable impact in providing a close-up picture of the practical problem to interested groups, such as academia, policy makers, judges, human rights advocates, and NGOs. The research will contribute to identify the language barrier at the federal level in light of the constitutional human rights of accused in criminal proceeding. It will also be of particular interest to the government in terms of strengthening the federal governance system and effectively responding to addressing the rights of nations, nationalities and peoples of Ethiopia to access justice equally.

Moreover, the problem of language barrier in justice processes is not only observed at federal level, but also at regional level. Citizens that have limited proficiency of the working language have been facing different problems, in criminal as well as civil proceedings of courts in different regional states. Even though this research is limited to studying the situation at the federal level criminal proceedings, it will provide an impetus for other researchers and human rights activists to undertake further studies.

1.6 Scope of the study

The purpose of this research is mainly focused on exploring the impact of language barrier in people's right to access justice system. Even though this can be observed at both criminal and civil proceedings, this research focuses on criminal cases where the rights and problem of non-Amharic speaking people is relatively exacerbated. It has observed the challenge of language barrier at both pre-trial and trial stages of criminal proceeding and explores its human rights implication.

In spite of the fact that the problem of people with limited working language proficiency is observed at regional as well as federal court structures, this research narrows its scope and focus on the major challenges of non-Amharic speakers at the federal level. Even though the federal administration includes both charter cities i.e. Addis Ababa and Dire Dawa, this research is limited to assessing language barrier in Addis Ababa.

The research is limited to assessing language barrier at federal level. To this end, the researcher selected Lideta Sub-Cty police station, Federal First Instance Court Lideta Bench and Federal

High Court Lideta Bench. The cases at Federal Supreme Court have not been covered in this study only because of time constraints.

Lideta is one of the 10 sub-cities in Addis Ababa found in the central-western area of the city. It shares borders with the sub-cities of Addis Ketema, Arada, Kirkos, Nifas Silk-Lafto and Kolfe Keranio. Lideta sub-city is selected because the police station and courts there are one of the oldest law enforcement organizations established in Addis Ababa. In addition to this, both Lideta FFIC and FHC have relatively the highest number of criminal benches. Moreover, the main registrars as well as other administrative offices of the courts are also found within the same compound. And hence, when this research discusses language barrier at the federal level, it is referring to the experience of Lideta sub-city police station in pre-trial stage and the experience of Lideta FFIC and FHC in trial stage.

This research focused on criminal cases that have been prosecuted from September 2014 onwards. Even though the problem of language barrier in criminal proceeding can be experienced by accused, victims, witnesses or other parties in criminal case, the researcher chose to focus only discussing the major challenge of non-Amharic accused. This is because the accused is the one who is going to be personally affected by the whole proceeding, especially by the final judgement of the court.

1.7 Limitation of the study

One of the major limitations of this research relates to shortage of literature on the area of subject in Ethiopian context. There is limited literatures that indicate the general impact that language policy in Ethiopia and the challenges thereof, especially in relation to education rights. Language barrier in legal proceeding, especially criminal proceeding is one of the areas where there is paucity in Ethiopia.

The other constraint is that there are almost no data regarding the number of non-Amharic speakers in Addis Ababa or other regions of Ethiopia. The national census can only give general picture on the diverse languages in the country and the estimated population that belong to each linguistic group. And hence, it was difficult to find the exact number of individuals that cannot speak Amharic at the federal level.

Moreover, the poor recording system in both police station and courts puts limitation to the study as it was difficult to identify and review cases of non-Amharic speaking persons accused in criminal proceeding.

1.8 Operational definitions used

Non-Amharic speakers- individuals who do not speak Amharic as their primary language and who may have a limited ability to read, write, speak, or understand Amharic. In this paper, non-Amharic speakers refer to people who speak local languages other than Amharic, those with hearing impairment that knows sign language and people who speak foreign languages.

Communication/language barrier- is defined as the absence of communication between people who speak different languages.

Working/ official language: Language/s used in the business of government, that is, in legislative, executive, and judicial affairs.

Minority: In Merriam-Webster's Learner's Dictionary, minority simply refers to a number or amount that is less than half of a total; the group that is smaller part of a large group; a group of people who are different from the larger group in a country, are, etc., in some way such as race, religion or language)

In relation to language, the European Charter for Regional or Minority Languages provided that “**regional or minority languages**” are languages traditionally used within a given territory of a state by nationals of that state who form a group numerically smaller than the rest of the state's population; they are different from the official language(s) of that state, and they include neither dialects of the official language(s) of the state nor the languages of migrants.

Lingua Franca- This refers to a language used for communication between groups who have no other language in common

Interpretation: In Oxford Dictionary, interpretation is defined as the action of explaining the meaning of something from one language to the other.

Translation- is generally defined as “the replacement of textual materials in one language by the equivalent textual material in another language,” while interpretation represents the oral form of the translation process.

Policy- refers to plan of action, statement of aims and ideas, especially one made by government, political party, Business Company, etc.

CHAPTER TWO

2. REVIEW OF LITRATURE

2.1. Communication, language and language barrier

One of the themes that feature prominently in the literature on access to justice is the place of language in the administration of justice. The reason for its prominence is the fact that language is the medium that either facilitates or hinders court proceedings. Communication is a significant aspect of everyday human interaction mediated by language, verbal or non-verbal (Maynard & Peräkylä, 2003). It is a powerful tool that provides meaning to human interaction at different levels. Language is also a medium of thought, an integral part of culture and a key to unlock several opportunities (Gal, 1989). In general, language has an indispensable role in human life. Language is vehicle to social, economic and political interaction of mankind.

Currently, there are more than 6600 languages in the world and over a third of these languages are found in Africa (Chumbow, 2009). This language diversity, even though it has its own benefits, poses obstacles for effective communication when people of different languages come together. As a result, the lack of a commonly shared language impedes partial or full process of communication.

In multilingual society, language barrier poses all sorts of challenges to people's life at both private and public sphere. Not only it impedes people's interaction at the individual level, it brings serious challenge for the delivery of government services such as education, healthcare, media and courts. The level of challenge due to language barrier may differ from person to person and from institution to institution. Comparatively speaking, the challenges of language barrier in institutional settings such as hospitals and courts at public sphere are more severe than private interaction at individual levels (Shah, Rahman, & Khashu, 2005). These institutions involve technical and professional terminologies and concepts more complex than a simple conversation (Hewitt & Richardson, 1995).

Different literature reveal that governments adopt multiple approaches to break language barrier in multilingual society and linguistic theories are developed accordingly (Spolsky, 2007). Literatures on linguistic diversity and theories are discussed herein under.

2.2. Approaches to linguistic diversity

Another issue in the literature is the issue of approaches to dealing with language barriers in ensuring access to justice. In the realm of political theory development, linguistic diversity has been given little attention when compared to other forms of diversity such as culture, race, ethnicity and religion (Patten & Kymlicka, 2001). In the past, scholars scarcely paid attention to linguistic diversity as political theorists “impliedly assumed” that linguistic diversity would decrease and eventually disappear in process of nation building and modernization (Patten & Kymlicka, 2001). However, a series of events such as ‘ethnolinguistic conflict in Eastern Europe, the resurgence of language-based secessionist movements in Catalonia and a plethora of other occurrences in different parts of the world showed the contrary (Spolisky, 2010). These events proved that linguistic pluralism plays significant role in political realm of every country and requires serious theoretical conceptualization. As a result, political theorist began to look closer at linguistic pluralism and the complex challenges arising in discussion of modernization, democracy, human rights and globalization (Errington, 2003). They started to develop different concepts such as language rights, linguistic minorities, language and political theories and fired up the discussion about normative theories of language rights (Tonkin, 2008).

According to Will Kymlicka and Alan Patten, there are five major factors contributing to the renewed attention to linguistic diversity (Patten & Kymlicka, 2001). These are: ethnic conflict in Eastern Europe after 1989; regional linguistic conflicts in the West; immigrant integration in the West; language controversies in European Union (EU) and the growing interest in endangered indigenous languages (Patten & Kymlicka, 2001). All these five contexts showed linguistic claims that citizens raise against their government and/or vice versa and the growing concerns of linguistic diversity in enhancing equality, democracy and social justice (Kouega & Emaleu, 2013).

Linguistic rights, as Kloss categorized it, can be divided in to two: tolerance oriented rights which are rights individuals have against government interference with their private language choices and promotion-oriented rights that individuals have to the use of particular language in public institutions for public services (Kloss, 1998). While the first category aims at ensuring individual liberty to language choices at private interactions, the second division is concerned with ensuring government services at different settings.

In a multilingual society, the government is responsible to provide public services to the diverse linguistic groups equally. In order to do so, it shall have sound language policy that is able to provide equal consideration for all languages as much as possible. Language policy, as defined by Crawford, is what a government does officially through legislation, court decisions, executive action or other means to determine how languages are used in public contexts; cultivate language skills needed for national priorities, or establishes the rights of individuals or groups to learn use and maintain languages (Crawford, 1986). Hence, language policy determines which language is used by different branches of governments in conducting their daily activities endowed by law.

In this regard, government may follow “norm-and accommodation” approach in which, as the name indicates, there would be a majority language jurisdiction for delivery of public services and a special accommodation provided for those who don’t speak the working language (Rodriguez, 2006). On the other hand, the government may designate certain languages as “official” and then accord a series of rights to speakers of those languages (Crawford, 1986)(Patten & Kymlicka, 2001). The degree of equality among official languages is better than the “norm-and accommodation” model as public services are accorded equally across languages. The delivery of public services does not depend on individual’s language proficiency but on choice.

In an attempt to address need for language accommodation, there are different approaches. The first one is “hand-off” or “benign neglect” approach in which the government acts neutral and leave the choice of language of public services delivery in the hands of individuals (Mustapha, 2014). The second one, perhaps with better prominence, is the “linguistic human rights” approach as “it offers a universal standard that applies to all individuals, wherever they are by avoiding arbitrariness of singling out particular groups or languages for official language status or accommodation rights on the grounds of their numbers, history, or nationhood” (Patten & Kymlicka, 2001). However both approaches have their own challenges as the former doesn’t effectively address the way out for delivery of public services at different level and the latter cannot be effectively realized as current human rights declarations say very little about language rights.

To theorize language policy, academic and public debates have generally been spooning around two simple dichotomies: assimilationist (linguistic convergence) and accommodationist

approaches. Assimilationist model propose that language policy shall aim at ensuring a single common language to achieve national unity and equal public services (Spolsky, 2007). On the other hand, accomodationist approach provides that linguistic policy shall target maintaining linguistic diversity and protect minority languages. These two approaches are criticized for focusing on the outcomes, which is nation-building or diversity-preserving (Skutnabb-Kangas & Phillipson, 2005).

Currently, it is almost impossible for a state to adopt linguistic convergence approach at the era of globalization given the increasing change of demography in our world. The assimilationist approach is also an out dated concept at present when human rights discourses are taking over almost all political discourses at national and international levels based on principles like equality, non-discrimination, tolerance and the like which require humans to respect others' identity, language, culture and other sources of diversity. Moreover, the idea of accomodationist approach is viable and better because it at least acknowledges the fact that government has to continue providing public services to its people in a certain language that serves citizens in better way. Still, this approach needs to expand and incorporate multiple way outs/options to accommodate people that don't speak the majority language. Further studies need to be conducted on this area and theories shall also be developed depending on the different level of contexts of a certain country. It shall provide peoples of the world with a means of coexistence respecting and preserving linguistic diversity.

2.3. Language barrier in criminal proceedings

The literature also highlights the onerousness of the burden that language barriers impose on people in criminal proceedings. Language barrier can be observed at different individual and institutional settings of any country. In different legal systems, people of different nation, almost every day, bring their criminal and/or civil cases to the court system to defend their rights and resolve disputes. They may be part of legal proceeding as a defendant, claimant, witness or others. And if people don't know the working language of the court, language barrier will inevitably pose a challenge in ensuring a fair and just operation of the judicial system (Bacik, 2007).

Language barrier, both in civil and criminal proceedings, has a significant impact on the rights and freedom of court users. Comparatively speaking, due to the sensitive nature of criminal

cases, the rights and freedoms of peoples in criminal proceeding may be more in danger than those in civil proceeding as a result of language barrier. Most of all, an accused with limited working language proficiency is inevitably vulnerable in court proceedings unless effective accommodation is provided by government to overcome communication barrier. The language barrier may have a direct impact on the constitutional rights of the accused causing serious limitation on the delivery of justice, preventing essential communications and understanding between the criminal defendant and other parties involved in the criminal proceeding (Ricento, 2005).

In most countries, governments adopt constitutional rules to protect the rights and freedoms of the accused; those with limited language proficiency. Most of these rules provide that the accused shall be provided with interpreters to overcome the language barrier among parties and the accused to make for a meaningful criminal proceeding (Hlophe, President, & Court, 2004). If there is no interpreter to assist those with limited language proficiency or those with hearing impairment, it is the same as the accused not being present in the proceeding. Moreover, the presence of interpreters in criminal proceeding by itself doesn't guarantee the provision of justice because interpretation by its nature cannot be perfect (Spolisky, 2010).

Generally, the issue of language access has been a point of ongoing discussion in different legal systems across the globe. The problem has at least been identified by governments and multiple efforts have been undertaken to address the issue. Recent literature on language access indicate that different countries like United States are even making use of technology to effectively address the challenges of people with limited or no proficiency in the working language ("White Paper on Court Interpretation: Fundamental to Conference of State Court Administrators," 2007). Every country's effort to improve its system day by day will lead to the discovery of new methods of addressing people's need in justice process. This could eventually lead to a better system where fundamental human rights can be protected in a better way irrespective of linguistic diversity.

Most literature on the rights of access to justice with regard to the accused that don't know the working language of the court has focused on the lack and inadequacy of system to address the need . And there are many articles written on language barrier during trial and the challenges of the accused before trial has been neglected. Even if the basic part of criminal proceedings lies in

court of law, the procedures that people with limited working language proficiency pass through before court appearance has been given little attention.

To observe the impact of language policies in different countries and discuss concerns it poses, the experience of United States of America, Nigeria and Ethiopia with regard to language policy choices and court interpretation are discussed hereunder. The language policy experience of United States is discussed here not because it's similar legal system with Ethiopia, but to highlight the rich experience of the legal system towards accommodating linguistic diversity in legal proceedings, especially in court proceedings.

2.4. Language policy experience in different counties

2.4.1. Language policy in United States of America (USA)

An important issue in the literature that is relevant to the Ethiopian situation is how access to justice is ensured in countries with a federal judicial system. United States of America (USA) is a federation of fifty states and most of the states in this federation such as New York, California, are known for their diverse population in ethnic, linguistic, religious and other backgrounds (Richardson, 2005). The growing diversity, especially language, has been a matter of concern that is easily observed in American demographic composition. This can be attributed to many factors but the increasing rate of immigration plays a significant role (Gilman, 2013).

The dynamic change in linguistic composition of the people has been recognized and policy makers of the United States have adopted a paradigm of non-discrimination to address language barrier in different public setting (Varenes, Murray, Shuibhne, & Henrard, 2001). The non-discrimination model focuses on overcoming major challenges that people may go through because of their low English language proficiency. As a result, the federal government provides interpretation and translation services in the provision of different government services including courts (Angermeyer, 2009).

The right to an interpreter is not specifically guaranteed in the Constitution of the USA. The right was first established in 1970 when an interpretation was provided to the Sixth Amendment of the Constitution in a case between *United States ex rel Negron v. State of New York* (Cole & Maslow-Armand, 2016). This case laid down a precedent indicating that people with limited

English language proficiency shall be provided with an interpreter to enable them meaningfully participate in criminal proceedings, especially in courts.

After the case law, Title VI of the Civil Rights Act of 1964 and Executive Order 13166 indicates the continuous effort and commitment of the USA government to court users with limited English proficiency to ensure meaningful participation in judicial system (Gilman, 2013). An increasing focus was given for language situation of non-English speakers and their human rights. The Act provides that access to justice can be addressed through both interpretation and translation services for people with limited English proficiency and with hearing impairment.

The right to an interpreter in legal proceedings has been extensively guaranteed in Court Interpreters Act of 1978 requiring federal courts to appoint an interpreter in both criminal and civil proceedings (Hlophe et al., 2004). This law provides relatively comprehensive provisions magnifying the special role of interpreters in court proceedings. It recognizes the need for special qualification for court interpreters as opposed to interpreters in other setting (“White Paper on Court Interpretation: Fundamental to Conference of State Court Administrators,” 2007). Moreover, it provides for major responsibilities that court interpreters are required by law in breaching communication barrier in court proceedings.

Following federal law, different states have incorporated the right to interpreter in their constitution and other fundamental laws. Nonetheless, a different approach was adopted by states as to who shall pay the cost of court interpreters (Richardson, 2005).

2.4.2. Nigeria’s Language Policy Experience

Literature on Africa indicates that most of African countries were under colonization between the mid of 19th century until the mid of 20th century (Ndhlovu, 2008). As part of Africa, Nigeria is one of countries that were colonized by the British.

Nigeria is home of many ethnic groups with diverse linguistic, cultural and historic groups. Despite the fact that there are over 400 endemic languages spoken within its territory, there are three major languages in Nigeria i.e. Hausa, Yoruba and Igbo (Orekan, 2010).

Before colonization, literatures on historic background of Nigeria show that the country was “sprawling territory” of diverse ethno-lingual groups having constant contact with one another through socio-economic and political interactions (Ogunmodimu, 2015). This consequently leads

to linguistic and cultural exchange “but not necessarily linguistic domination or annexation” (Ogunmodimu, 2015).

The current Nigeria was formed as a unitary territory by British colonial force in 1914 (Haftetsion, 2007). When the British came and colonize the territory, the colonial masters organized different ethnic groups into political units and English has become the language of administration. English was used in official domains of Nigerians while only little attention was given to indigenous cultural and linguistic diversity (Owolabi & Ayodele, 2012). The language was used to propagate the gospel message and western education.

Most of the literatures on Nigeria indicates that English was considered as “prestigious language of the educated” during colonial era (Mustapha, 2014). And hence, Nigerians value English as opposed to their mother-tongue languages, especially in the southern region of the country. Nonetheless, local languages were used in school alongside English. In order to effectively meet their colonial objectives, the British colonial government issued a law in 1882 that made “English the language of instruction at school and as a subject that must be taught” (Danladi, 2013).

Literatures on the language issue of Nigeria at the post-colonial era indicate there was move to recognize and accommodate linguistic diversity in the country (Adedimeji, 2002). After independence, Nigeria introduced English as its official language while the three languages of the three dominant Ethnic groups i.e. Hausa in the Northern part, Igbo in the South Eastern part and Yoruba in the South Western part were given status of national language. On the other hand, minority languages were used at regional and local levels.

According to Dare Owolabi and Samuel Ayodele Dada, the major reasons for adoption of English, a non-indigenous language, as Nigeria’s lingua franca includes fear of political domination, avoidance of internal riots, lack of infrastructure, lack of political will to push through any of the indigenous languages and that English is seen as unifying language to avoid linguistic tyranny (Owolabi & Ayodele, 2012).

Nonetheless, the language planning has created dichotomy of majority and minority languages (Oyetade, 2003). Even if the socio-political relations of Nigeria reflect linguistic consciousness, there are many minority linguistic groups until present time that claim their language has not been bestowed the attention it deserves. In fact, many groups such as Afenifere and Oodu’s

People Congress for Yoruba, the Arewa and the Turaki groups for Hausa were formed “to safeguard the interest of their respective ethnic groups in the intense competition between the elites for the control of the economic, political and social infrastructures of the country” (Oyetade, 2003). The practice also shows the privileges extended to the languages. The hierarchy can be put as English first, the three national languages second and the then regional minority languages.

Generally, the language policy experience of Nigeria can be a lesson for Ethiopia in that the issue is very sensitive and policy makers need to be mindful of the impact of their decision on different linguistic groups of one country. The government should effectively provide mechanisms by which the needs and rights of individuals that do not speak the working language of a certain government structure are effectively addressed. It shall take the lead in identifying and addressing major concerns of diversity before peoples, especially its citizens, raise it as a legitimate question. This will strengthen the federal state structure and keep the states within the system.

2.4.3. Language Policy in Ethiopia

Unlike many African countries, Ethiopia is one of two countries, alongside Liberia, that has not been colonized. The country is also known for comprising diverse population in terms of religion, language, culture and ethnicity. According to a World Bank assessment conducted in 2004, there are over 100 distinct “nation, nationalities, or peoples” in Ethiopia with more than 75 languages spoken in its territory (The World Bank, 2004).

In an attempt to address linguistic diversity, Literatures on Ethiopian language policy can generally be divided in to three; the era before 1855, 1855-1991 and post 1987. The language policy before 1855 can basically be described as dominated by Semitic language called Geez, which was used by the then major civilizations of Ethiopia like Axumite, Lalibella and Gondar (Zahorik & Teshome, 2009). In 1855 Emperor Tewodros IV has introduced Amharic language to the ruling bodies and started to use it in different official documents such as Royal Chronicles and in institution such as Royal Court (Zahorik & Teshome, 2009). This shift of language policy by Emperor Tewodros was as part of his campaign to expand his territory and unify the county (Lukáš, 2009). The use of Amharic language has continued to dominate the following regimes by Emperor Yohannes IV (1872-1889), Emperor Menelik II (1889-1913), Emperor Hailesilassie

(1930-1974) and Mengistu Hailemariam (1974-1991) (Lukáš, 2009). In fact, literatures shows that Amharic was “imposed as the de facto sole official language” during the reign of Menelik II as the emperor expanded his empire conquering more territories in different parts of the country (Haftetsion, 2007). Amharic was the only language in schools and also in the judiciary all over the country. In addition to this, the second Constitution of Ethiopia in 1955, which was introduced by Emperor Hailesilaassie, even gave Amharic a legal basis to its dominance by making it the only official language of the country (Eshetie, n.d.). This shows that, the country has stayed following assimilationist approach that fail to recognize linguistic equality and rights of competing linguistic groups in the country. The attempt of unifying the country and forming a centralized government has also contributed to the development of Amharic as the dominant language.

Many literatures on Ethiopian history reveals that the discriminating language policy, coupled with other social, economic and political issues, eventually leads to the rival of different ethno-linguistic groups in different parts of the country against Emperor Hailesilassie (Haftetsion, 2007). Following this, the military junta “*Derg*” took power promising to change the injustice and fulfill the dreams of different nations, nationalities and peoples of Ethiopia. *Derg* has introduced new language policy in the 1987 Constitution stating the state’s responsibility to ensure equality, development and respectability of languages of nationalities (*The Ethiopian Constitution of 1987*). As a result, different literatures provide that the use of local languages other than Amharic in different government programs such as in state-owned broadcast media and the national literacy campaign was a significant change in Ethiopia during the *Derg* regime. Nonetheless, Amharic was still the only language used in formal education, administrative structures and the judiciary which are considered the major public services by the government (Haftetsion, 2007). Due to this unmet need of nations, nationalities and peoples of Ethiopia and its brutal dictatorship rule, *Derg* was militarily overthrown from power by the current ruling coalition named Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF) in 1991 (Eshetie, n.d.).

According to the literature, both the 1991 Transitional Charters as well as 1995 Constitution adopted by EPRDF provided equal recognition of languages of nations, nationalities and peoples of Ethiopia (Eshetie, n.d.). But still, Amharic was chosen to be the only working language of the Federal Government. In a minute that was taken following parliament discussion about article 5

the 1995 constitution, many representatives of nations, nationalities and people indicated that Amharic was preferred as working language because of its historical chances to be spoken throughout the country.

At the federal level, both in Addis Ababa and Dire Dawa, government services are provided in Amharic. It is evident that many nations, nationalities and peoples of Ethiopia from across the country live in these cities. And when people who have limited Amharic language proficiency came to use public services, language barrier can often be a problem. The Ethiopian legal framework provided mechanisms by which non-Amharic speakers can be assisted in language whenever the need arises. Specific legislative framework has been discussed hereunder.

2.5. Normative Review

With regard to linguistic diversity and means of accommodation, the current baseline instrument in Ethiopia is the 1995 Constitution. The reading of the constitutional provisions indicates that the state of Ethiopia has given special attention to the language problem in the justice system as it has dedicated two important articles that provide protection for accused and arrested persons with limited proficiency in the working language. The Constitution stated that people that don't know the working language of the government are entitled to get the services in language they understand. Especially in criminal proceeding, the protection of the law extends from the time of arrest to the time of prosecution in court of law.

Under Article 19(1), the Constitution provides:

*“Persons arrested have the right to be informed promptly, **in a language they understand**, of the reasons for their arrest and of any charge against them.”* (Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, 1995)

Adding to this, Article 19(2) reads:

*“Persons, arrested have the right to remain silent. Upon arrest, they have the right to be informed promptly, **in a language they understand**, that any statement they make may be used as evidence against them in court.”*

In addition to this, under article 20 of the Constitution, which talks about the rights of accused persons, sub-article 7 provides that:-

*“They have the right to request for the assistance of an **interpreter at state expense** where the court proceedings are conducted in a language they do not understand.”*

The Constitution not only put obligation to responsible government bodies to assist people with limited working language proficiency, it also indicated that the cost of language accommodation shall be covered by the state.

In addition to the constitutional provisions, there are numerous international and regional human rights laws that Ethiopia has ratified on right to free assistance of interpreter in criminal proceeding.

For instance, article 14(2) (f) of ICCPR provides for minimum guarantees that everyone in criminal proceeding is entitled. This sub-article provides:-

“...To have the free assistance of an interpreter if he cannot understand or speak the language used in court.”

Coming to the regional human rights laws, the African Charter on Human and Peoples’ Rights similarly provides that in determination of criminal charges against person, one of the essential elements of fair trial is the entitlement to the assistance of an interpreter if he or she cannot understand or speak the language used by the judicial body (“African Charter on Human and Peoples’ Rights,” 1987).

By being party to the international and regional human rights laws, Ethiopia is required by law to comply with the standards contained in the conventions. These legal frameworks provide that everyone charged with a criminal offence shall enjoy the minimum right to the free assistance of an interpreter if the accused cannot understand or does not speak the language used during investigation and trial.

In addition to the constitutional and international and regional conventions, there are specific laws that provide protection for protection for people with limited working language proficiency. The federal system endeavors to accommodate the needs of the diverse peoples of Ethiopia from different regions. The Criminal Procedure Code of Ethiopia also provides under article 27 (4):

“Where the arrested person is unable to properly understand the language in which his answers are to be recorded, he shall be supplied with a competent interpreter who shall certify the correctness of all questions and answers”.

Article 126 (2) of Criminal procedure Code which talks about opening hearing also provides:-

“Where an interpreter is required for the purposes of any proceedings, the court shall select a qualified court interpreter. Where none is available, it will select a competent interpreter but no person shall be selected who is relative to the accused or prosecutor or is himself a witness.”

In addition to the assistant of interpreter, the Criminal Procedure Code even goes further and requires the court to choose “qualified” or “competent” interpreters to assist individuals with limited language proficiency in criminal proceedings (*Criminal Procedure Code of Ethiopia Proclamation No. 185/1961*, 1961). But there are no other laws that provides for what qualified or competent interpreter actually means. As a result, problems are observed in criminal proceedings across the country that impeded citizen’s right to access the justice system.

On the other hand, the Federal Courts Proclamation No. 25/1988 and its amendments provide for the assistance that should be provided to people that don’t know the working language of the federal courts.

Article 25 (2) of the proclamation provides as follows:

*“The courts shall provide **an interpreter** to a party who don’t understand Amharic.”*

Despite equal protection by constitutional as well as other specific laws to multiple linguistic groups in the country, there is huge gap between the law and the current practice on the ground. Nonetheless, the area remained ignored and/or unnoticed by literature.

CHAPTER THREE

3. METHODOLOGY

3.1. Research Design

This research mainly employs a qualitative approach to obtain the required data. Qualitative research design helps to understand phenomena deeply and in detail (Bobby, 2010). It provides rich understanding of social phenomenon giving the researcher better opportunity to explore patterns and themes, describe experience, and interpret phenomenon (W.Creswell, 2007). Qualitative research design is appropriate for this study because data collected through this method provides an in depth overview in examining the real experience of non-Amharic speakers in criminal proceeding before and during trial. And hence, the research describes and explains the problem area.

3.2. Tools used and data collection process

In order to come up with the desired outcome stated under the objective of the study; both primary and secondary data were used. Thus, as a primary source of data, observation and in depth and structured interview, and as secondary source of data, various articles and books were reviewed.

3.2.1 Primary data sources

Non-participant observation- The researcher looked for herself what the problem actually looks like by being in both police station and courts. Observation is conducted by preparing observation checklist. The researcher visited Lideta police station three times to observe how suspects are communicated. On the other hand, the researcher observed court interpretation one time. This enabled the researcher to develop comprehensive understanding of the problem and its subtleties in different contexts.

In-depth interview-Having an in-depth with non-Amharic speakers regarding the problem that they encountered during the adjudication of their criminal case helped the researcher to identify themes of the research area. It also helped the researcher to understand how non-Amharic speakers perceive language barrier in criminal proceeding.

Key informant interview- Conducting key informant interview helped the researcher to know what peoples working in the research area think. This also enabled the researcher to gather information with regard to government's effort to address the issue so far, what measures are taken currently and what is planned to be done in the future. The researcher used convenience sampling to conduct the interview with key informants such as judges, court registrars, prosecutors and police officers.

3.2.2 Secondary Data Sources

The researcher reviewed books, journals, articles and other relevant publications. Moreover a combination of international, regional and national legal instruments, policy, and academic works on the issue of language barrier and access to justice were also consulted. The purpose was to get the bigger picture of the problem at different level. It also was to inform the issues to be interrogated by the study, as well as, triangulate the field information with conclusions derived from earlier studies and policy documents. Secondary data sources such as policies and manuals of different countries were also referred and analyzed. In addition, annual report of FFIC as well as BPR and BSC documents were reviewed.

3.3. Sampling Technique

This study uses purposeful sampling for the recruitment of participants. The researcher selected a total of 35 research participants based on their usefulness to provide valuable information suitable for the research. The researcher mainly used the experience and responsibility of participants as criteria to locate participants. Most of the interviews were conducted in Amharic language but English was also used to interview English speaking foreigners. An interpreter was used to conduct interview with participants that speaks neither Amharic nor English. The qualitative data gathered through interviews with key informants were transcribed and translated.

3.4. Background information of the research participants

A total of 34 participants were involved in this study. Out of these participants, the legal professionals like judges, public prosecutors and registrar officers who work at Federal First Instance Court (FFIC) and Federal High Court (FHC) Lideta Bench. Similarly, the interpreters and human resource management representative in this study also works in Lideta FFIC. The

police officers, the other participants, work at Lideta sub-city police station. On the other hand, most of the non-Amharic speakers in this study were prisoners in Addis Ababa Prison Administration, Kality Prison whose cases were decided at Lideta Federal High Court. In order to communicate with non-Amharic speakers, the researcher used interpreters. Out of 15 non-Amharic speakers, two of the participants were persons with hearing impairment. The researcher thus used list of written questions and an answer sheets to communicate with them. The academicians in this study is an instructor who teaches law courses for more than 25 years in Addis Ababa University (A.A.U). He is currently teaching courses like Comparative Constitutional Law, Ethiopian Constitutional Development and Comparative Federalism and Research Methodology in AAU.

Table 1 Background characteristics of the study participants		
Background characteristics	Frequency	Percent
Profession of participants		
Police officer	2	10.0
Judge	9	45.0
Public Prosecutor	3	15.0
Registrar	2	10.0
Interpreter	2	10.0
Human resource manager	1	5.0
University Instructor	1	5.0
Year of service in years		
1 year and less	4	20.0
2-5 years	10	50.0
6-10 years	4	20.0
Over 10 years	2	10.0

Table 2 Background characteristics of key informants		
Background characteristics	Frequency	Percent
Age		
18-30 years	7	46.7
31-45 years	1	6.7
Over 45 years	4	26.7
Nationality		
Ethiopian	7	46.6
Non-Ethiopia (Foreigners)	8	53.3
Type of crime committed		
Child trafficking	1	6.7
Anti-peace group	2	13.3
Genocide	2	13.3
Drug trafficking	3	20.0
Forgery	4	26.7
Money laundering	2	13.3
Child abuse	1	6.7

3.5. Method of data collection and analysis

In early February 2016, the researcher identified and contacted potential participants of the study by explaining the major objectives of the research. Then participants were invited to take part in the research through formal letter of collaboration from Center for Human Rights, Addis Ababa University. After securing an informed consent, most of the participants were personally interviewed by the researcher between mid of February, 2016 to end of May, 2016. Basic demographic data such as job title, gender and age were collected at the beginning of each interview. Almost all interviews, except one, were recorded using ICD-PX 333 SONY audio-recorder.

Data analysis of the research was made manually. Accordingly, significant statements and phrases pertaining to the subject of the study are extracted from each transcript. Meanings are then formulated from the significant statements. Then the meanings are organized into themes, and these themes evolved into theme clusters, and eventually into theme categories. A color coded system has also been used to highlight specific themes/categories to perform a preliminary analysis.

Data Analysis through thematic content analysis was done based on the following pre-determined themes:

- A. Language barrier at the Federal Level (Before trial, during trial)
- B. Logistics on Court Interpreters
- C. Quality of Court Interpretation at the Federal Level
- D. The Impact of Inadequate Interpretation Service in Criminal Proceeding
- E. Language Barrier as Perceived by Non-Amharic Speakers

Then, the researcher wrote a rich and exhaustive description of the lived experience of participants and from this the essential structure of the research was formulated. Validation was solicited by recruiting professional interpreters. This description is presented in the finding and discussion part.

3.6. Ethical Consideration

Prior to data collection, an official letter was obtained from Center for Human Rights of Addis Ababa University. All research participants were asked to provide an informed consent prior to providing any information. To this end, the researcher first introduces the title and major objective of the research to each participants of the study. The participants were also informed that the privacy and confidentiality of data gathered from interview will be ensured. After full briefing about the research, participants were asked to provide their verbal or written consent. Throughout the research, priority was given for the rights, needs, values and desires of the research participants. To ensure anonymity, the researcher has coded information gathered through data collection. The data collected in this research has been kept under locked cabinet and on password protected computer and will be destroyed one year after successful completion of the research.

CHAPTER FOUR

4. FINDING, ANALYSIS AND DISCUSSION

4.1. Language barrier in criminal cases at federal level

For non-Amharic speakers, because of language barrier, going through different stages of the criminal proceeding can be daunting experience, especially for the accused. The accused's ability to understand the proceeding and communicate with lawyer, judge or others has a direct impact on his right to access to justice, fair trial and other fundamental rights.

In this study, non-Amharic speakers can be categorized in to three: foreigners, Ethiopians who speak other local languages and people with hearing impairments that use sign language to communicate. This division is made because all these three group of individuals encounter similar problem with regard to language. The magnitude of language barrier or the challenge thereof is different.

Usually, a person with no or limited language proficiency have "difficulty speaking or comprehending working language in a pressured or highly charged situation, or in a location that is not part of their common experience, such as in a court room or at a police station" (Cole & Maslow-Armand, 2016). In addition to this, the words used in court of law are different from words that are used on every day conversation as they involve a lot of legal jargons which are difficult to be easily understood by persons who are out of the legal profession. It is therefore important to assist non-Amharic speakers with language and ensure their meaningful participation in criminal proceeding.

Currently the Ethiopian legal system uses interpreters as a means of breaking the language barrier in legal proceedings. Hence, government institutions such as the police station and courts are responsible to meet the need of people who do not know the working language of the federal government by providing interpreters. Language barrier at the federal level, before trial (at the police station) and during trial (at court of law) is discussed below.

4.1.1. Language barrier before trial

A criminal proceeding usually starts with the police. A person is entitled to certain fundamental human rights up on first contact with the police officer that arrests him. As per the Constitution

as well as other specific legislations, an accused/arrested person has a right to be promptly informed of the nature and cause of charge against him in a language he understands. Arrested person who do not know the working language also have the right to be informed of his right to refrain from making a statement at police station; and if he provide statement that it will be used as evidence in court of law (*Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, 1995*).

From observation, it has been seen that an accused is not familiar with his rights in many cases. And hence, it is at this critical stage of criminal proceeding that an interpreter should be available to break the language barrier. The state is therefore responsible to allow arrested persons to make informed decision about making statements to police. For non-Amharic speakers, the state is not only responsible of informing the rights of accused/arrested of his rights before trial, it is also expected to do it in a language he understands.

In police station, the investigating police officer need to communicate with the accused in different phases such as during detention, recording statement, investigation, application of remand and the like. In order to conduct these responsibilities effectively, the police shall be assisted with an interpreter.

According to data gathered from Lideta sub-city police station, there are many cases involving people, both local and foreigners, which do not speak the working language of the police. Regardless of the number of cases that appear before the police station, there are no formal institutional or legal mechanisms laid down to assist non-Amharic speakers either to inform the accused/arrested the nature of the crime or his right not to make statement. (Tamirat, 2016)

Unless the police officer detaining the accused knows the language of the accused, a non-Amharic speaking person doesn't have the opportunity to know the nature and cause of crime he is accused of until he reaches the police station. Since there are no interpreters hired at police station, a non-Amharic speaker may not promptly be informed of the charge brought against him even after reaching police station. It is only when the search for interpreter is successful that non-Amharic speakers can be provided with the necessary information that the law requires.

The absence of interpreters at the police station has an impact not only on the accused but also the police officers. According to Sergeant Tadesse Feleke, the fact that there is no interpreter in police station has an impact on their daily work as the search for interpreter take most of their

time which they could use to do other important activities (Tadesse, 2016). He also added that if a case involves non-Amharic speaker, the whole process of handling non-Amharic speaker in police station will be prolonged. Perhaps this is because interpretation by its nature requires time since the conversation at least requires three individuals; the police, accused and an interpreter in this case. Hence, it requires extra time, patience and effort, especially from the police side, which may not be required while entertaining cases in Amharic. On the other hand, a person who is assigned as an interpreter also requires time to listen to what the non-Amharic speaker said, comprehend, and present it in a meaningful way in which the police could understand.

In Lideta Police Station, it is either the police officers or other individuals such as friends, families of the accused or anyone that claim to be a bilingual who acts as an interpreter to assist with the language barrier. Almost all of persons who act like an interpreter are requested to provide interpretation as a volunteer and no payment is made to their service. This may impact the quality of the interpretation service which may have negative influence on accused's fundamental right.

Similar to the police officers, the search for an interpreter also challenge public prosecutors assigned in that specific police station. According to Dagmawit Alamne, a Federal Public Prosecutor at Lideta Justice Office under the Ministry of Justice, federal public prosecutors are assigned in police stations to work in collaboration with the police officers during criminal investigation (Dagmawit, 2016). Every three month the federal public prosecutors who were working in the police stations will be re-assigned to either another police station or to the court. In police station, public prosecutors get to talk to non-Amharic speakers while framing and preparing their charges.

As per Tarku Busha, there are many instances where public prosecutor gets to meet accused person starting from the first day he came to the police detained. Usually, an investigating police and public prosecutor share same office so as to work together on criminal cases. Hence the public prosecutor usually observes and assists police officers while recording statement and asking different questions to accused. The second instance could be when public prosecutors are not available during statement recording and when he wants to hear the accused's side of story after receiving report from the investigating police officer. Thirdly, the public prosecutor may by himself record statement from an accused. Fourthly, there are instances where the public

prosecutor acts as a mediator for minor criminal cases such as utterance and minor body injury. The sixth instance could be when the accused require contacting the public prosecutor. The other instance could be when public prosecutor execute his duty to visit prisoners in the respective temporary detention centers to check the condition of prisoners or check if there are delayed investigations or prisoners whose bail right has been granted (Tariku, 2016). In all these instances, public prosecutors are required to communicate with the accused and if the accused and public prosecutor do not have common language, it is difficult to communicate.

Because there are no interpreters at police station, public prosecutors also involve in search of person that can assist them in interpretation for language of their clients. With regard to this, Ashenafi Mengistu, Federal Public Prosecutor, stated that the public prosecutors also involve in search for an interpreter because they have the duty to assist justice system (Ashenafi, 2016).

In a search of an interpreter, the public prosecutors as well as the police usually give priority for bilingual police officers at that station to help them with communication barrier. Usually, it is after checking that there are no bilingual police officers that the prosecutors tell their client to bring their own interpreter or start to search any interpreter. When asked about why they give priority to police officers, Ashenafi stated that they do this out of custom and that there are no formal guideline which provides for procedures that the public prosecutor should follow in an attempt to find an interpreter.

From the researcher's observation, it has been identified that, most of the time an accused is only informed of the crime for which he is charged with and not the other rights that the law provides before trial. In fact, this could also take several days for non-Amharic speakers.

According to one of the non-Amharic speaker involved in this study, it was after 3 days that he was informed that he was accused of child trafficking (NAS¹14, 2016). When asked if there is anything that the police officers told him up on arrest, another non-Amharic respondent said:-

After they arrested me, they put me in dark room for two weeks. They did not ask me anything, they did not allow my parents to know where I am...I didn't have the chance to give statement to police.... nobody said or asked me anything. (NAS 5, 2016)

¹ In order to protect the right and interest of research participants, all of the non-Amharic speakers have been anonymous. NAS is an abbreviation to non-Amharic speakers. Background information of non-Amharic speakers is annexed at the end of this paper.

These kinds of cases show that detained non-Amharic speakers are unable to ask or say anything even if they want too. Despite the need for interpreters at the police station, the problem has not been raised as an issue or concern in their respective police station at Lideta sub-city, according to Sergeant Tadesse Feleke. This can imply that the issue of non-Amharic speakers or the challenges that they are encountering at police station has not been felt by the concerned bodies. During interview, it has been observed that the police officers also don't not seem to recognize the seriousness of the problem and the impact it may have on the accused.

The other crucial step before trial that requires the assistance of interpreter for non-Amharic speakers is during statement recording. An accused with limited language proficiency shall be well informed of his right to choose whether to make statement or not (*Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, 1995*). This also requires communication and effective understanding between the police officer and accused/arrested person.

If the non-Amharic speaker decides to give statement, he should have to understand what the police officer is asking so as to respond accordingly. And if the accused don't understand what the investigating police officer is asking, it is going to be difficult to get the necessary information. Especially, in our legal system where by the statement of the accused can be taken by the court as evidence, it is important that these groups of individuals get the necessary information that the law requires in a language that they understand (Eun & Mattila, 2011).

In relation to this, one foreigner from Kality prison stated:-

The biggest thing is our statements, what they are writing in our statements. You tell them you have family, you tell them you have children but they are not writing that. All our sentence papers, charges and sheets [the forms used to take down the statements of the accused, the criminal charges and the judgment and sentences are all prepared in Amharic] all are in Amharic. We don't know what is written but we have to sign for it. That was a big issue. The interpreter is the police investigator (NAS14, 2016).

Similarly, another non-Amharic speaker participant also added that he was surprised to see that the police officers did not provide him with a copy of the charge in the language he understand, at least in English, even if they know that they are dealing with foreigner (NAS 10, 2016). The

other non-Amharic speaker even claimed that there was no interpreter when the police officer records his statement. He said:

There was no interpreter. The guy [referring to one of the police officers] speaks little English. They did not read the statement for me but tell me to sign it without any interpreter (NAS 12, 2016).

According to article 86 of the Criminal Procedure Code, a statement shall be read out to the accused before he is asked to sign it. After taking down the statement of the accused in Amharic, the police officer is expected to either use the same interpreter to read what has been written in the statement before letting the accused sign it. But the practice shows the contrary.

Majority of non-Amharic speaker participants in this study stated that their inability to read and speak the working language of the federal government significantly limited them from exercising their fundamental rights. Especially, the fact that the police officers are the one who acts as an interpreter in criminal case of non-Amharic speakers makes the accused question the neutrality of police officers and the interpretation service they provide. Because, it is the police officer that brought the criminal charge against the non-Amharic speaker and it is the other police officer that is going to provide interpretation services. This is true especially for local languages because members of the police are composed of individuals from different nation, nationalities and peoples of Ethiopia. In relation to this, Tadesse said he understand the concern of non-Amharic speakers. The use of police officers as an interpreter may create doubt to the accused since the interpreter is staff of the police station. (Tadesse, 2016)

The other instance where communication barrier could be observed before trial is when application for remand is made by police officer to courts. As per article 59 of the Criminal Procedure Code, investigating police officer may apply for remand to the respective court where the investigation is not complete. This step requires the police officer to bring the detained non-Amharic speaker before court of law. In this kind of cases, the judge as well as the police officer is going to be faced with language barrier. Regarding this, Yemane Weldegebreal, a judge assigned on special bench to see only remand cases, said as follows:

I see gap between law and the practice as there are no enough interpreters and people are exposed to several adjournment of cases because of lack of interpreters. Communication is impossible without interpreters (Yemane, 2016).

Generally, the role of interpreters before trial is, therefore, very important starting from time of arrest. The basic steps that criminal procedure has before trial are critical steps that may have direct or indirect impact on the rights and freedoms of an accused or arrested persons. Any communication with accused people that do not know the working language of the federal government shall always be supported by appropriate interpreters who at least have the capacity to interpret one language to Amharic and vice versa.

Nonetheless, the qualification of interpreter required at pre-trial period may not be necessarily the same as for court interpreters because the conversation before trial may not have much legal terms. That does not mean that unqualified interpreters shall be assigned just to fulfill the requirement. There is no question that an interpreter shall at least have the knowledge and skill of the language of the accused as well as the working language to effectively bridge the communication gap. An interpreter who knows the two languages well may suffice when compared to court interpreter. This is first because, the interpreter has comparative advantage to take time and assist the accused at the police station. The interpreter is not required to rush through the process as there are no other parties that await the responses of the accused except the police investigators. But in a court of law, the prosecutor, judge, witnesses, court attendants and other parties may be there requiring the service of the interpreter same as the accused.

In addition to this, there is no special setting at the police station. An accused or arrested person may pass through the investigation process in a room that is very similar to other rooms that he knows before. But in court of law, there are special places assigned for the judge, public prosecutor, witness and accused. One cannot stand or sit in the place specifically assigned for the other. Hence, it would be better if court interpreters are familiar with court setting and the role of each party during trial so as to inform the accused who has only limited working language proficiency. Moreover, unlike at the police station, an accused is not allowed to talk at any time in court of law. S/he can only speak when required or allowed by the judge presiding in that bench.

Overall, the complexity of communication and the procedures before trial are less technical when compared to the trial stage. Consequently, the qualification required of interpreters at the police station could be made less technical. But it is sure that cases involving non-Amharic speakers usually require the assistance of interpreters to assist the justice process before trial.

4.1.2. Language barrier during trial

Non-Amharic speaking individuals come to courts in criminal cases as accused, as victim of crime or as a witness. Even though there is no organized system of documentation both at FFIC and FHC Lideta Bench that indicates the exact number of cases involving non-Amharic speakers, many respondent judges as well as the registrar officers stated that there are many cases involving people with limited or no working language proficiency in the respective courts.

The current criminal benches, both at the FFIC as well as FHC, are divided into special courts that only see specific cases on specific areas. These special benches include those that only see flagrant offences, remand applications from police, tax and customs, children and young offenders and women and children bench. And hence, the occurrence of cases involving non-Amharic speakers before one court depends on the nature of cases presented before the bench. For instance, for criminal bench that sees tax and customs cases, many Chinese suspects come before the bench accused of crimes related to tax and other crimes. So many cases involving non-Amharic speakers can come frequently in this bench than others.

In addition to this, Daniel Aregawi, a judge at FFIC Lideta Bench, indicated:-

The frequency of cases involving non-Amharic speakers also depends on the locality of the area where the crime is committed. For instance, there might be many non-Amharic speakers in Gulele sub-city than Lideta. So the chance of seeing cases of non-Amharic cases depends on people who settled in that specific locality. (Daniel, 2016)

In addition, he also said the types of institutions in that sub-city also have its own contribution to the frequency of cases appearing before courts involving non-Amharic speakers. If for instance there are institutions such as airport, bus stations, immigration and others in certain sub-city, then it is very likely that non-Amharic speakers appear before court of law in that specific sub-city. Due to this and other reasons, cases of non-Amharic speakers may appear frequently in one bench while rarely in other benches. But there is no question that these cases often appear before federal courts in Addis Ababa.

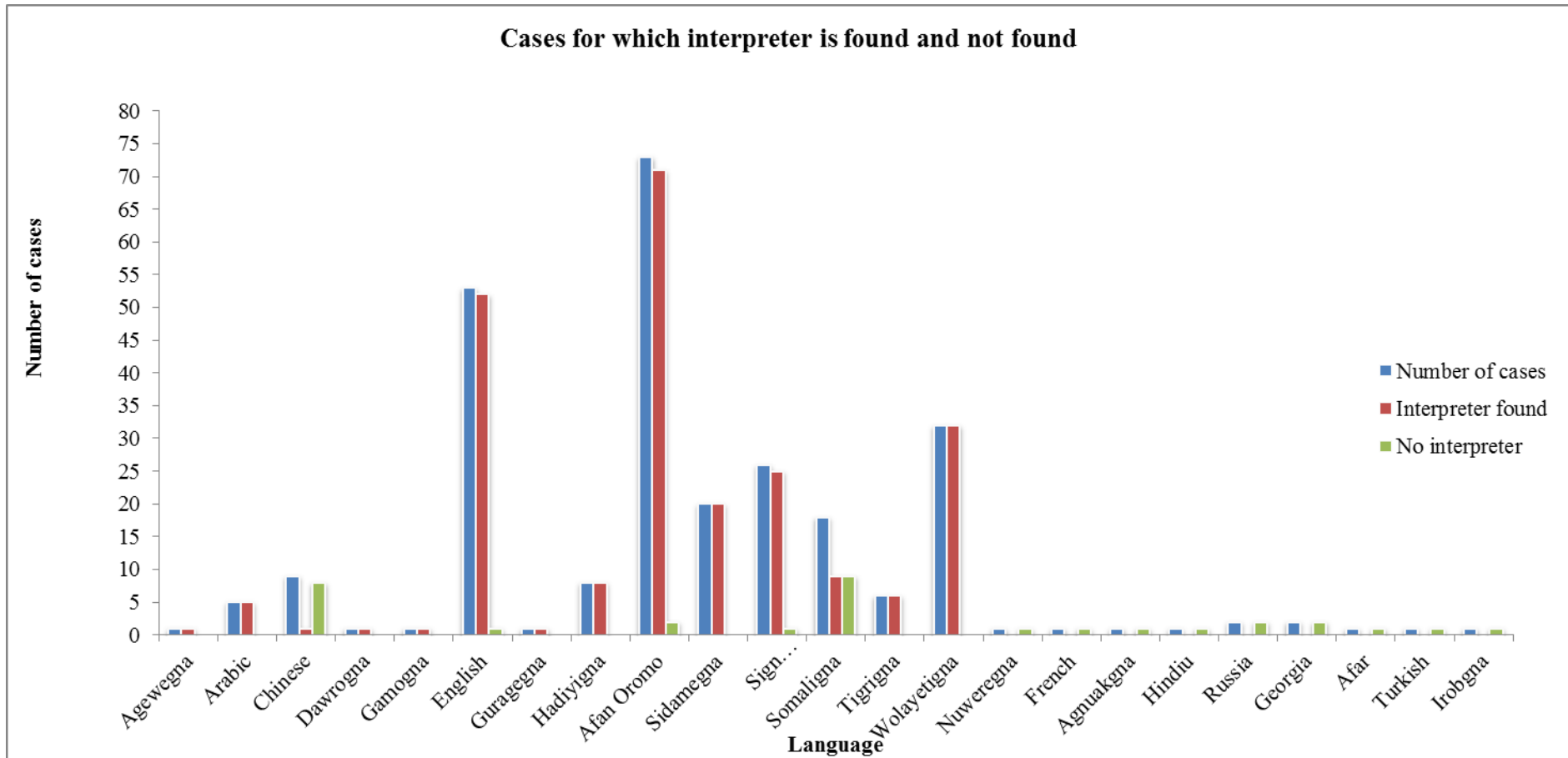


Figure 1 Cases of non-Amharic where interpreter is asked for at FFIC in 2007 E.C

NB: The above information is gathered based on the data collected from the main registrar office of FFIC. The data is calculated by counting the number of formal communication between the main registrar office and different benches in several sub-cities of A.A. in 2007 E.C. through letter. [The difference between formal and informal communication will be discussed in 4.1.4. of this paper] The data only shows the formal communication between the registrar and judges. Hence, the purpose of the above graph is to show that there are plenty of cases presented before federal courts and it does not intend to show the exact number of cases that require the assistance of interpreters.

4.1.3. Logistics of interpreter at the Federal Level

According to the Human Resource Management representative at Lideta FFIC, who wants to stay anonymous, there are two local language interpreters currently hired at FFIC. The first interpreter interprets Amharic into Afan Oromo and vice versa. The second interpreter interprets Afan Oromo and Somali languages into Amharic and respectively. The former is assigned in A.A. while the latter is assigned in the FFIC in Dire Dawa. In addition to this, there are three English language interpreters who have not finished their probation period at the time of data collection are hired very recently (HRM, 2016)².

On the other hand, there are no interpreters currently hired by the FHC, according to W/o Hiwet Mamushet, FHC main registrar. (Hiwet, 2016) But she said the registrar is currently working on improving their structure and planning to make interpreters available in the four local areal benches of FHC in A.A. i.e. Kality, Bole, Arada and Lideta.

The data shows that there are only few permanent interpreters at the federal level who are hired for limited languages. This shows that the numbers of interpreters are insignificant compared to the diverse languages spoken in the country and the need in courts. The shortage of interpreters who are permanent employees of the court is very acute. The government is expected to give more attention to accommodate local languages over foreign languages. But the current data shows that the number of foreign language interpreter, English in this case, is greater than the number of local language interpreter at FFIC. Perhaps this may be attributed to the significant salary difference allocated to local language interpreter and foreign language interpreters under the civil service law.

Court interpreters, as any civil servant, are administered under the Civil Service law. And the civil service law allotted ten posts for local language interpreters and another ten for foreign language interpreters at FFIC. There is no post for sign language (HRM, 2016). On the other hand, the Civil Service Directive assigned three for each local and foreign language at the FHC. Currently, there is no post for sign language interpreter (HRM, 2016). In addition to this,

² The research participant from Federal First Instance Court Human Resource Management wants to stay anonymous. Hence, HRM is used as a code to refer the person.

whenever the human resource management posts vacancy announcements for foreign language, they always post for English language interpreters only.

Even though the job post for interpreters is available at both FFIC and FHC, majority of job posts for interpreters is still vacant. This may be attributed to the unattractive salary and incentive mechanisms available for court interpreters.

As per the requirements of court interpreters, the current civil service law requires a person to finish 10th grade in the current curriculum or 12th grade in the old system and to have four or more years of experience to be hired as local language interpreter. On the other hand, the minimum requirement for foreign language interpreter is to be degree holders with six years of work experience. Corresponding to this, the starting salary for local language interpreter is 1305.00 birr (One thousand three hundred birr) while it is 3425.00 birr (Three thousand four hundred and twenty five birr) for foreign language interpreter.

The fact that government legally assigns job posts for interpreters both at FFIC and FHC shows its commitment to implement the language policy and respond to lingual diversity at the federal level. But, on other side of the coin, despite the fact that government is expected to give more attention to accommodate local languages over foreign languages, the current data shows that the number of foreign language interpreter, English in this case, is greater than the number of local language interpreter at FFIC. Moreover, the qualification provided for foreign language interpreters is higher than local language interpreters. In addition to this, the amount of salary assigned for foreign languages interpreters is almost twice as much as the local languages. This gives a clear picture as to why the number of local language interpreter is lower. In fact, it also shows that the government is more concerned about the quality of services that foreigners are getting as opposed to its citizens. The Ethiopian state is a federation of nations, nationalities and peoples that follows democratic rule of governance. If democratic, it shall be in alignment with the core theme of democracy which is a government of people, by the people, for the people. Even though the assignment of permanent job posts for court interpreters, it shall be effectively be functioning by fulfilling the necessary logistic, especially for local languages. It shall also come up with mechanisms by which the current policy can practically be implemented.

Moreover, the absence of job post for sign language interpreter, at least one, may imply that sign language has not been recognized as language by itself or it is overshadowed by other verbal

languages. It may also imply that the concern of persons with hearing impairment has not been given any attention when it comes to legal proceedings.

Both Hiwet and Human Resource Management representative stated that it is difficult to hire both local as well as foreign language interpreters with the current salary. Regarding this, HRM representative of FFIC said:-

First of all, we don't usually find applicant even if we provide job posts for position of interpreters repeatedly throughout the year. Even if we manage to hire, they usually complain about their salary with respect to their responsibility in different courts other than Lideta [Ten local areal benches in A.A.]. So they usually join the court system seeking the work experience. After staying maximum of one or two years, they will leave the institution as soon as they find other opportunities (HRM, 2016).

This shows that court interpreters permanently hired by the FFIC court are expected to rotate in each court in ten of the sub-cities in A.A. According to Zufan Weldegebreal, registrar at FFIC, there are around 106 benches in ten of the local area benches in ten of the Sub-Cities (Zufan, 2016). The interpreter may even be assigned to the FHC and Federal Supreme Courts in some cases where these courts ask FFIC for collaboration, she added.

When comparing the amount of salary with the work load of court interpreters permanently hired, it can be concluded that it is insignificant. Regarding the salary, Yeshidagna, who is permanent English language interpreter at FFIC Lideta Bench, said that his current salary is not enough when compared to the workload and the transportation expenses they incur.

The small number of court interpreters creates workload on those who are permanently employed. According to Mesfin Zewdie, Afan Oromo Interpreter permanently hired by FFIC, the payment for their job is unfair considering the work load they have each day. He said:

I provide interpretation service for at least two cases per day. Usually there are more than one person who requires interpretation service in a single case such as witnesses. The maximum cases I have interpreted are six cases per day (Mesfin, 2016).

In addition to unattractive salary and workload, the incentive mechanism for court interpreters is also low. As discussed above, an interpreter may be assigned to different courts in ten of the sub-cities in Addis Ababa. Accordingly, it is their duty to appear before the court that they are

assigned. They may have morning session in one sub-city and afternoon session in another sub-city. Hence, they need transportation to go from one place to the other. Considering this need, the court provides interpreters with *Anbessa* City Bus ticket which they may use for a month. Even though this seems an option, interpreters are saying that it is not enough.

I usually don't wait for the bus to come as I may not reach at the appointed time. If we don't appear on time, the court may order issue for our arrest for not complying with the court order. In order to avoid that, I often cover my own transportation cost. Compared to our salary, this is not fair. We should at least be provided with transportation allowance or even per dime when we are assigned to work in different courts (Mesfin, 2016).

Yeshidagna also shares this. He even brought his complain before the Human Resource Management (HRM) and asked them to provide him with transportation allowance. But he said his complain has not been addressed (Yeshidagna, 2016). He also said that transportation allowance is allocated for professionals in other institutions when they go out of their office to provide service. But this is not the case for court interpreters at the federal courts. The current transportation problem coupled with the sunny weather makes interpreters job heavier when they are assigned to different local area benches, especially in the afternoon.

The permanent court interpreters also explained about the challenges of their work when they are not provided with simple accommodation such as water during trial. An interpreter is required to facilitate the communication process from one person to the other in court of law which makes the interpreter talk continuously for longer period of time. In those kinds of circumstance, they may need to drink water but accommodation is made (Mesfin, 2016).

Generally, the current salary and incentive mechanisms available for permanently hired court interpreters are insignificant given the nature of their work. This is the main reason for vacant job posts for interpreters in both FHC and FFIC.

On the other hand, the payment of interpreters that are not hired by the court is calculated on per dime basis. As it has been discussed earlier, the court usually assign individuals who are not permanent hired for the position of interpreters, both in its formal or informal means of finding interpreters. The payment for these individuals who served as an interpreter is facilitated by the main registrar. The per diem payment for local language interpreters is currently 75.00 birr

(seventy five birr) for a case while it is 100.00 birr (one hundred birr) for foreign language interpreters even though there might be more than five individuals in a case. After volunteer interpreters provide interpretation service for cases, the judge will write an order to the main registrar office stating that the specified person has served as an interpreter in a case and need to be paid. In a case where there are many individuals in a case, the judge may increase the duration (quantity of cases) so that the interpreters will get at least better pay while s/he issue order to the main registrar to calculate their payment. But this depends on the judges will (Zufan, 2016).

Due to these and other related factors, most interpreters don't stay in court system after even being hired. During their stay, they usually ask the HRM in FFIC to increase their salary. The HRM of FFIC said that they have communicated these concerns to the responsible body. But no sufficient response is provided (HRM, 2016).

The challenges in strategies to overcome language barrier in court of law has been correlated mainly with budget. The amounts of salary or per diem payment, lack of accommodation and absence of incentives for interpreters are the major reasons for low number of interpreters in court of law. Participants of the research have indicated that this problem has been communicated to responsible bodies. Accordingly, there was some effort to address the problem (Yohanis, 2016). But none of these efforts has brought a permanent change to break the problem of language barrier in criminal proceeding. This shows that the issue needs to be recognized and the necessary changes have to be made to improve the system and address the problem of non-Amharic speakers effectively.

With regard to cost of interpretation, Abera Degefa argues that budget should not even be raised as a reason for not providing effective service for people that don't speak the working language.

First of all, we are talking about justice. Especially in criminal proceeding, we are talking about the liberty or even life of individuals. The effect of this is not only on the life of accused but also their relatives. So the number is significant and we can't say this is going to be burdensome for the country. Secondly, we are talking about people who are paying taxes. If one is paying tax, he shall be served equally with others who know the working language. So this is a question of rights. The state cannot say or even claim that this [interpreting] is costly because the resource/ tax collected from these very people. Failing to do this is going to be discriminatory (Abera, 2016).

The point raised by Abera is very important because government revenue is collected from its citizens for purpose of providing public services back to the community. And hence, if an Ethiopian can't get public service in their language, or at least be provided with the necessary accommodation, his payment of tax will be meaningless. This will also go against the basic principles of human rights such as equality and non-discrimination.

4.1.4. Current strategies of federal courts in handling criminal cases of non-Amharic speakers

When cases of non-Amharic speakers is presented before federal courts, the judge may take different measures to assign interpreters and break the language barrier in the court room, facilitate the communication and continue with the proceeding to effectively dispose the case.

According to the findings of the study, there are two major ways where the court looks for interpreters. The first one is the formal communication where the judge issues written order to the main registrar office or other governmental and non-governmental institutions to find interpreters for cases tried before the judge. The second ways is the informal one where the judge uses anyone who speaks the language of the accused without passing through formal procedures or written communications to find an interpreter. There are judges that follow only the formal way and others who resort to the informal ways when they find the first option unfruitful.

In the formal procedure, if there are interpreters permanently hired, the main registrar will assign them for the next adjournment. But if the employed interpreter is either already assigned to other benches or not available due to many reasons, the main registrar will opt for other options.

The main registrar office has its own list of volunteer individuals who can possibly provide interpretation service. The main registrar office at FFIC prepares this list by distributing letters to each area bench located in the ten sub-cities in A.A. to secure the list of volunteers who know two or more languages.

The list of interpreters prepared by the main registrar office also includes individuals who work in governmental and non-governmental institutions outside the court structure. These institutions include embassies, media, such as Fana Broadcasting Corporation, Ministry of Defense and the like where the linguistic composition of employees or people who know different languages could be found. According to W/o Hiwot Mamushet, the list of interpreters prepared by the FHC

also includes those who work outside the court and those who apply to the court to volunteer as an interpreter (Hiwet, 2016).

On the other hand, judges may use informal ways to break the communication barrier during trial and continue with the proceeding. The first one is the use of interpreters that the accused themselves bring to the court of law. According to Daniel Aregawi, most of the time, foreigners bring their own interpreter. And if there are no oppositions whether the said interpreter should not be assigned from the public prosecutor, the judge will continue with that interpreter after putting the interpreter under oath. In other cases when an interpreter, qualified or assigned by the court, comes in to court of law, the judges will order the person to take oath before the trial begins. The interpreter will take oath to provide correct interpretation service (Fatuma, 2016).

The second option is to use anyone from the court premises who claims to know the language usually when the case to be communicated is simple and not time taking. Some of the judges provided that the communication between the judge and court main registrars is required to follow formal procedures such as issuance of formal order to main registrar first, then search for interpreter by the main registrar, then writing of letters by the main registrar to interpreter, and acceptance of letter by the interpreter and the like. If the main registrar could not find interpreter for the specific day that the judge assigned, the main registrar will write letter for the judge stating about the reason for not providing interpreter. The communication between the main registrar and judges will continue until an interpreter is found. This usually takes time or there would be at least one adjournment of the case. Until the main registrar could provide an interpreter, criminal cases involving applications such as bail require courts' prompt response. In these kinds of instances, the judge may use other court employees such as assistant judges and secretaries or non-employees such as police officers, relatives of the accused, and court attendants (Nuredin, 2016). According to Nuredin, a Judge at FHC, he was once forced to ask the assistance of another judge to interpret Somali language.

Even though there is staggering need for interpreter, the current practice of federal courts to use relative of accused is against article 126 (2) of the Criminal Procedure Code. The article reads:

...but no person shall be selected who is a relative to the accused or prosecutor or himself a witness.

According to some judges, they use any bilingual person just to minimize the chance of unnecessarily detention of accused person. In addition to this, lack of interpreters within the court has also contribution for judges' decision to follow the informal procedure. Daniel Aregawi commented on this point as follows:-

On the bench that I preside, there are many Chinese citizens accused of tax evasion. If we issue an order to the main registrar to arrange for Chinese language interpreter, it is going to be very difficult to find an interpreter. There are only few, if not none, interpreters in the contact of the main registrar list for Chinese language. Hence, there will be repeated written communication between the judge and main registrar until an interpreter is found and the case may be adjourned more than three times without even being tried. So we choose to continue with interpreter brought by the Chinese themselves rather than waiting for the main registrar (Daniel, 2016).

In this kind of circumstances, the judges must rely on individuals who have little or no familiarity with the court setting or legal jargons. When judges use individuals as interpreters informally, some of them request for neutrality to the case while others continue with the person they got as long as the opposite party does not object.

In addition to the procedures provided by the court, some judges even use their own personal means to solve the problem of language barrier in better way in their respective benches. Abeba, a judge at the FFIC, stated that she usually tell public prosecutors to inform her before trial if there are any cases at their hand involving non-Amharic speaker (Abeba, 2016). This, according to her, is to minimize the number of adjournment of cases.

Currently, there is no guideline or procedure that requires public prosecutors to inform the judge or any other concerned party like court managers to provide prior notice if there are non-Amharic speakers that need the assistance of interpreters. So the public prosecutors may fail to inform the judge and there will not be any choice but to adjourn the case, at least one time.

In some cases, there are instances where the main registrar writes letter to judges stating that it has failed to find interpreter for certain languages. After several attempts, if the main registrar cannot provide interpreter for a certain language, the judge will write cooperation letters or issue orders for other institutions such as Association of Persons with Disability, House of People Representatives, Federal Police, Prison Administration and the like where they think the

linguistic diversity of employees is high. And even after such attempts to find interpreter, the response may be negative so the judges are required to contact other institutions and keep searching for interpreter. On rare cases, judges may not even get interpreter in the city for very few languages spoken by minority groups and this has added to their workload as a judge.

I once contacted the Southern Nations Nationalities and Peoples (SNNP) region to assist us with interpreter for Sidamigna language. It may take long time but we could not continue without interpreter; so we wait (Fatuma, 2016).

According to respondents from public prosecutors, judges and the main registrar office of the court, finding interpreters for local languages such as Tigrigna and Affan Oromo is relatively easier. From foreign languages, it is easier to get English language interpreter (Leulesilassie, 2016). On the contrary, it is difficult to find interpreters for local languages such as Afar, Somali, Wolayta, Sidamo and many languages from SNNP of Ethiopia. Similarly, foreign languages such as Chinese, Turkish, French, Arab and other languages are very difficult to find interpreter for (Bula, 2016).

Despite the current language policy that Ethiopia follows, it can be seen from the above discussion that only little has been done in terms of accommodating the need of non-Amharic speakers in criminal proceedings. According to participant judges, the current strategies of the federal courts to accommodate diversity are very low. Given the ongoing developmental activities in A.A, given the expansion of tourism and airlines services, better attention shall be given (Nuredin, 2016).

4.1.5. Court Interpretation in Criminal Cases- the Law and the Practice

With regard to current available laws to protect the rights of individuals that don't know or understand the working language of the federal government, there are two major views forwarded by legal professionals. The first one is that the current legal frameworks for protection of linguistic groups are adequate but a lot need to be done on their practical implementation (Zufan, 2016). According to Zufan, the laws are clear in the Constitution but the courts need to work on laying down a system where the problem of people with limited language proficiency are identified and improve the system by hiring more interpreters at least at the federal level. This assertion is also supported by Bula Wagari, a judge at FFIC. He said, in order to ensure

effective implementation of the current law and respond to the need of diverse linguistic groups, institutional efforts and interventions would suffice (Bula, 2016).

On the contrary, other legal professionals argue that the current language policy and its implementation in legal proceeding have not been given enough attention. The sensitive nature of linguistic issues corresponding to the current linguistic diversity of Ethiopia, additional laws and detailed guidelines need to be enacted so as to have a uniform or similar mechanism of accommodating linguistic diversity (Ashenafi, 2016). Even though the legal provisions scattered in the Constitution and other specific laws can be used as a baseline, they are not sufficient to adequately avert the challenges that people with limited language proficiency are encountering.

This [the issue of people that don't not know the working language of the federal government] will require detailed laws and institutional arrangements and/or mechanisms where by these group of people can make use of when the need arises. But as I have observed, this kind of proper, adequate and structured institutional arrangements has not been provided (Abera, 2016).

It can be observed that the law has various gaps that require a detailed and clear explanation. For instance, article 126 of the Criminal Procedure Code is not clear when it provides for the qualification of “qualified” and/or “competent” for court interpreters.

In addition to this, some individuals may choose to use their own mother tongue even if they can communicate in Amharic claiming that they express themselves more effectively in their own languages as opposed to Amharic. But the law is silent as to what the judge should do when faced with such kind of people. On the contrary, if an accused with limited Amharic language proficiency appear before court of law and decide to continue with the proceeding without an interpreter despite his limitation to understand the working language proficiency, it is unclear as to what kind of measure should the judge take.

As it has been discussed above, there is a practice of using random individuals in court interpretation. If there is chance of error and misinterpretation an error is committed as a result of unprofessional court interpretation service, there is no checking mechanism. Moreover, the current practice shows that significant amount of interpretation service is provided by volunteer individuals. And if the interpreter assigned commit honest mistake which may endanger the rights of the accused, it is very difficult to make them accountable. The law also does not provide

anything as to the use of people who are not employees of the court but serve as interpreter in court of law.

In addition to this, the current court interpreters hired at the federal level don't have training on legal terminologies or the judicial setting (Zufan, 2016). Most of them don't also have the experience of interpretation before. Shouldn't there be at least training where this employees are made familiar with the legal terms and the court structure?

Nowadays, our country is going through many developmental changes and the number of expatriates is increasing every time. And hence, when these individuals getting involved in criminal proceeding one way or another, should they be left alone to go through the current system and face challenges? How would that impact the image of our country? In the current criminal proceeding, the above questions and concerns remain unanswered.

When language barrier occur in court of law, usually, the accused themselves try to communicate to the court that they don't speak the working language of the court with broken Amharic or other gestures like nodding. Occasionally, some non-Amharic speakers may understand the language but can't effectively express themselves. In these kinds of cases, the judge may ask an accused if s/he needs the help of an interpreter and the accused may be given the choice. On other cases, even if the accused with limited proficiency doesn't request it, the judge will order for interpreter to be assigned for that specific language in order to effectively communicate.

Unlike other interpretation services, court proceedings require far more than a very basic level of communicative capability. Literature on court interpretation says that there are different types of court interpretation. But only the two models, i.e. simultaneous and consecutive interpretations should be used in court of law (Hewitt & Richardson, 1995). Simultaneous interpreting is rendering an interpretation continuously at the same time someone is speaking. On the other hand "consecutive interpreting is rendering statements made in a source language into statements in the target language intermittently after a pause between each completed statement in the source language" (Hewitt & Richardson, 1995). According to this book, there is also a third common mode of interpreting called "summary" interpreting. This mode of interpreting refers to paraphrasing and condensing the speaker's statement. Unlike the two previous models, it does not provide a precise rendering of everything that is being said in to the target language. Hence, this mode of interpreting is not advisable for court interpreting.

From observation as well as research participants, the current court interpretation service at the federal courts is conducted using “summary” interpreting mode. As it has been said, this kind of interpreting should not be used in court of law, especially in criminal proceeding. Nonetheless, the practice at the federal courts shows the opposite and this have a serious impact on the quality of the interpretation service and the justice rendered.

In many countries such as USA and Canada, courtroom interpretation has been professionalized as there are different legal frameworks and guidelines that require interpreters to pass through regular “training programs, certification standards and codes of ethics”(Ahmad, 2016). But in our country, where there are no standard requirements for court interpretation, it is not unusual to observe unprofessional interpreters provide the service in courtroom. And this creates significant variation in quality of court room interpretation leaving the risk of errors on shoulder of accused that is vulnerable in criminal proceedings.

4.1.6. Quality of Court Interpreting at the Federal Level

In a criminal legal system, the role of interpreters is indispensable as life, liberty, and other rights of accused depend on the service of the interpreter. Currently, there are no formal qualifications *per se* for court interpreters. The requirements provided under the Civil Service Directive for court interpreters only show language skill. The other danger on quality of interpretation is the use of persons who claim to be bilingual in court interpreting. And this has serious impact on the quality of court interpreting.

All participant judges confirmed that it is not unusual to observe such incompetent interpreters committing mistakes during trial. When competent interpreters are lacking, individual’s legal rights in the judicial system and their security within the system will be jeopardized. The use of incompetent interpreters inevitably results in commission of errors and misunderstanding like actual example below.

This practical example was stated by a judge:

In one criminal case, the public prosecutor provided his witnesses against the accused and the judge then asked the accused if he has any defense witnesses. “መከላከያ ማስረጃ አለህ ወይ?” The interpreter simply asked him if he has any defenses. “መከላከያ አለህ?” The suspect simply said no. Consequently, the accused was convicted and the judge

passed judgment accordingly. But the accused later appealed to high court. The judge at the appellate court read the statement he gave at the lower court stating that he has said that he doesn't have any defense witnesses. The suspect then explained that he doesn't know what defense witness mean and that when the interpreter asked him his defenses, he thought the interpreter asked him if he is from the defense force. “መከላከያ ነህ ወይ?” (Daniel, 2016).

This is one of actual mistake and it is even a serious problem for those who speak the working language if they don't know the implications and the meanings of the legal jargons.

In another example, one judge stated:-

There are instances where I observe incompetent interpreters in court of law. In one case, the accused was an English language speaker. So I have asked for interpreter and I was provided with one. The charge brought against the accused was rape. As we started the trial, I have asked the interpreter to read the charges for the accused but the interpreter was telling the accused that he was charged with abduction case. Since I am able to understand the language and that the interpreter was providing a misleading interpretation, I intervened and told the accused myself the proper translation (Mulusew, 2016).

In the above case, the error committed is serious which could have possibly led to miscarriage of justice. The judge in this case noticed the error and intervened because he knows the language. It can be imagined how many cases could pass through risk of misinterpretation due to lack of professional interpretation service in court of law, especially in criminal proceeding. The absence of rules and regulations that regulate in court interpretation process also cause variation in measures taken by judges. Hence, some judges try to correct the errors themselves within courtroom while others take additional measure that requires them to take another step.

Moreover, the judges who participated in the research also explained that it is difficult to talk to interpreter who is unfamiliar with legal jargons such as bail, period of limitation, and others. And hence, in addition to the interpretation, the legal concept and processes shall be further illustrated for the interpreter before the accused is informed about the case. Some judges even say that they try to use simple words and avoid technical terms to communicate with the interpreter and continue with the proceeding.

When judges are asked about the interpreters' familiarity with legal terminologies:-

I can provide my guess that these interpreters don't have legal background. I usually observe them finding it hard to find the equivalent meaning for some legal terminologies (Abeba, 2016).

More often than not, some of the legal jargons may not even have equivalent word in the language. This may be because of the comprehensive nature of the language that depends on the level of development or it may be because the interpreter lacks the necessary skills. With regard to this, Richard W. Cole and Laura Maslow-Armand provide that there are times where an interpreter is unable to provide effective service and convey the precise language of the person who don't speak the working language of the court because the "concept at issue does not exist" in the language that is being translated. And hence, it is difficult to require completeness of language (Brislin, 1980). But the judge, prosecutor or other responsible bodies should be able to recognize that "words in one language may not be capable of exact translation in to another language and understand the circumstance that the interpreter might be in" (Cole & Maslow-Armand, 2016).

An interpreter will even be more challenged if he does not have legal background and is not familiar with legal jargons. Yeshidagna, who is newly employed by FFIC as an interpreter also shares this concern. According to him, he finds court interpretation very challenging as he does not have legal knowledge before.

I was once unable to understand most of the words that were used during trial at the Arada Bench of FFIC. While interpreting, you may not find the exact word. So I try to give contextual meaning of that word. In addition to this, I ask the assistance of the judge or the public prosecutor to explain the meaning of words used during trial if I don't understand it.

For court interpreters like Yeshidagna and Mesfin, who has neither the experience of interpreting nor the familiarity with legal concepts, the court can facilitate short term trainings and minimize the chance of error and misinterpretation. But according to Yeshidagna, the current system at the FFIC is not responsive to this kind of facilities even if they ask for it (Yeshidagna, 2016).

On the other hand, it is difficult for the judges to notice error during court interpretation unless they are familiar with the language that is being used. But most of the judges stated that they will intervene and try to mediate communication challenge attempt to fix the problem. To this end, the judges may require interpreters either to repeat what has been said, to slow down or provide additional explanation so that non-Amharic speakers follow the proceeding. This will definitely require judge's personal commitment and tolerance for the inconvenience language barrier by itself may cause.

On the contrary, some judges may decide to change the assigned interpreter if they think that the service is inadequate. When judges decide to change the assigned interpreter, they may either adjourn the case or issue an order for the registrar to provide them with another interpreter while others decide to continue with the proceeding replacing the interpreter with another court attendant or anyone they find in the compound.

In one instance, I decided to adjourn the case and change the interpreter. I did this because first, the accused was aggressive and he was unable to communicate with the interpreter. Second, the interpreter become nervous as the accused stops him now and then. So I stopped the proceeding and asked for another interpreter to be assigned (Daniel, 2016).

If the assigned interpreter is unable to effectively communicate with non-Amharic speaker, the court proceeding cannot continue smoothly. Nonetheless, the judge may decide to continue with the assigned interpreter. According to Abeba, the decision to continue with the possible mistake by interpreters, especially with those not assigned by registrar, are usually made out of the need to dispose the case (Abeba, 2016). This shows that the judges are put in a situation where there are no other better option to respond to language barrier and assist non-Amharic speakers. Rather, they are forced to tolerate mistakes in the interpretation and continue the proceeding. This makes them focus only on disposing the case and not considering the impact it may have on the accused.

The experience of FHC is not far from this. Hiwet stated that there are times where the judges complain about the services of interpreters stating their unsatisfactory service. She said she will not assign that person for the next time if she is informed of his ineffective service by the judge (Hiwet, 2016).

On other note, this may even raise question as to the extent of judge's role during trial. Should judges stay neutral in the whole process or should they continue to intervene now and then when they notice such errors? Couldn't this distract them from their very duty to focus on the facts of the case and provide effective judgement?

Basically in court of law, judges are responsible in critically analyze the case before them, weigh evidences and provide judgement. But when it comes to cases involving non-Amharic speakers, judges will inevitably check the interpretation process as there could be mistakes and misunderstanding. And hence, the attention of the judges would be diverted from looking in to substance of the case to following if non-Amharic speakers are provided with proper interpretation. This also have an adverse impact on judge's day to day activity in conducting their primary duty of providing judgement.

Overall, interpreters play an important role in court of law. They are the voice and ears of judge, public prosecutor and other parties on one hand and non-Amharic speakers on the other. the quality of interpretation service provided by court interpreters has a serious impact on the rights of the accused starting from the time of detention to conviction. In court of law,, it is very difficult for accused to defend himself if he does not know what is going on or what has been said. And hence, interpreters are expected to understand the process, breakthrough the cultural barrier and facilitate the process for both accused and other court attendants.

4.2. The Impact of Inadequate Interpretation Service at the Federal Level

In criminal proceeding, both before and during trial, communication is impossible without interpreters. Interpreters play an important role in protecting the rights of accused in criminal justice system. As discussed above, the current strategies employed at the federal level to respond the need of non-Amharic speakers in criminal proceeding are inadequate. The absence or limited number of interpreters as well as the use of unprofessional interpreters have multiple impacts on the whole process of justice delivery.

4.3.1 The Impact on Accused's fundamental Human Rights

In every stages of criminal proceeding, it is observed that communication is important. For non-Amharic speakers, failure to effectively communicate due to language barrier will cause a limitation and/or violation on their fundamental freedom of expression. The diminished capacity

of non-Amharic speakers because of language barrier, in criminal proceedings will inhibit their meaningful participation at every stage of criminal proceeding.

The absence of interpreters in criminal proceedings before trial, not only affect accused's right to interpreters, but also his right to fair and speedy trial and fair procedures. It will also affect the accused's constitutional right to be brought before court of law within a reasonable time after having been charged. Similarly, the accused's' right to be informed about the charge brought against them, to be informed of his right not to answer questions during investigation, the right to bail, the right to liberty, and the like will likely be confined. For instance, non-Amharic speakers may unjustly be detained where he should have been free.

Similarly, the insignificance number or absence of interpreters in court to assist the language barrier during trial also has similar impact on the accused's human rights. As stated by Shipra Gupta "reasonably" expeditious trial is an integral and essential part of the fundamental right to life and liberty (Gupta, 2015). The right to justice, the right to defend oneself, the right to speedy trial and other rights of the accused will be limited and/or violated. Most of the judges stated that it is only when interpreters are assigned that they can continue with the proceeding. So in absence of interpreters, the judges are forced to adjourn cases repeatedly. The continuous adjournment eventually leads to delayed justice. And justice delayed is justice denied. (Abeba, 2016)

According to Nuredin, because of absence of interpreters, there are accused who will be detained more than they should be (Nuredin, 2016). As to him, this will also lead to repeated adjournment of cases in court of law which directly is against the constitutional right of the accused to liberty.

The impact of absence or inadequate service of interpreters will even extend to accused's right to appeal. If an accused is sentenced, he will be sent to prison. The law put a period of limitation for appeal. If the accused is not able to effectively communicate with prison administrators and express his intention for appeal, he will not be able to exercise his right unless provided with an interpreter who will facilitate the communication before the period of limitation lapse.

On the other hand, the lack of adequate interpreters will lead to continuous adjournments of cases which will have an adverse economic impact on the accused and other people, such as witnesses, who have to attend courts. People who have regular work are leaving their duty on that day to attend court. If the case is postponed repeatedly, they will unnecessarily be forced to

incur transportation and other costs. In addition to that, they will not be able to get the benefit that they have to if they have been on their daily engagements. This will indirectly have an impact on the country's economy at large. Similarly, if an accused is unnecessarily detained, it will have an impact on individuals who are economically dependent on him such as family members and relatives. This assertion is supported by Abera Degefa. He said the effect of language barrier is far reaching as it affects family, children and relatives of the accused. According to him, it is the government responsibility to do away with the language barrier by improving the system. The economic impact also worries people like NAS 5, who is a prisoner in Kality (NAS 5, 2016). He said don't know what to do with his 22 children and three wives as he is currently serving his sentence in prison.

4.3.2 Administrative and procedural

The absence or limited number of interpreters also has an impact on the day to day activities of police, public prosecutor, judges and other offices such as the registrar. Cases involving non-Amharic speakers will not be timely disposed if an interpreter is not assigned within reasonable time. Not only the existence of interpreter, but also the quality of service that the interpreter provides have an impact on time used to entertain the case. If the interpreter does not provide effective service, the proceeding will be prolonged, both before and during trial.

A case should be disposed within reasonable period of time. But the continuous adjournment of cases because of lack of interpreters has an impact on that specific case which inevitably incapacitates the judge to dispose case within reasonable period of time.

On the other hand, it has an impact on judges in carrying out their duties to protect the right of every citizen in legal proceedings, especially on citizen's right to access to justice.

In addition, the availability of interpreters also have an impact on the quality of services of police, public prosecutor and judges. When interpreters are not providing quality service, the chance of error and misinterpretation is high. And this will in turn have an impact on the quality of the final judgment.

The prolonged proceeding in criminal cases will have an impact on the evidences that need to be timely presented before court of law and assist the judge to provide fair judgment. According to Abeba, this especially evident in cases involving women and children. For instance, if there is a

child witness in a case, s/he has to be heard as soon as possible. And if an interpreter is not assigned timely, the child may forget or fail to remember properly issues related to the case (Abeba, 2016). This consequently leads to lose of important evidences which may adversely affect the right of the accused, or victim or even to police and courts.

Overall, the data show that the issue of people with limited or no working language proficiency is pressing issue of the criminal justice system and the government need to timely find ways to serve the increasing number of peoples whose primary language is other than Amharic.

4.3.4 How do non-Amharic speakers perceive the communication barrier in criminal proceeding?

According to Ellen Eun and Anna S. Mattila language is key instrument for human beings “to express emotions, share feelings, tell stories and convey complex messages and knowledge” (Eun & Mattila, 2011). Hence, language plays an important role for humans to relate and understand one another.

For people that don't know the working language of a certain system, the issue of communication and anything that comes with it may not be positively perceived. The cognitive and emotional reaction to language barrier influence their trustworthiness and intention to trust (Tenzer, Pudelko, & Harzing, 2013).

The perception of language barrier is no different for non-Amharic speakers in criminal proceedings at the federal level. Most of the research participants that don't speak the working language of the federal court stated that the language barrier put great limitation on their capacity to express their ideas, feeling or even to ask question to the responsible person before or during trial.

According to most of the participants, there was no interpreter before trial who can assist them with breaking the language barrier (NAS 3, 2016) (NAS 11, 2016) (NAS 15, 2016). Even if there is someone who acts as an interpreter, non-Amharic speakers said the service is either ineffective or they don't have trust on that person as he is a police officer (NAS 3, 2016), (NAS 12, 2016). As per NAS 10, NAS 12 and NAS 14, the biggest challenge was what was communicated in written form. They said they were not able to understand what was written in the criminal charge sheet, statement and other forms in police station because they were not provided with effective

explanation. But for NAS 11, it was the beating that makes him feel sorry. He said he did not even have the privilege of asking and knowing the reason while the police officers beat him in Maekelawi.

During trial, some of the non-Amharic participants believe the necessary information has not been communicated effectively, even with the presence of interpreter (NAS 14, 2016). According to NAS 14, the interpreter did not effectively communicate what he was trying to convey during trial.

“...maybe I will talk for five minutes but the interpreter will talk one minute. So something was missing, not all was given to the court” (NAS14, 2016).

Due to the language barrier, most non-Amharic persons stated that don't trust on the justice system. In fact one of the participants even asked if there is a chance for his case to be reviewed because he did not believe the criminal procedures that he passed through was fair as he does not know the working language of the federal court (NAS 5, 2016).

In addition to this, the ineffective or inadequate interpretation service even affects the personal feeling of accused, especially to the Ethiopians. From observation, most of the research participants were frustrated and lost hope because of the language barrier and the system therein. When asked about how the language barrier makes him feel, NAS 6 responded that he feels sorry because he did not speak the federal working language. According to him, even if it is not his mother tongue language, it was because he speaks little Afan Oromo that he was able to understand some of the words during trial. He said:

“Had we not speak Afan Oromo, we would have been kept as broken object” (NAS 6, 2016).

Adding to this, NAS 6 said that his case would not have reached the level that it has reached now had he knew the working language of the court or at least go the chance to be tried in his own language.

For the other participant, it is the feeling of vulnerability that he could not help because he doesn't understand what people are saying behind his back (NAS 14, 2016). This assertion is also supported by Mancini-cross, Backman, & Baldwin who says language barrier can make people insecure that it limits their participation in different interactions (Mancini-cross,

Backman, & Baldwin, 2016). The other participant even said the whole process makes him so limited and vulnerable that he felt like a dead person (NAS 5, 2016). NAS 5 said that he felt like he lost all his capacity because there is nothing that he can do about his case as he was not able to communicate with others.

For foreigners, the language barrier and the whole criminal proceeding changed their perception about Ethiopia.

Before all these process, I believed that Ethiopia is a very nice country. I thought it is a place where people chill out without any problem. But when you get to the system & you will see for yourself how they treat people and don't respect human rights (NAS 12, 2016).

Most foreigner participants also stated that the problem of language barrier is also affecting their stay in prison. One participant stated that the prison administrators don't come and ask them about their problems because they don't have common language (NAS 5, 2016). In addition to this, some of them stated that they could not have access to the different services provided by the prison administration like health center, education and others. Most of the foreigners also stated that they are not allowed to contact their families on phone even if they ask to. NAS 12 also added commented that a person shall be given the chance to solve the problem properly even if he commits crime. He said the prison administrators have to at least allow foreigners to use the phone to speak to their family so that they let them know the condition that person is in. He said he was arrested while he was on transit and because he was not allowed to call, his families do not know if he is either alive or dead. This is also shared by Ethiopian prisoners who said that their family does not know where they are.

On the other hand, participants stated that language barrier is also affective their health condition. One participant stated that he is getting crazy every day in the prison because he cannot explain himself to the doctors (NAS 8, 2016). NAS 8 said it would be great for him if the government of Ethiopia can hand him over to his country and serve their sentence because there would at least be a person that he can talk to in prison (NAS 8, 2016). The other participant stated that most of his friends has either died or become diabetics and other diseases (NAS 3, 2016).

For Ethiopians who do not know the working language of the federal government, they may have sentiments of not belonging to the setting while the federal structure belongs to everyone. They may feel discriminated because they don't speak the working language. One of the participant said, the fact that Amharic is the working language of the federal court doesn't mean that all citizens speak the language (NAS 5, 2016). This may bias attitude of non-Amharic speaker towards the federal government. The ultimate result could be that they may even question their belongingness to the country. This may also make them question their trust on the federal setting which is constitutionally endowed to protect their rights. Overall, language barrier in criminal proceeding could lead to injustice if the issue is not well addressed.

CHAPTER FIVE

5. CONCLUSION AND RECOMMENDATION

5.1. Conclusion

In our world, people of different race, religion, language, color, view and others live together. This diversity cannot be avoided. Rather human beings shall always need to recognize their diverse nature and should always work for a means of accommodating diversity and learn to live peacefully with one another.

Ethiopia has adopted an accommodationist language policy to linguistic diversity taking in to account the multilingual nature of nation, nationalities and peoples that comprise the nation. Hence both the federal and the state governments are expected to lay down the necessary legal and institutional mechanisms by which people that do not speak the working language of respective government are assisted in their attempt to make use of public services. Both tiers of governments are required to ensure equal access of public services to peoples in their territory regardless of the language they speak.

Despite the promise in the language policy, non-Amharic speakers are encountering many challenges in an attempt to access the justice system.

The current practice shows that the federal government has not laid down any formal mechanism by which people with limited and/or no Amharic language proficiency are properly served in criminal proceedings before trial. Though specific laws such as the Criminal Procedure Code require the assignment of interpreter before trial to assist accused with language, and communication is important at different phases such as during detention, recording statement, investigation, application for remand and the like, there are no interpreters employed by the government. Rather, police officers and public prosecutors usually assign bilingual police officers or other random individuals outside the police station.

The situation looks better in courts as there are interpreters, at least in FFIC, who are permanently hired to assist language barrier during trial. The federal government shows its commitment by allocating job posts for interpreters both at FFIC and FHC. But most of the job posts are vacant as the salary and incentive mechanisms for interpreters are very low when compared to their responsibilities in court of law.

Moreover, the salary as well as required qualification for foreign language interpreters is higher than those who interpret local languages.

The other mechanism that Federal Courts are employing to respond to the needs of non-Amharic speakers in criminal proceeding is the use of non-professional interpreters who work on voluntary basis. In fact, the federal courts use these kinds of interpreters more often than those hired by the court.

The absence or inadequate services of interpreters have a direct and indirect impact on quality of interpretation services. Most participants indicated that the current court interpretation system lacks quality as well as procedural laws which are creating challenge on accused's fundamental rights. Moreover, the inadequate service also affects the day to day activities of justice institutions such as the Police, Ministry of Justice (Public Prosecutors) and Courts creating a challenge on delivering effective services expected from each. In addition to this, the ineffective or inadequate interpretation service even affects the personal feeling of accused towards the nation and the federal system.

Overall, the issue of persons with limited or no Amharic language proficiency is acute given the increasing number of cases involving non-Amharic speakers at the federal level.

5.2. Recommendation

In order to avert the challenges encountered due to language barrier, it is recommended that current Ethiopian language policy be revised in a way it can be practically implemented. This is to say that the current legal framework of Ethiopia has adopted the use of interpreters to break the language barrier. Hence interpreters shall be permanently employed so as to be timely used when the need arises both before and during trial.

Besides the salary and incentive mechanism shall be amended taking in to account the workload of interpreters at every level. Likewise, institutional arrangements, such as allocation of adequate budget, shall be made available to effectively address the need of non-Amharic speakers.

In addition to this, there shall be professional standards and ethics for interpreters in criminal proceeding, especially for court interpreters. Court interpreters at least should be familiar with the court setting and legal jargons.

Moreover, detailed laws and working manuals shall be enacted to facilitate the assignment of interpreters and lay down clear procedures that need to be followed in assignment of interpreters in criminal proceeding.

The issue of language is not only the concern of government but also other stakeholders such as embassies. Hence, there shall be a forum where concerned stakeholders come together and works in collaboration to avert the impact of language barrier in criminal proceeding. In order to do that, additional researches shall be conducted.

Furthermore, when national census is conducted, there shall be a mechanism where by the exact number of people that do not speak the working language of the federal as well as regional governments are counted. This will enable the government to plan intervention strategies based on reliable sources.

Perhaps it is also important to consider establishing bilingual court structure whereby there are special benches to entertain cases involving non-Amharic speakers. This can be done by making use of bilingual legal professionals such as public prosecutors, judges and lawyers. This will reduce the cost of interpreters as well as enable the accused to meaningfully participate in the criminal proceeding. Corresponding to this, the necessary legislative amendments shall be made.

In addition to this, it is also important to consider the use of technology to respond to the need of non-Amharic speakers in criminal proceedings. Like countries like California, it is possible to invest in the development of software and other innovations that could assist language barrier in criminal proceedings.

Given the increasing number of cases involving non-Amharic speakers due to many developmental activities, experiences shall be drawn from other countries like Nigeria and India and alternative mechanisms shall be provided to effectively address the need of people that do not speak the working language.

The issue of language barrier in criminal proceedings shall not be limited to national or regional contexts. Rather, it shall be an international concern and certain legal framework shall be established to address needs of people across the world. In any way, communication is at the heart of human life, and it is important to consider the possible major challenges that language barrier may cause after adopting an accommodationist language policy.

References

- Adedimeji, M. A. (2002). Globalization and the Survival of the Nigerian Cultural and Linguistic Heritage: The American Paradigm, pp 1–22.
- African Charter on Human and Peoples' Rights*. (1987). *Annual review of population law*.
- Ahmad, M. I. (2016). Interpreting Communities: Lawyering Across Language Difference. *UCLA Law Review*, 54(5), pp 999–1086.
- Angermeyer, P. S. (2009). Translation style and participant roles in court interpreting. *Journal of Sociolinguistics*, 13(1), pp 3–28. <http://doi.org/10.1111/j.1467-9841.2008.00394.x>
- Bacik, I. (2007). Breaking the Language Barrier : Access to Justice in the New Ireland. *Judicial Studies Institute Journal*, 2, pp 109–123.
- Bobby, E. (2010). Analysis of Data: Quantitative and Qualitative. In C. Calderia (Ed.), *The Practice of Social Research* (12th ed, p. pp 391–421). Belmont, USA: Cengage Learning.
- Brislin, R. W. (1980). Expanding the Role of the Interpreter to Include Multiple Facets of Intercultural Communication. *International Journal of Intercultural Relations*, 4, pp 137–148.
- Chumbow, B. S. (2009). The Challenge of Linguistic Diversity and Pluralism : The Tier Stratification Model of Language Planning in a Multilingual Setting. In *Issues of Language, Public opinion, Education and Welfare* (p. pp 325–346). Camerron.
- Cole, R. W., & Maslow-Armand, L. (2016). The role of counsel and the courts in addressing foreign language and cultural barriers at different stages of a criminal proceeding. *Western New England Law Review*, 19(1), pp 193–228.
- Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995 (1995). Ethiopia.
- Crawford, A. N. (1986). *Language Policy, Second Language Learning, and Literacy* (Vol. 11). Paris: UNESCO.
- Criminal Procedure Code of Ethiopia Proclamation No. 185/1961 (1961).
- Danladi, S. S. (2013). Language Policy: Nigeria and the Role of English Language in the 21st Century. *European Scientific Journal*, 9(17), pp 1–21.
- Errington, J. (2003). Getting Language Rights : The Rhetorics of Language Endangerment and Loss, 105(4), pp 723–732.
- Eshetie, A. (n.d.). Language Policies and the Role of English in Ethiopia. In *Annual Conference of IATEFL BESIG (19-20 Nov. 2010)* (pp. 1–15). Bielefeld, Germany.
- Eun, E., & Mattila, A. (2011). *The Impact of Language Barrier & Cultural Differences on Restaurant Experiences: A Grounded Theory Approach*. USA.

- Gal, S. (1989). Language and Political Economy. *Annual Review of Anthropology*, 18, pp 345–367.
- Gibbons, L. J. (1996). Protecting the Rights of Linguistic Minorities: Challenges to Court Interpretation , 30. *New Eng. L. Rev.*, pp 227.
- Gilman, D. (2013). A “ Bilingual ” Approach to Language Rights : How Dialogue Between U . S . and International Human Rights Law May Improve the Language Rights Framework. *Harvard Human Rights Journal*, pp 1–70.
- Gupta, S. (2015). Speedy Trial and Access to Justice, pp 1–9.
- Haftetsion, F. (2007). Choosing a Working Language in Multiethnic Nations: Rethinking Ethiopia’s Working Language Policy Fiseha Haftetsion Gebresilassie, pp 1–17.
- Hewitt, W. E., & Richardson, J. (1995). Court Interpretation: Model Guides for Policy and Practice in the State Courts. In *Model Code of Professional Responsibility and the Model CourtInterpreter Act* (p. p 1–236). Virginia: National Center for State Courts.
- Hlophe, J. M., President, J., & Court, C. H. (2004). Receiving Justice in Your Own Language - the Need for Effective Court in Our Multilingual Society, (April), pp 42–47.
- Kloss, H. (1998). *The American Bilingual Tradition. Language in Education: Theory and Practice.* (J. Rennie, Ed.) (Ed 145). Washington DC: ERIC Publication.
- Kouega, J., & Emaleu, C. (2013). Language choice in multilingual socio-religious settings in southwest. *World Englishes*, 32(3), pp 403–416.
- Lukáš, I. (2009). Language Policy and Process of Nation-Building in Ethiopia, pp 1–8.
- Mancini-cross, C., Backman, K. F., & Baldwin, E. D. (2016). The Effect of the Language Barrier on Intercultural Communication : A Case Study of Educational Travel in Italy The Effect of the Language Barrier on Intercultural Communication : A Case Study of Educational Travel in Italy, 3220(June). <http://doi.org/10.1080/15313220903042004>
- Maynard, D. W., & Peräkylä, A. (2003). Language and Social Interaction. In J. Delamater (Ed.), *Handbook of Social Psychology* (p. pp 233–258). New York: Kluwer Academic/Plenum Publishers.
- Mustapha, A. S. (2014). Linguistic Hegemony of the English Language in Nigeria. *Medellin-Colombia*, 19(1), pp 57–71.
- Ndhlovu, F. (2008). Language and African Development : Theoretical Reflections on the Place of Languages in African Studies. *Nordic Journal of African Studies*, 17(2), pp 137–151.
- Ogunmodimu, M. (2015). Language Policy in Nigeria : Problems , Prospects and Perspectives. *International Journal of Humanities and Social Science*, 5(9), pp 154–160.
- Orekan, G. (2010). Language Policy and Educational Development in Africa : The Case of Nigeria. *Scottish Language Review*, (21), pp 17–26.

- Owolabi, D., & Ayodele, S. (2012). Language Policy in Nigeria and Nigerian Language Policy: Implications for Effective Communication in Non-Monolingual Nations. *Sino-US English Teaching*, 9(11), pp 1676–1685.
- Oyetade, O. S. (2003). Language Planning in a Multi-Ethnic State: The Majority/Minority Dichotomy in Nigeria. *Nordic Journal of African Studies*, 12(1), pp 105–117.
- Patten, A., & Kymlicka, W. (2001). Language Rights and Political Theory : Context ,Issues , and Approaches (p. pp 77–87).
- Regassa, T. (2009). Issues of Federalism in Ethiopia: Towards An Inventory Ethiopian. *Constitutional Law Serious*, pp 1–18.
- Ricento, T. (2005). Problems with the “language-as-resource” discourse in the promotion of heritage languages in the U.S.A. *Journal of Sociolinguistics*, 9(3), PP 348–368.
- Richardson, T. L. (2005). *Language Barrier to Justice in California*. California.
- Rodriguez, C. M. (2006). Language and Participation. *California Law Review*, 1, pp 1–83.
- Shah, S., Rahman, I., & Khashu, A. (2005). *Overcoming Language Barriers : Solutions for Law Enforcement*. New York.
- Skutnabb-kangas, T., & Phillipson, R. (2005). *Language Ecology*.
- Spolisky, B. (2010). History of Sociolinguistics. In R. Wodak, B. Johnstone, & P. E. Kerswill (Eds.), *The SAGE Handbook of Sociolinguistics* (pp. 1–15). London: Sage Publications Ltd.
- Spolsky, B. (2007). *Towards a Theory of Language Policy* (No. Bar Han University). Pennsylvania.
- Tenzer, H., Pudelko, M., & Harzing, A.-W. (2013). The Impact of Language Barriers on Trust Formation in Multinational Teams.
- The Ethiopian Constitution of 1987 (1987). Ethiopia.
- The World Bank. (2004). *Legal and Judicial Secotr Assessment of Ethiopia*. Washington DC.
- Tonkin, H. (2008). Language Policy and Language Practice at the International Level : Toward a Research Agenda (p. pp 1–10). Westbury: SUNY.
- Varenes, F. De, Murray, C., Shuibhne, N. N., & Henrard, K. (2001). “The Human Rights of Linguistic Minorities and Language Policies.” *International Journal on Multicultural Societies (IJMS)*, 3(2), pp 55–137.
- W.Creswell, J. (2007). *Qualitative Inquiry and Research Design-Choosing among five approaches* (2nd ed.). London: University of Nebraska, Lincoln.
- White Paper on Court Interpretation: Fundamental to Conference of State Court Administrators. (2007). In *Conference of State Court Administrators* (pp. 1–39).

Zahorik, J., & Teshome, W. (2009). Debating Language Policy in Ethiopia. *Asian and African Studies*, (18), pp 80–102.

Annexes

Annex-1: List of Key Informants

No	Full name	Responsibility	Institution	Interview date
1	Mulusew Dires	Judge	Lideta FFIC	February 17, 2016
2	Abeba Alemu	Judge	Lideta FFIC	March 10, 2016
3	Bula Wagari	Judge	Lideta FFIC	February 19, 2016
4	Dainiel Aregawi	Judge	Lideta FFIC	February 17, 2016
5	Fatuma Aman	Judge	Lideta FFIC	February 19, 2016
6	Leulesilasse Liben	Judge	Lideta FFIC	April 01, 2016
7	Yemane Weldegebreal	Judge	Lideta FFIC	March 03, 2016
8	Yohanis Afework	Judge	Lideta FFIC	March 03, 2016
9	Nureidin Kedir	Judge	Lideta FFIC	May 30, 2016
10	Dagmawit Alamne	Public Prosecutor	Lideta Justice Office	March 14, 2016
11	Ashenafi Mengistu	Public Prosecutor	Lideta Justice Office	March 14, 2016
12	Tariku Busha	Public Prosecutor	Lideta Justice Office	March 14, 2016
13	Sergeant Tadesse Feleke	Police	Lideta sub-city police station	March 31, 2016
14	Deputy Inspector Tamirat Chalew	Police	Lideta sub-city police station	March 31, 2016
15	Anonymous	HRM representative	Lideta FFIC	March 12, 2016
16	Zufan Weldegebreal	Registrar	Lideta FFIC	March 3, 2016
17	Hiwet Mamushet	Registrar	Lideta FHC	May 30, 2016
18	Mesfin Zewde Beyene	Interpreter	Lideta FFIC	March 12, 2016
19	Yeshidagna Teklesilassie	Interpreter	Lideta FFIC	May 30, 2016
20	Dr. Abera Degefa	Instructor	Addis Ababa University	May 16, 2016

Annex-2: List of Non-Amharic participants (Prisoners)

NAS-Non-Amharic Speakers

No	Name	Nationality	Crime Committed	Institution	Interview Date
1	NAS 1	Ethiopian	Forgery	Lideta Police Station	April 07, 2016
2	NAS 2	Ethiopian	Forgery	Lideta Police Station	April 07, 2016
3	NAS 3	Ethiopian	Drug Possession	Kality Priosn	May 09, 2016
4	NAS 4	Ethiopian	Fight	Kality Priosn	May 09, 2016
5	NAS 5	Ethiopian	Terrorism	Kality Priosn	May 09, 2016
6	NAS 6	Ethiopian	Genocide	Kality Priosn	May 09, 2016
7	NAS 7	Ethiopian	Genocide	Kality Priosn	May 09, 2016
8	NAS 8	Angolan	Drug trafficking	Kality Priosn	May 6, 2016
9	NAS 9	Angolan	Drug Trafficking	Kality Priosn	May 6, 2016
10	NAS 10	Angolan	Money Laundry	Kality Priosn	May 6, 2016
11	NAS 11	Yemeni	Travel check	Kality Priosn	May 9, 2016
12	NAS 12	French	Drug possession	Kality Priosn	May 9, 2016
13	NAS 13	Somali	Terrorism	Kality Priosn	May 9, 2016
14	NAS 14	South African	Child Trafficking	Kality Priosn	May 6, 2016
15	NAS 15	Congolese	Child Abuse	June 2, 2016	June 2, 2016

Consent form

Good morning/afternoon,

Thank you for your interest in talking with me today. I am Yemserach Legesse who is a graduate student of Addis Ababa University, College of Law and Governance Studies, Centre for Human Rights. I am currently conducting a research titled “ACCESS TO JUSTICE IN ETHIOPIA: LANGUAGE, LOGISTICS, AND LIMITATIONS IN CRIMINAL CASES AT LIDETA FEDERAL FIRST INSTANCE COURT” in partial fulfillment of the requirements for Master of Arts (MA) in Human Rights. This study basically investigates major challenges that non-Amharic speakers face in adjudication of their criminal cases at federal courts. Your participation in the study is on voluntary basis; however, your honest response will help me in understanding the situation better. All the information gathered will be kept confidential and your name will never be linked with any of the information that you will provide. The interview is expected to take about 30 minutes. Your participation is greatly appreciated.

Kindly provide $\sqrt{\quad}$ mark in the box provided below to give your answer to the question

Do you have any questions about this research?

Yes No

Are you willing to participate in the study?

Yes No

Date: _____

Name and signature of interviewee: _____

Name signature of the interpreter: _____

Name and signature of interviewer: _____

Interview guide for Judges

- Full name
- How long have you served as judge in the criminal bench?
- Is there any established practice of providing interpreters to accused non-Amharic speakers?
- What are the normative national and international frameworks used to provide protection for accused/suspect that does not speak the working language of the court?
- How do you understand the right of these individuals? Could you provide your views about the law and the practice?
- There are more than 75 languages in Ethiopia and only few interpreters in court. What kind of impact does this have on the system?
- Which local languages are usually hard to find interpreters for?
- How often do you see this type of cases before the bench you preside?
- Do interpreters assigned by the court provide an effective service?
- What words are usually difficult for interpreters to find appropriate equivalent word in language they interpret?
- How does the poor interpreting quality of an interpreter impact the court proceeding?
 - The interpreter may not keep up with the lawyer or the judge
 - Constructing sentence could be difficult
- Do the interpreters have legal background?
- What common errors/challenges are observed from non-Amharic speakers because they don't have professional interpreters?
- Do courts/judges or other intervene to assure effective translation and/or interpretation service where the failure to provide effective assistance is manifested and sufficiently brought to their attention?
- What do you think is the implication of this problem to human rights (Constitutional) of non-Amharic speakers? To their right to access justice and other rights?
- Do you think the issue of non-Amharic speakers and the problem they are encountering a serious problem worth of policy intervention?

- How much of improvement have you seen in court interpreting in your time working in legal profession?
- Had there been any instances where courts review their judgment where they found that there has been a serious mistake/ miscarriage of justice due to language barrier?
- What can/should be done to solve the problem of language barrier in the justice system, especially in the criminal justice system? How would that contribute to building democratic society?

Interview guide for non-Amharic speakers

1. Are you willing to have an interview?
2. Full name, nationality, age and sex
3. What is the crime you are accused of?
4. What are the major challenges that you encounter because you don't know the working language of the federal court? Before trial? During trial?
 - Were you informed about the crime that you are accused of when arrested?
 - Were there interpreter during investigation? Were you able to find interpreter right away?
 - Did you stay in prison until interpreter is found? How long?
 - Were you satisfied with interpreter provided in police station? Do you think you were properly served in police station? Were you able to effectively communicate with the interpreter? Do you believe your ideas, responses and comments were effectively communicated to the responsible person (police officer)? What is your comment on the interpretation service provided at police station?
 - Did you have the chance to talk to public prosecutor before trial? Were you provided with interpreter? Do you believe you were properly served by the interpreter?

- Were you able to ask and get different information when you go to court (registrar office etc.) before trial?
 - What are the major challenges you encounter because you don't know the working language of the federal government?
 - When was your case presented before court? How long does it take to dispose the case? How many adjournments were made in your case because of lack of interpreter?
 - How did you provide written submissions to court?
 - How is language barrier affecting your stay in prison?
 - Do your parents/relative/friends/any person pay visit?
5. Did you hire interpreter yourself during criminal proceeding? Where did you find the interpreter? How many did you pay for the interpreter? How did you effect payment? Do you think the payment is expensive?
 6. Throughout the criminal proceeding, what did you personally feel whenever you are faced with communication barrier? Limited? Vulnerable? Sad? Angry?
 7. Had there been any instance you would not forget where you were seriously feel helpless?
 8. Do you believe that there would have been any change had you known the working language?
 9. How can the government of Ethiopia contribute to access to justice for accused persons in criminal proceeding?

Thank you!