Lost in Translation: Navigating Linguistic Challenges in Lesotho High Court Trials

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ABSTRACT

Court interpreting services are an essential component of the Lesotho's legal system to ensure that everyone has access to justice and can present their cases in the language of their choice, more especially at the Lesotho High Court where English is the language of the court. Effective court interpreting requires interpreters with, among other things, a high level of linguistic and cultural proficiency in their working languages, strategic competence, and a set of specific skills. However, the lack of formal professional training for court interpreters can have serious consequences on both the communication and the decisions of the court. Following the methodological principles of a qualitative case study explored strategies employed by the Lesotho High Court interpreters in their attempt to address linguistic challenges that they often encounter during their facilitation of communication between judges, lawyers, and plaintiff/defendant/witnesses. The study further examined how such strategies may affect communication of the intended message in the interpreter's renditions. Employing a pragmatic approach guided by Gricean maxims, this paper discussed a purposive sample of 19 excerpts extracted from the transcripts made from ten audio recordings of criminal cases from the Lesotho High Court. The study discovered that such strategies were employing to address linguistic challenges such as terminological challenges, long sentences and incomplete or too brief source language utterances. The study further established that the use of the identified strategies may distort the original speaker's intended message and hence misinform the witnesses and/or target recipients, which in turn could result in an unfair trial. To enhance the court interpreting process to uphold fairness and clarity in legal proceedings, this paper therefore recommends that the Lesotho High Court should provide formal training to its interpreters to raise their awareness of the strengths and weaknesses of the strategies they use.

1. Introduction

This study aims to investigate the interpreting strategies employed by Lesotho High Court interpreters and their impact on communication in court proceedings. Court interpreting is perceived by scholars such as Gao and Yang (2015) and Moeketsi (1999) as an oral interpreting activity, conducted by interpreters working in a courtroom to represent the information embodied in one language by using another different language to realize better communication and judicial justice before courts. These scholars see a court interpreter as someone who facilitates communication between different contesting parties, and as a neutral party.

Court interpreting, which is one of the many types of interpreting, is also known as 'legal interpreting' or 'judicial interpreting'. Jacobsen (2002:3) agree that court interpreting is sometimes referred to as legal interpreting, judiciary interpreting or forensic interpreting. In this paper, the term 'court interpreting' is adopted.

Lesotho seems to be lagging regarding court interpreting as a profession. There is no documentation regarding interpreting in the courts of Lesotho. However, just like other institutions in Europe and Africa where interpreting programmes are offered, the National University of Lesotho offers an undergraduate programme in translation and interpreting, although the programme is not mainly

focused on court interpreting. However, even though there are no court interpreting programmes offered by tertiary institutions in Lesotho, court interpreting is practiced in courts like, Labour Courts, Magistrate Courts and the Lesotho High Court.

The High Court of Lesotho typically uses both English and Sesotho, the two official languages of the country, in its proceedings. While the language of the High Court of Lesotho is English, Sesotho is also used in court because it is spoken by the country's majority population. It is also worth noting that Lesotho is home to a number of minority languages, including sign language, *isiPhuthi, isiNdebele, isiZulu,* and *isiXhosa.* In light of this cultural and linguistic setting, the government of Lesotho has pledged constitutionally to guarantee linguistic accessibility to justice for all. One aspect of this is ensuring that people can participate in and/or pursue legal affairs in the language with which they feel most comfortable. The Constitution of Lesotho, which commits the government to the protection of equal rights and justice for all, recognizes court interpreting as a pivotal communication instrument in the Lesotho legal context, to ensure that all citizens are treated fairly in court and that they can pursue their cases in the language of their choice. As stated explicitly in Section 12 (2) (f), one who is charged with a crime and who does not speak the language used at trial is entitled to have an interpreter present at no cost to him or her.

In line with this provision, it is then obvious that justice for all may be better achieved if judicial hearings are held in a language understood by the litigants. This suggests that when one of the parties to a lawsuit does not speak the language used in the court proceedings, a fair trial cannot progress without the assistance of an interpreter. Generally, court interpreters are expected to facilitate the intercultural communication of the court as accurately as possible, yet most of the Lesotho court interpreters are not trained in how to effectively convey the message of the litigants during court proceeding and/or in court interpreting. In a personal communication with the High Court of Lesotho's Assistant Register, Advocate Mosito Rabotsoa, researchers learned that interpreters in Lesotho courts are mostly clerks. Sometimes in the absence of the clerks, lawyers who work in the courts are bound to carry out the interpreting tasks. Rabotsoa further indicated that there is no formal training provided for court interpreters working in Lesotho courts, yet the law binds the courts to provide interpreting services for participants in court proceedings, should the need arise.

In carrying out the interpreting task, there are challenges that interpreters encounter when they interpret testimonies between the two official languages. In this paper, the term 'challenges' and/or 'interpreter challenges' is used to refer to any problem and/or difficulty that may hinder interpreters' smooth and effective facilitation of communication in a legal setting. Scholars such as Wang and Grant (2015) and Philister and Mwangi (2020) focused their research attention on linguistic challenges, using different theoretical perspectives from the one adopted by the current study. Wang and Grant (2015) explored common lexical and discursive challenges faced by court interpreters in New Zealand. Their study shows that amongst other linguistic challenges that court interpreters are faced with are terminological precision of legal language as it differs from everyday English, as well as maintaining speech style. Furthermore, Philister and Mwangi (2020) discovered that the litigants' speed of speech is the major linguistic challenge faced by the interpreters. However, other additional challenges include unclear vocabulary, use of ideal languages and problematic pronunciation.

It is also possible that as a way of trying to overcome these linguistic challenges, interpreters use some interpreting strategies. An interpreting strategy is a method that is used deliberately to prevent or solve potential problems in interpreting or to enhance interpreting performance (Dong et al, 2019). Research in interpreting studies reveal that interpreters commonly use three types of interpreting strategies, namely, omission, elaboration and addition, focusing more on identifying new categories of omission (Ahmed, 2018); a strategy that is used more frequently (Kuswayo and Audina, 2020); and types of information that interpreters tend to add in their target renditions (Wehrmeyer, 2020). However, the use of these strategies may affect the way the intended message comes out, such as weakening or enhancing the speaker's intended message. However, recent studies explore issues like the impact of interpreters' intonation (Liu and Wang, 2023) and the impact of using unprofessional interpreters, focusing mainly on the practical, processional, educational, technical, and misconceptions-based interpreter challenges. While previous research on interpreter techniques has yielded promising results, this investigation fills a knowledge vacuum by focusing on the potential consequences of a lack of formal professional training for court interpreters. The study seeks to fill that void by analysing how the High Court of Lesotho's communication and rulings have been affected by the interpreting tactics that have been identified.

The lack of formal professional training for court interpreters in Lesotho can have serious consequences on both the communication and the decisions of the court. As indicated earlier, the use of unprofessional interpreters in the Lesotho's legal context has been a norm from time immemorial, and that left most people thinking that interpreting is an easy task that can be successfully performed by anyone who knows English and Sesotho. Consequently, some bilingual speakers of English and Sesotho tend to accept different interpreting assignments without any reservations,

regardless of any challenges that interpreting may present to them. Ewa (2010) clarifies that court interpreting is not only a demanding language mediation task but also a challenging one. It is also well-known that in the African context there are no court interpreting models to guide interpreters in their daily tasks in court (Lebese, 2015). In the light of this background, Lesotho interpreters' renditions in court proceedings are often characterised by, among other things, meaningless words, lengthy and/or incomplete utterances presented to the target listeners. This scenario compromises the accuracy of communication of the original speaker's intended message during court proceedings.

As stated earlier, court interpreting services are a necessity in the Lesotho's legal system to ensure that everyone has access to justice and can present their cases in the language of their choice, more especially at the Lesotho High Court where English is the language of the court. Interpreters in a court setting need to have a wide range of skills in addition to strong linguistic and cultural knowledge of their working languages. However, communication and the judgement of the court can be severely impacted when interpreters lack rigorous professional training. The researchers believe that such a lack of training may lead to a failure in communication in a bilingual courtroom setting – a situation that may contribute to misunderstandings about the function of the interpreter and/or raise questions about the nature and quality of court interpreting. Therefore, this paper set to give answers to the following question: How does the use of an interpreter influence the communication; the decisions of the court; and/or the litigants' right to a fair trial, given that a fair trial is impossible without an interpreter when one of the parties involved in the court proceedings does not speak the court language?

The phenomenon of interpreter coping strategies between English and Sesotho was first examined by Mohlomi (2010), focusing specifically on commissions of inquiry in Lesotho. However, there is still a scarcity of research evidence on strategies employed by court interpreters in their attempt to overcome linguistic challenges they encounter during the court proceedings. Against this backdrop, this study sets out to make its contribution in court interpreting studies by examining the strategies court interpreters use to address linguistic challenges they encounter during court proceedings, in an attempt to facilitate communication between the judge, lawyers and Plaintiff / defendant / witnesses. The paper further discusses how such strategies used during the facilitation of communication may affect delivery of the intended message. In line with this purpose of the study, the objectives of this study are to identify the most used interpreting strategies, assess their impact on the conveyed message, and propose recommendations for improving court interpreting practices in Lesotho's High Court.

2. Literature Review

Court interpreting has been studied by scholars such as Moeketsi (1999), Lebese (2015), Tria (2023), and Liu and Wang (2023), focusing on various issues such as interpreter challenges in legal setting; strategies used by interpreters in facilitating the court interaction and the impact of interpreter-mediated communication on the justice system. Such studies are reviewed below.

2.1 Challenges in Court Interpreting

Court interpreting has been an ongoing topic in interpreting studies by scholars such as Moeketsi (1999); Lebese (2015), Usadolo and Kotzé (2015), Wang and Grant (2015), Liu (2020), Philister and Mwangi (2020), Ngarambe and Ruvebana (2023), and Tria (2023), featuring in investigations on challenges faced by court interpreters. These studies give evidence that in different countries like South Africa, Kenya, Rwanda, New Zealand and China interpreters are faced with a variety of challenges. Such challenges may, firstly, be political, as Moeketsi's (1999) study reveal that in the past, court interpreters in the South African courts were forced to serve under judges and magistrates, who were mostly for the apartheid government and did not care about the proper training of court interpreters. As a result, some interpreters felt justified when they declined to take responsibility for poor performance. They claimed that poor training produces poor, incompetent and unprofessional service providers.

Secondly, socio-cultural challenges also seem to have existed. Lebese (2015) indicates that there are no models for court interpreting to serve as a guide for interpreters when performing their task. Consequently, this poses challenges to court interpreters as they are expected to follow international models which are formulated culturally using foreign metaphorical languages that differ from that of indigenous languages, which may be misinterpreted by court interpreters. In the same vein, Usadolo and Kotzé (2015) believe that interpreters are likely to face with socio-cultural challenges if they are not adequately informed about the prevailing socio-cultural issues in the home country of the accused, especially when the accused is from a lusophone country and the interpreter from an anglophone country.

Thirdly, Wang and Grant (2015) and Philister and Mwangi (2020) focused their research attention on linguistic challenges. Wang and Grant (2015) explored common lexical and discursive challenges faced by court interpreters in New Zealand. Their study shows that amongst other linguistic challenges that court interpreters are faced with are terminological precision of legal language as it differs from everyday English, as well as maintaining speech style. Additionally, Philister and Mwangi (2020) discovered that the litigants' speed of speech is the

major linguistic challenge faced by the interpreters. However, other additional challenges include unclear vocabulary, use of ideal languages and problematic pronunciation.

Fourthly, other scholars focused on more than one type of challenge in interpreting. Focusing on both pragmatic and linguistic challenges for trainee interpreters in achieving accuracy when interpreting cross-examination questions from English to Mandarin, Liu (2020) discovered that it can be challenging to produce pragmatically accurate renditions. Tria (2023) also investigated multiple challenges that occur in court interpreting, revealing that interpreters are faced with different categories of challenges like; linguistic, judicial, regulatory, and psychological. Finally, Ngarambe and Ruvebana (2023) discuss the practice of court interpreting in Rwanda, examining the existing legal framework for court interpreters, their practical and professional challenges. The study identified challenges that include selection of court interpreters, the equipment used in court interpreting, the language proficiency of court interpreters, misconceptions of the general public towards court interpreters as well as lengthy court proceedings.

The aforementioned scholars seem to have dwelled on different aspects of challenges encountered by court interpreters, categorising them into political, social, cultural, pragmatic, psychological, judicial, professional and linguistic ones. These studies also approached interpreting challenges from different theoretical perspectives such as socio-cultural, pragmalinguistic, cognitive, and pragmatic views. The studies draw from the theoretical principles and/or theories such as the relevance theory (RT), speech acts theory (SAT), information processing theory (IPT) and Language Expectancy Theory (LET). The results of these studies informed the current studies on various categories of challenges interpreters encounter in the legal setting; however, this study differs from them by adopting a different theoretical perspective based on the pragmatic approach guided by Gricean maxims.

2.2 Interpreting Strategies

Several studies have dwelled on strategies used in interpreting used in different modes and this includes Ahmed (2018), Kuswayo and Audina (2020), and Wehrmeyer (2020). Ahmed's (2018) paper attempts a new categorisation of omission in simultaneous interpreting through exploring and investigating omission in the simultaneous interpreting of U.S. presidential debates from English into Arabic in order to improve the interpreter's performance. An interdisciplinary approach combining interpreting studies (especially Pym's Risk Analysis 2008) and political sciences (basically Benoit's Functional Theory of Political Campaign Discourse 2017) is employed.

The paper reaches the conclusion that there is a gap in understanding omission in interpreting a discourse type as such from English into Arabic and that interpreters used omission in their renditions, a matter which affected the three functions of presidential debate.

In addition, Kuswayo and Audina (2020) investigate the consecutive interpreting strategies used by an Indonesian interpreter in a trial court in English and consecutively interpreted into Indonesian. Drawing from Faerch and Kasper's theory of interpreting strategy and using descriptive qualitative method, the study discovers that the interpreter used two types of consecutive interpreting strategies, namely, reduction strategy (omission) and achievement strategies. The interpreter used these strategies when she was faced with difficult words in long utterances. The study concludes that the elaboration strategy was frequently used because the interpreter tried to balance the meaning from the source language to the target language.

Moreover, Wehrmeyer (2020) explores additions made by an interpreter in news broadcast when simultaneously interpreted into South African Sign Language. Using grounded Theory, the study explores the types of additions made, the reasons for their production and their downstream consequences. The results revealed that interpreters mainly add discourse markers, linguistic extrapolations like filling in ellipsis and obvious cotext, repetitions contextual information and to lesser extent, second translations, pragmatic markers, and new additions. Although Wehrmeyer dwells on additions in interpreting like this study, Wehrmeyer approaches the additions using grounded Theory, while this study uses pragmatic theory. However,

The above studies suggest that interpreters commonly use three types of interpreting strategies, namely, omission, elaboration, and addition. Although these studies discuss omission and addition, which also form the crux of the analysis of the current study, they focused more on identifying new categories of omission (Ahmed, 2018), a strategy that is used more frequently (Kuswayo & Audina, 2020) and types of information that interpreters tend to add in their target renditions (Wehrmeyer, 2020).

While the current findings on interpreter strategies are promising, this study identifies a gap in literature on issues pertaining to the lack of formal professional training for court interpreters and the impact that this lack may have on the court interaction. To fill this gap, this paper explores the impact of the identified interpreter strategies on the communication and the decisions of the High Court of Lesotho, and further provide recommendations on how to address the impact.

2.3 The Impact of Interpreter Strategies on Court Interpreting

There seems to be little literature regarding the impact of strategies used by court interpreters in court proceedings. Liu and Wang (2023), on one hand, focused on the interpretation of questions in the interpreter-mediated Chinese courtroom from the perspective of intonation. Their study analysed the way intonation contributes to bringing certain parts of an utterance into prominence and the extent it is relayed into the target language using phonetic analysis tool Praat. Findings of their study have shown that intonation has four major pragmatic functions, namely, interrogating, emphasizing, topic-shifting and ridiculing. It also showed that there are few possible reasons for the pragmatic shifts between the Chinese courtroom questions and their English interpretations. Firstly, English and Chinese have different ways to formulate a question, which has an impact on the location of focus in an utterance. Also, in the process of interpreting, interpreters may be preoccupied with rendering the propositional content of the original utterances and monitoring the grammatical accuracy of the delivery and, therefore, cannot attend to the accuracy of interpreting at the pragmatic level. Lastly, an interpreter might want to take a more active role than what is prescribed in the code of ethics to address his or her own pragmatic concerns. On the other hand, Ngarambe and Ruvebana (2023) directed their focus on the utilisation of unprofessional interpreters in the legal setting. Their paper shows the consequences of using unprofessional interpreters, which include miscarriage of justice due to inaccurate interpretation and/or delayed proceedings.

Liu and Wang's (2023) study shows that during the interpreting process, interpreters struggle to reformulate the statements and/or questions preserving the same pragmatic functions as they were in the source text. As a result, this affects the intended focus of the utterance. In addition, Ngarambe and Ruvebana (2023) explored how interpreters' inaccurate target renditions may impact the delivery of justice by courts of law. Since these studies touch on the impact of interpreters' renditions, they benefit the current paper when it comes to the nature of consequences that interpreters' renditions may have. These studies explore the impact of interpreters' intonation, using a Phonetic Analysis tool Praat (Liu & Wang, 2023) and the impact of using unprofessional interpreters, focusing mainly on the practical, processional, educational, technical, and misconceptions-based interpreter challenges. As a result, there is it still room for this study to fill the gap by illustrating the impact brought by interpreters' strategies on the court interactions. This study, therefore, contributes in raising awareness on how interpreters' use of strategies under study may affect the outcomes of court decisions.

3. Method

To investigate interpreter strategies in Lesotho's High Court, this paper draws on the methodological principles of a qualitative case study. Qualitative research, according to Astalin (2013, p. 118), is "a systematic scientific inquiry which seeks to build a holistic, largely narrative description to inform the researcher's understanding of a social or cultural phenomenon". Bhandari (2020) adds that it is the process of collecting, analysing and interpreting non-numerical data, such as pictures and/or texts derived from documents and/or video and audio recording transcripts, to understand concepts, opinions or experiences. This qualitative case study, therefore, focuses on textual data in the form of words, phrases and sentences that illustrate and understand types of interpreter strategies in Lesotho's High Court and their impact on the original speaker's message rather than the frequencies of their occurrences. This is case study because it focuses on the collective cases of strategies used by interpreters of a specific legal institution and as a result its findings may not be generalise to other intercultural communication situations. Nevertheless, such findings may raise awareness of the impact of the specific interpreter strategies on the original speaker's message. This study, therefore, employed this research design to better comprehend, interpret and describe the phenomenon under study without sacrificing the quality, variety and exceptionality of the cases that illustrate it.

3.1 Data Collection Procedure

This paper analysed data extracted from the transcripts made from the audio recordings of the criminal cases of the Lesotho High Court and such recordings were obtained from the Lesotho High Court. The choice of criminal cases over other cases resulted from the researchers' observation that recordings of criminal cases were longer than the recordings of other cases. As a result, the researchers hoped to get enough data in lengthy recordings of criminal cases.

The proceedings of the Lesotho High Court are audio recorded each time the case is before the court for hearing, and the audio recordings are kept by the relevant unit of the High Court working with recordings. The data that this paper analysis reflect the interpreting made by the interpreters of the High Court of Lesotho. As stated in the background, most people interpreting at the High Court of Lesotho have not received formal professional training in interpreting. Some were even hired by the court to do specific duties other than interpreting. It is worth noting that the data on interpreting by these interpreters did not involve data capturing by means of live recording of court proceedings, but rather the researchers used the readily available court audio recordings. Live recordings were avoided in favor of

audio recordings because, as Jacobsen (2002, p. 92) points out, the participants' awareness of the recording process, that means, of the fact that speakers' original and subsequent renditions would be recorded for purpose of analysis, may have influence on the production of both source texts and target texts in trials. As a result, it would be impossible to get an accurate image of how the participants, and especially the interpreters, perform their duties based on data collected from live recordings.

The Lesotho High Court recorders usually make transcripts of the court proceedings on request by judges and/or attorneys. Even though there were some readily available transcripts, for the purposes of this study, the researchers decided to listen to the audio recordings and transcribe them by themselves. This is because they thought that the readily available transcripts might be riddled with errors and/or tidied before submitted for appeal hearings – a situation that makes them not reliable and suitable for linguistic analysis. Fraser (2003) discourages researchers from using readily available transcripts, especially if such transcripts are intended for linguistic purposes.

To get access of such audio recordings, the researchers wrote to the Assistant Registrar of the High Court of Lesotho to seek permission. Upon collection of audio recordings after permission was granted; there were 35 readily available audio recordings, but researchers considered only 10 that dealt with criminal cases. The 25 audio recordings were rejected for this study because they consisted of mixed types of cases: divorce, land and labour cases and they had nothing to do with criminal cases, which this study is focusing on. The 10 audio recordings that this paper analysed cover the court proceedings of five cases; ease case has two recordings. Furthermore, 4 of these recordings run for two hours while the remaining 6 run for an hour and a half. Such audio recordings are of a period ranging from June to December 2017. This is due to the installation of new recording and storing equipment by the High Court of Lesotho and the migration process of information from old machines to the new ones at the time these recordings were collected. This suggests that because of this transition, at the time the researchers requested the recordings, information from old recordings was not yet migrated and as a result, it was not accessible for purposes beyond that of the court.

The researchers listened and manually transcribed the audio recordings, taking regular breaks to avoid inaccuracies in their data that could occur because of long intervals of transcribing. Before a final draft was picked for this study, the researchers revisited and revised their drafts to correct any mistakes they might have committed. This means that the excerpts used in this paper are the results of a process of slowly replaying and carefully listening to the recordings and transcribing them.

The advantage of this process is that it gave the researchers the opportunity to review the quality of their transcripts and refine them by correcting the previously misrepresented features of the court interaction and adding the ones which were overlooked before.

The Sesotho and English excerpts used in this paper were then extracted from the transcripts the researchers made. Researchers read the transcripts, identified, and highlighted all instances that illustrated the various types of strategies employed by the interpreters of the High Court of Lesotho. The data for this study is constituted of 23 excerpts in all. However, the researchers purposively extracted a sample of 19 excerpts that they used to illustrate the phenomenon under study. The other 4 excerpts were excluded to avoid redundancy as they were making the discussion of one of the categories longer without yielding new insight and/or new categories or subcategories. In support, Saunders et al. (2012) explains that in purposive sampling the researcher relies on his or her judgement when choosing members of population to participate in the study.

3.2 Data Analysis Approach

The researchers categorised their data into themes, based on the types of strategies the excerpts illustrated. The researchers read and reread the transcripts that they have produced to start identifying specific patterns and meaning in them. The researchers manually coded their data into manageable, but meaningful chunks of text that led to the development of themes. The researchers interrogated the data, and the codes are organised to reflect the themes that arose from that process. For instance, all the English linguistic units whose Sesotho renditions have employed the same strategy are categorised and discussed under the same theme. To make it easier for the researchers to track down the coded emergent themes, they were given numbers, while the themes themselves were given names and comprehensive definitions. The data under each category was then discussed, analysed, and interpreted from a pragmatic approach guided by the Gricean maxims.

The extracted data use only the job designations of the court personnel such as 'judge', attorney, and 'interpreter'; the sides of the parties involved in the lawsuit, 'defense'; and where names are used in the court interactions, such names are substituted with alphabets as in Mr. Y. This approach made it possible to preserve the rights and the anonymity of the court personnel, litigants, and the individuals who the matters of the trials focus on. The audio recordings in a memory stick and the transcripts are locked in one of the researchers' office chest of drawers to maintain the confidentiality and the data archiving for future reference.

4. Result

This section presents the findings of the strategies court interpreters used to address linguistic challenges they encounter during court proceedings to overcome the linguistic challenges they encounter. The results reveal that Lesotho High Court interpreters used Borrowing, Omission and Addition strategies. Table 1 below summaries the findings: indicating the frequency and/or percentage of each strategy.

Table 1. The Appropriate Title of the Table

No	Name	Information
1	A2	Description
2	2B	Description
3	9S	Description

Overall, there are 23 excerpts, in which different interpreting strategies were used. As it can be seen in Table 1 above, three interpreting strategies were employed. The most frequent of these strategies is Borrowing, which occurs nine times, accounting for 39% of the strategies. The second most frequent strategy is Omission which appears eight times, which means that it constitutes 35% of the strategies. Lastly, there is Addition which occurs only six times, accounting for 26% of the strategies. This section illustrates 19 examples as some excerpts were redundant. Below are some examples of the strategies that interpreters used:

4.1 Borrowing

1). Judge: This is the position under common law, fortified by our constitution and statute.

Interpreter: *Tsena ke tse tlas'a common law, eeeee e etsoang ke molao oa motheo le melaoana ea Lesotho.*

Excerpt: R0003.b02_ B: 8:37 – 9:02.

In the above excerpt, the Judge was referring to one type of law called "common law". The interpreter was able to render part of the message in the target language which in this case is Sesotho; however, this law was not interpreted but rather borrowed and rendered into the target language in its original form.

2). Judge: In section 1 (a) of the criminal procedure act, the parliament has introduced two elements when two petitions are considered by the courts.

Interpreter: *Eee, molao o hlahang ho criminal procedure act, paramente e hlahisitse lintlha tse peli moo kopo tse peli li shejoang ke makhotla.*

Excerpt: R0003.b02_B: 12:20 – 12:45.

In this excerpt, the judge was explaining that under the criminal procedure act, there are two elements that have been introduced to consider two petitions in courts; in his rendition of what the judge has said, the interpreter rendered 'the criminal procedure act' as it is in the Source language which is not the native language of the accused. Ewa (2010) urges that interpreting is undoubtedly demanding and challenging, and therefore requires the knowledge of an entire spectrum of fields and domains.

3). Judge: The defense, with the concurrence of the crown had given me very damaging information which was necessary at that time.

Interpreter: *Defence ka tumellano le crown ba ile ba lumela hore ke fuoe litaba tse ka senyang hobane ka nako eo ho ne ho na le taba eo ke lokelang ho e etsa.*

Excerpt: R0003.b03_B: 13:56 – 14:20.

The above data is an illustration that the judge was reading a sentence for one of the accused, who was a native speaker of Sesotho; he therefore needed the assistance of an interpreter as the judgement was being read in English. The jargon used was very technical and therefore the accused needed to understand every detail in his native language, hence the interpretation. It is observed that the interpreter kept borrowing and using some legal terms as they are in English.

Majority of these terms are related to certain parts of the constitution of Lesotho. They are, "common law", "criminal procedure Act" and "statute".

4). Defence Attorney: My Lord, we are fighting an Alibi here.

Interpreter: *Mohlomphehi, mona re loantša Alibi*

Excerpt: R0003. b01_B: 2:35 – 2:55.

5). Defence Attorney: If you had known him, there would be no need for identity parade.

Interpreter: *Ha u ne o mo tseba, ho ne ho se na lebaka la identity parade.*

Excerpt: R0003.a00_B: 27:20 – 27:40.

There are other parts where the terms were not from the constitution but were still technical language which needed to be interpreted, terms such as "alibi" and "identity parade" needed to be interpreted, however, the interpreter rendered them as they are when interpreting from English to Sesotho.

6). Plaintiff Attorney: My Lord, the petitioner has not attached any medical evidence to proof that he has influenza condition.

Interpreter: *Mokopi ha hona moo a faneng ka medical evidence ea hore o na le influenza.*

Excerpt: R0003.b03_B: 10:20 – 10:33

In the above excerpt, the Plaintiff's Attorney was stating that the petitioner did not provide any medical

evidence to show that he has influenza; in rendering the message into the target language (Sesotho), the interpreter transferred both medical evidence and Influenza as they were in the source language (English).

4.2 Omission

7). Plaintiff Attorney: Mr Y, are you aware that your accomplice is on the run?

Witness: *Ha ke tsebe, ke mo qetetse mohlang re tšoeroeng.*

Interpreter: I last saw him when we went to prison. (I do not know is omitted)

Excerpt: R0003.a01_O: 1:16 – 1:36.

8). Plaintiff's Attorney: So are you telling me that you do not know that he is on the run?

Witness: *Ntate, ke itse ha ke tsebe, motho eno ke mo qetetse ha re ne re robetse maponeseng.*

Interpreter: I said I don't know. (I last saw him when we were in the police holding cell is omitted)

Excerpt: R0001.a01_O: 25:40 – 26:50.

The data in excerpts (7) and (8) reveal that the plaintiff's attorney asked the accused if he is aware that his accomplice is on the run, the accused stated that he does not know. The interpreter on the other hand only interpreted part of the message. This led to the plaintiff's attorney asking the same question again. Even in this instance, the interpreter still omitted part of what the accused said in his native language. Kuswayo and Audina (2020) study highlights that it is common for interpreters to omit when faced with difficult words in long utterances, though in this case the possibility could be long utterance and not difficult words.

9). Defence Attorney: I say you got the name of the accused wrong and you probably do not know him like you claim.

Interpreter: *U fositse lebitso la moqusuoa hobane hantle-hantle ha u mo tsebe. (Joaloka ha u bolela is omitted)*

Excerpt: R0003.a01_O: 9:01 – 9:28.

10. Witness: *Lehaeba ke fositse fane ea hae, empa eena kea mo tseba. O ne a ee motseng oa ka.*

Interpreter: I know him very well my Lord. He used to go to my home. (even though I did not correctly say his surname is omitted)

Excerpt: R0003.a01_O: 10 – 10:57.

11). Defence Attorney: That explains why you cannot be correct to say you recall everything that happened that day.

Interpreter: *Kahona hee, ha ho'a nepahala ha u re u hopola ntho e 'ngoe le e 'ngoe. (e etsahetseng ka letsatsi leo is omitted)*

Excerpt: R0003.a00_ O: 9:02 – 9:25.

In the above excerpts (9), (10) and (11), the witness was being questioned about a suspect she claims to know. This was after she wrongly said the suspect's surname. In excerpt (10), the witness was saying that even if she said the wrong surname, she is adamant that she knows the accused because the accused used to visit her village. In the same manner as the previous excerpts, the interpreter still omitted the part where the witness showed certainty of what she said. The omission led to a follow up question by the attorney due to the omitted part.

12). Plaintiff Attorney: Please narrate to this court the events that led to your fatal shooting. How were you shot and where were you?

Interpreter: *Hlalosetsa lekhotla hore na le thuntsoe joang. (How were you shot and where were you are omitted)*

Excerpt: R0003.a01_O: 15:02 – 15:09.

13). Witness: *Ka nka khato ea hore ke kopane le eena re lokise litaba pele li senyeha hofeta.*

Interpreter: I decided to meet him so that we could resolve our issues. (Before things got out of hand is omitted.)

Excerpt: R0001.a01_O: 27:01 – 27:30.

In excerpt (12) the Plaintiff's Attorney wanted the plaintiff to narrate the events that led to the shooting, how they were shot and the location at which the shooting took place. However, in transmitting the message the interpreter omitted the part that demanded the events that led to the shooting, as well as the place where the shooting took place. Similarly, in excerpt (13), the witness was narrating that he decided to meet with the accused to resolve the issues between the two parties, even before things could get out of hand, but the interpreter omitted the part that states that the meeting was made before things could get out of hand.

4.3 Addition

14). Judge: Mr, Y, you ought to appreciate that I was only asking to elucidate some points that needed clarity. I was in no way intimidating you.

Interpreter: *Ntate Y, eeee […] utloisisa hore ke ne ke botsa hoba ke batla ho hlakeloa ke litaba. Ke ne ke sa u tšose hore u utloe eka joale..eeee lekhotla ha le sa u tširellelitse.*

Excerpt: R0001.a03_A: 8:10 – 8:25.

The data above reveals that the judge asked Mr Y questions in order to get more points for clarity. However, Mr Y felt intimidated, that is why the judge allayed his fear by clarifying that he was asking questions to get more information and not to intimidate him. The interpreter had to transfer the information into a language that the witness could understand; he, however, added more information on what the judge had said.

15). Judge: Mr X, please look at that paper very closely. Is that not your signature?

> Witness: (speaks softly) *Na e be ke tla bona tje? mahlo a hana.* (Will I be able to see? My eyesight is poor)

> Interpreter: *I wonder if I will see because I have eye problems and I cannot read such small writings. (Kea ipotsa na ke tla bona hobane ke na le bothata ba mahlo bo ntšitisang ho bala mengolo e mesesane)*

> Excerpt: R0001.a03_A: 16 – 16:25.

16). Judge: (to the witness) you need to speak up so that we can hear everything you have to say.

> Interpreter: *O buoe haholo uena monna, re tsebe ho utloa, oa utloa?* (speak up man! So that we could hear you. Understood?)

> Excerpt: R0001.a03_A: 16:30 – 16: 45.

In the excerpts (15) and (16) above, Mr X was given a document to look at and identify his signature after he had denied that he had signed over his land to the accused. Mr X replied that he is not sure if he will be able to see due to his poor eyesight. In rendering the message into English, the interpreter added extra information by saying to the judge, the witness (Mr X) cannot read documents written in small fonts. Mr X spoke in low tone so the judge requested that he should raise his voice. In explaining to him what the judge said, the interpreter added information that intimidated Mr X.

17). Defence Attorney: How did you know that the accused drove your cattle from the kraal?

> Interpreter: *U tsebile joang hore baqosuoa ke bona ba khannileng likhomo tsa hau ho tloha sakeng ho ea fihla thoteng moo li fumanoeng teng? (up to the veld where they were found)*

> Excerpt: R0001.b01_A: 3:23 – 3: 30.

18). Judge: When the report was made to you, not the alleged, er […] offense?

> Interpreter: *Nakong eo ho fihlileng tlaleho e tlang sepoleseng e seng ha ketsahalo e etsahala, ha tlaleho e tlisoa sepoleseng, e ne e le neng? (When it came to the police station, not when the incident occurred, when it came to the police station).*

> Excerpt: R0001.b01_A:5:23 – 5:33.

19). Witness: *Ho joalo,* my Lord!

> Interpreter: Oh yes my Lord! The report was the same night that, er […] as the incident.

> Excerpt: R0001.b01_A: 4:01 – 4:10.

In the above excerpt (17), the Defence Attorney was questioning how the plaintiff knew that the accused drove the cattle from the kraal. The interpreter, however, added more information to this question when he mentioned that the cattle were driven up to the veld. In excerpt (18), the Judge wanted to know when the report was made and not the offense, the interpreter however added by saying when the report came to the police station. Similarly, in excerpt (19), the interpreter added extra information by saying the report was on the same night as the incident, while the witness only said "yes, my Lord."

5. Discussion

The results of this paper are discussed below and grouped based on the strategies discovered. The aim of this study was to examine the strategies court interpreters use to address linguistic challenges they encounter during court proceedings, as well as how such strategies used during the facilitation of communication may affect delivery of the intended message. This section discusses the use of the identified strategies and their impact on the actual message.

5.1 Borrowing

Purnomo (2021) states that borrowing means a word(s) are taken directly from another language with an intention to create a stylist effect. Additionally, Hoffer (2002, p. 1) defines borrowing as the process of importing linguistic items from one linguistic system into another. The linguistic items imported are referred to as loanwords and include vocabulary, phonology, and grammar. This suggests that borrowing can be defined as using linguistic elements from one language into another language. In essence, borrowing can be regarded as a conscious interpreting strategy that does not provide the counterpart of the word because the word or phrase is taken as it is in the source language. Moreover, Wuryanto (2016) adds that words are being borrowed to maintain the meaning of source language and sometimes people will only understand if the word remains the same. However, some scholars such as Baklanova (2006) and Hollmann (2006) argue that when borrowing from other languages, the borrowed words and phrases must undergo some changes so that they can fit into the target language form.

There are a number of factors that influence interpreters to use borrowing as a strategy. These factors include, among others, lack of equivalents in

the target language and the interpreter's limited knowledge of the subject he or she is interpreting. It appears interpreters in the High Court of Lesotho borrowed a number of lexical terms from English when they had to render the message into the target language which is Sesotho. For instance, in excerpts (1) to (7) in the previous section where the terms "common law", "criminal procedure act", "defence", "crown", "alibi", "identity parade", "medical evidence" and "influenza" were render as they are in the target language, the interpreters were faced with both legal and medical terminology. The terms "common law", "criminal procedure act", "defence", "crown", "alibi", and "identity parade", in excerpt (1) to (5), are legal terms while both "medical evidence", and "influenza", in, excerpt (6) are medical terms.

The legal terms seem to have been borrowed from English more than any other linguistic terms. This is evident in the excerpts where majority of the legal items were imported from English and used in Sesotho as they are.

The Lesotho Judicial System was adopted from British; therefore, most of Lesotho Acts are adopted from English making it difficult for interpreters to come up with their equivalent terms. In support, Lebese (2015) affirms that there are no models for court interpreting to serve as a guide for interpreters when performing their task. As a result, this pose challenges to court interpreters as they are expected to follow international models which are formulated culturally using English metaphorical languages which differs from that of indigenous languages. However, the reason why the interpreters failed to interpret the Acts in excerpt (1) and (2) could be that he did not have enough vocabulary to render the terms into Sesotho or he was under pressure, so much that he could not retrieve the equivalent term instantly.

Besides these concepts, there are other legal terms that were also borrowed from English and imported into Sesotho in their original form even though they had their equivalents in the target language. This is shown by failure to correctly interpret terms such as "crown" (*mofapa-hlooho*),defence (*moitšireletsi*), both of which are illustrated in excerpt (3), and "influenza" (*mokhohlane*), in excerpt (6), even though they have equivalent terms in Sesotho. This proves even further that when an interpreter lacks vocabulary, he or she opts for the closest strategies like borrowing, which unfortunately deprives native speakers of the target language an opportunity to grasp the message. Consequently, borrowing terms with equivalents in Sesotho seem to have a negative impact, as this could lead to the accused and/or witnesses of the native language (Sesotho) giving out inappropriate responses that might jeopardise their credibility.

Some terms did not have equivalents, but they could have been paraphrased if the interpreter knew their meaning while for others even paraphrasing would not be viable because it would lead to a lengthy explanation. For example, the terms "alibi" and "identity parade" in excerpts (4) and (5), respectively, have no equivalents in Sesotho and to capture their meaning by paraphrasing would result in long explanations. The term "alibi", in excerpts (4), can also be used to illustrate that some English legal terms are of Latin origin. On the other hand, "medical evidence", in, excerpt (6), could have been paraphrased into *bopaki ba ngaka* (doctor's testimony) in Sesotho.

As mentioned previously, Lesotho High Court interpreters seem to be not familiar with these terms. In support, Mojuta (2016, p. 5) puts forth that court interpreting is not only a highly specialised field, interactions in court are more complex than in an ordinary conversation and those who function in the legal environment, including court interpreters, have to be familiar with the register or genre.

Borrowing may be used as a strategy if the source language does not have its equivalent term in the target language. In such cases, Baker (1992, p. 34) suggests that it is advantageous to follow a loanword or a borrowed word with an explanation. This makes it easy for the target audience to at least have an idea of what the term means. As Mohlomi (2010, p. 67) adds that if the target audience (especially the monolingual speakers of Sesotho) is unfamiliar with the loanwords and there are no supplementary procedures employed with the borrowing, understanding may be hindered. In cases of language of specific professions such as law, even Basotho who understand English may still not know what such legal expressions refer to.

This also goes for medical terms that may surface during deliberation. For instance, in excerpt (6), the interpreter transferred the terms "medical evidence" and "influenza" as they were in the source language. This leaves monolingual speakers in the dark concerning the two English terms. This may affect the target audience negatively as they may end up giving inappropriate responses which may be of gain to their counterpart and end up losing the case.

All in all, this subsection has shown that borrowing was used by Lesotho's High Court interpreters to address terminological challenges they were faced with. The findings by Wang and Grant (2015) and Philister and Mwangi (2020) suggested that amongst other linguistic challenges that court interpreters are faced with are terminological precision of legal language as it differs from everyday English; maintaining speech style; failure to keep up with the litigants' speed of speech; and unclear vocabulary; the use of ideal languages; and problematic pronunciation. Terminology issues are also evident in the current paper as it attempts to make its contribution in the existing literature.

Terminological challenges are examples of problems of non-equivalence at word-level. Such a terminology is divided into legal and medical terminology. Legal terminology was used by judges and attorneys, such as 'common law', in excerpt (1), and 'crown', in excerpt (3). Medical terminology was used by plaintiff attorney, and it included words such as 'medical evidence' and 'influenza', in excerpt (6). To interpret all these terms, the interpreter used a direct borrowing. This is borrowing without making any phonological and morphological modifications. Words such as 'defence', and 'crown', in excerpt (3), as well as 'influenza', in excerpt (6), respectively, have their Sesotho equivalents, namely, *moitšireletsi*, *mofapa-hlooho*, and *mokhohlane*, respectively. Other terms such as 'medical evidence' could have been interpreted by other means such as paraphrasing. In that case, *bopaki ba ngaka* could have been used for 'medical evidence'.

However, the possibility for these borrowings might have been caused by the fact that the interpreter had limited time to think about their possible equivalent terms in the target language and did not want to lag the speaker; or s/he lacked vocabulary concerning the English terms and resorted to borrowing strategy.

While no language is immune to borrowing, it is therefore very important that interpreters do not only borrow from other languages without supplementing the loanword with an explanation, as Baker (1992) puts forth that there should be an explanation alongside the borrowed word. Failure to do so would be violating maxim of quantity which requires that one must be as informative as possible for those listening to the message.

5.2 Omission

Another interpreting strategy that the interpreters employed is omission. Omission, as per Sharma (2015), is dropping of word(s) that usually takes place when there is no equivalent word(s) in the target culture. Baker (1992, p. 40) states that there is no harm in omitting a word or an expression in some context when interpreting if the meaning conveyed by such a word or expression is not vital to the development of a text. However, in some cases omission may be used unnecessarily. This is asserted by Motjope (2006, p. 48), that, "there are cases where omission is used unnecessarily to the extent that interpreting becomes shorter at the expense of accuracy". The interpretation does not only become shorter but it also deprives the target audience a chance to get the full message.

This is a strategy that interpreters sometimes sort to use because of several reasons. Some of these reasons include, high rate of delivery, high density of the information content as well as strong accents and incorrect grammar and lexical usage, (Gile, 1995, p, 173). To add more, Abdullatief (2020) states that people naturally choose to express what they want to say in an economic way, to communicate rapidly and efficiently. Therefore, omission is a common and necessary linguistic phenomenon.

Besides reasons indicated by Gile (ibid), sometimes interpreters may omit information if they feel it is not necessary. Interpreters may omit the speaker's whole utterance, or they may omit part of the message, in excerpts (7) to (8) the interpreters omitted only parts of the messages they had to interpret. In excerpt (7), the Attorney asked one of the accused if he was aware that his accomplice is on the run. The accused response was that he is not aware that the accomplice is in the run, this was an answer to the question; however, the interpreter only rendered the extra information, 'I last saw him when we went to prison', that the accused said and omitted 'I do not know' which is the response that the question needed. The attorney did not receive the appropriate response to his question due to the interpreter's omission of the first part of the accused's response.

The researchers argue that ha ke *tsebe* (I do not know) in excerpt (7) was not omitted because it was a challenge for the interpreter. Even though his clarification implies that he does not know, the interpreter should not have omitted "I do not know" because it carried the main message of the witness's utterance. In accounting for the reason why interpreters omit parts of the messages like they did above, Korpal (2012:104) argues that sometimes interpreters omit information because they judge some parts of speech as redundant. The interpreter therefore violated the maxim of relevance that says contributions made should be relevant to the exchange.

Furthermore, the interpreter's rendition could be interpreted in two ways, firstly, it could be that the accused is aware that the accomplice is on the run; secondly, it could be that the accused is not aware because the last time he saw the accomplice was when they were in the holding cells. The ambiguity of the response might or might not work in favour of the accused as this may cause misunderstandings between the plaintiff's attorney and the witness during the cross examination and /or interrogation. This omission goes beyond Gricean maxims of manner and quantity by providing ambiguous interpretation and not making informative contribution. Moreover, Ndlovu (2012) illustrated that omission may be misused by court interpreters and excerpt (7) is an example of such a situation as its impact has the potential of being reflected in the confusion of the parties involved in the court proceeding.

Likewise, the observation is that it seems as though the interpreters only omitted some information when they interpreted the speakers' messages that were rendered in Sesotho. The majority of the omitted information cannot be regarded as language challenges that hindered their interpretations. The

excerpt that follows excerpt (7), which is (8) indicates that the Plaintiff's Advocate asked the same question again due to lack of adequate response on the first question, of which the witness responded but the interpreter omitted the information that was to give the exact answer to the question. Farmer (2011, p. 2) points out that sometimes lawyers repeat question as a way of challenging the credibility of the witness's testimony. In this repeated question, the interpreter omitted "I last saw him when we were in the Police holding cell". The reason could be that the interpreter felt it was unnecessary information since the witness had already indicated that he did not know. This can be a disadvantage to the witness since it may appear as if he knows that the accused is on the run since, he gives constant responses.

In excerpt (9), the interpreter omitted the last segment of the Defence Attorney's utterance, […] like you claim […] *joalokaha u bolela*) while in excerpt (10), the interpreter omitted the first segment of the speaker's message which is *le haeba ke fositse fane ea hae* 'even though I did not correctly say his surname'. In both instances the interpreter rendered a part which might carry the needed response, although the speaker's intended message was not conveyed fully. For example, in excerpt (10), the speaker wanted to clarify that even if he got the accused's surname wrong, he knows the accused; however, the interpreter's rendition was less informative hence he violated the maxim of quantity that states that the contributions made must be as informative as is required.

In all the excerpts from (7) to (13), the researchers' observation is that witnesses, attorneys and judges used complete sentences, rather than small chunks in their original utterances. Such utterances consisted of more than one part. For instance, in excerpt (10), the witness's original utterance consists of two sentences: //*Lehaeba ke fositse fane ea hae, empa eena kea mo tseba*.//, 'Even though I did not correctly say his surname, I know him'// and // *O ne a ee motseng oaka.//* 'He used to go to my home'. The first sentence is made up of two clauses; the subordinate clause, //*Lehaeba ke fositse fane ea hae*,//, 'Even though I did not correctly say his surname,"// and the main clause, //*empa eena kea mo tseba*.// 'I know him'. The interpreter omitted the first clause, which is the subordinate clause. This might suggest that the interpreter had a challenge remembering some other parts of the witness's utterance. The omissions made seem to have affected the accuracy of the speakers' intended message in terms the completeness of the thought conveyed and/or content. In support, Fairclough (1995) in Khanmohammad and Aminzad (2015:10) put forth that, even low level choices involving single clauses and even single words within them can have significant ideological effects.

The last illustration can be made by excerpt (12), the interpreter omitted the last part of the message which is "how were you shot and where were you". The possible explanation for this omission may be that, in Sesotho, the statement that the interpreter uttered may seem as though the whole message is encompassed. However, that is not the case when the Plaintiff's Attorney has emphasised that the plaintiff should clearly narrate the series of events of that day which could have triggered the fatal shooting, how they were shot and where the shooting took place.

The interpreter therefore violated the Maxim of quantity that clearly states that an interpreter should make contributions that are as informative as required, as this may help in avoiding misunderstandings or implied responses during deliberations in court. Also, the study recommends that court interpreters should be well equipped in the area of legal terminology and should be knowledgeable about the linguistic systems of both the source language and the target language as this may help him or her to avoid omitting terms which may distort the intended meaning of the speaker.

5.3 Additions

The last strategy to be discussed is addition and is explained by Jacobsen (2002, p. 165) as a strategy in which an item introduced in the interpreter's target message is not in any way warranted or justified in the source message.

Interpreters may sometimes have to resort to linguistic mechanisms such as defining the term in question to render an equivalent meaning in the target language (Trabing 2002, p. 15). This sometimes could lead to adding unnecessary information on what the speaker has said. In addition, Gumul (2017) explains that addition in simultaneous interpreting are mostly subconscious, arising from the limitations imposed on interpreters in terms of time constraints and limited access to the source utterance. Excerpt (14) shows how the interpreter added unnecessary information when he tried to define a term to render an equivalent meaning in the target language.

The interpreter was able to correctly render the message in the target language. However, it seems like the interpreter tried to make sure that the target message is equivalent to the source message by explaining "intimidating", in doing so, he added more information; *u utloe eka joale* […] *eeee lekhotla ha le sa u ts'irellelitse* […] feel like the court is not protecting you). The speaker meant that he was not scaring the witness or that he was necessarily making the witness feel unprotected by the court. The interpreter may have added more information as a strategy to deal with a lexical term that he felt may need to be clarified more in Sesotho so that it makes sense. In support, Mphi (2018) states that elaborating additions in a target text give a more detailed explanation of a word, a sentence, or a segment of a sentence in a source text, so that the target readers may get a better understanding of the translated text.

Apart from the fact that interpreters add more information in the target language as a way of coping with lexical terms that they feel may not be clear in the target language, they also add information on the witnesses' testimonies because they may feel like what the witness said is not very clear. This may be due to the background knowledge and/or information that the interpreter has, which however may work in favour or against the accused. Similar to this study, Wehrmeyer (2020) explored additions made by interpreters, and the study revealed that interpreters mainly add discourse markers, linguistic extrapolations like filling in ellipsis and others. In the same manner, excerpt (15) seems to have traces of how interpreters added information on the witness's message. In the above example of addition (15), the speaker (witness) mentioned that he may not see because his eyesight is poor. The interpreter added that the speaker may not see small writings. Maxim of quality states that one should not say something about which they lack adequate evidence, therefore, the interpreter did not have evidence that the speaker cannot read small writings. The reason for adding may be that the interpreter felt that what the speaker said is not enough and therefore needs to be clarified more in the target language. The clarifying information, however, added more information that was not said by the speaker.

It may be possible that indeed the witness could not read small writings because of his eyesight; nonetheless, it was not the interpreter's role to enhance clarity on the speaker's message. Svongoro (2015, p. 199) maintains that "interpreters must not try to enhance the clarity of the source language message through additions and elaborations and must not lengthen the testimony or improve on any nonsensical or non-responsive testimony". Furthermore, interpreters must only interpret what he or she has heard. It does not matter if the message makes no sense, if it is fragmented or contradictory, or if the language is scholarly, philosophical, colloquial, or highly technical. The interpreter must transmit exactly that sensation. He or she should never convert imprecise testimony into a clearer version, (Garcesrs, 1996, p. 136). Apart from using addition as a strategy to enhance speakers' messages, data also revealed that interpreters sometimes add information as a way of emphasising a point. An example can be drawn from excerpt (16) that portrays an addition made to emphasis the point made by the speaker (Judge).

The interpreter intimidated the witness by emphasising what the speaker said. It could be that the interpreter felt that the point made by the speaker was very important. Although the interpreter may have felt that the witness needs to understand how important it is to speak loudly in court, it is not his or her role to clarify or give informative contributions. The interpreter also added more information using informal language and/or showed disrespect/made an impolite utterance to the witness in excerpt (16) by saying, *uena monna, re tsebe ho utloa, oa utloa*? (Speak up man! So that we could hear you. Understood?), while the speaker used formal language.

Interpreters are expected to, "keep the same register and language level (formal to formal, informal to informal), keeping in mind the wide variety of speakers with different levels of education which might be encountered", (Garcesrs, 1996, p. 135).

In the last excerpt (17), the interpreter added extra information which now brings in a new issue in the statement. Based on the question, there can be two reasons why the Defence Attorney did not include the part of where the cattle were found: The Defence Attorney may probably have needed the plaintiff to answer on the issue of who drove the cattle out of the kraal, not necessarily the information relating to where the cattle were found.

Secondly, the Defence Attorney may have wanted to treat the incidents of the kraal and veld separately. So, the interpreter here was ahead of the Defence Attorney. However, the interpreter's addition may suggest that the interpreter might have had problem dealing with his or her background knowledge interference. In some instances, like in excerpts (18) and (19) the interpreter's additions in the target renditions seem to have resulted from the source speakers' use of incomplete and/or too brief source language utterances. In example, in excerpt (19), the witness asked briefly asking, *Ho joalo* my Lord! (Oh yes my Lord), but the interpreter added extra information by saying […] the report was the same night as the incident. This goes against the Grice's Maxim of quantity which states that an interpreter should not make contributions that are more informative than is required, the reason being that once the interpreter gives extra information, the message he or she is delivering is no longer of the speaker but his or hers. An interpreter functions merely as a tunnel through which communication becomes possible between people who do not speak the same language but need to communicate.

Discussed results of the identified strategies demonstrate court interpreters probably opt for borrowing strategy when lacking vocabulary as some of the borrowed words like "crown" have equivalent Sesotho terms. The study therefore recommends that Lesotho high court interpreters should advance their Sesotho vocabulary to avoid unnecessary borrowings. Furthermore, omission strategy should be used appropriately so as to avoid ambiguous statements that violate the Gricean maxim of manner. Also, additions used for clarity are commendable as they ease communication, unlike additions that shift politeness in the speaker's message.

6. Conclusions

In conclusion, this paper has identified and discussed interpreting strategies that interpreters encountered when they had to interpret in Lesotho High Court. Under borrowing most of the borrowed lexical items were unassimilated loanwords. Examples of such unassimilated loanwords that court interpreters used include "Common law" and "Criminal Procedure Act". The paper also discussed that interpreters used omission as a strategy in cases where they felt the information was not necessary, like in excerpt (7) where *ha ke tsebe* was omitted. Lastly, the use of addition was also discussed. It was discovered that the use of addition as a strategy seems to have added more information in the target language which was not there in the source language message. The added information in the target message was meant to clarify and emphasis what the speakers had said, however, it gave the target listeners more information which was not said by the speaker and thus causing no-equivalence/ or an imbalance between the source and target messages and this may be a disadvantage to the witness. The paper therefore recommends that the Lesotho High Court should provide formal training that can equip interpreters with coping strategies. Also, the governing bodies should work towards making interpreting a recognised profession in Lesotho. The study also serves as reference material that will help Lesotho High Court interpreters in identifying how the identified/discussed strategies can be used in court proceedings without causing an imbalance on both the source and the target audience.

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