



THE JUDICIARY  
OF GHANA



# INTERPRETERS

## HANDBOOK

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## TABLE OF CONTENTS

Foreword	5
Introduction	6
When Is An Interpreter Required?	6
The Interpreter	7
What Is An Interpreter's Employment Status?	7
The Criteria For Appointing Interpreters	7
Attendance	8
Interpreter Standards	9
What Are The Duties And Standards As An Interpreter?	9
Undertaking To Abide By The Oaths Act 1972	12
Mobile Phones And Pagers	14
Dress Code	14
Interpreting Techniques	15
Intervention	15
Time	16
Translating Documents	19
Written Evidence	19
Oral Evidence	20
Disclosure Of Any Actions That Could Discredit The Judiciary/ Judicial Service	20
Instructions For Interpreters - Do's And Don'ts	21
Very Important	24
Lunch Breaks	25
Equal Opportunities	25
Data Protection	25
Human Rights	26
Health Awareness	26

Maintaining The Professional Service	27
General Information	29
Further Development	29
Policy On Interpreters Giving Gifts To Supervisory Staff	29
Interpreter's Oath For The Public	30
Interpreter Update Form – Annex A	32
Interpreter Quality Check Form – Annex B	33
Crimes	34
Glossary Of Terms Used In The Court	41
Abbreviations And Short Phrases	42
References	44

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## FOREWORD

This handbook for Interpreters of Ghana is developed by the Judicial Training Institute (JTI) for and on behalf of the Judiciary and the Judicial Service of Ghana as part of the efforts to equip Interpreters in the courts to perform their official duties more efficiently and effectively.

The book is set out simple English as a tool of delivery and devoid of legal jargons to aid understanding. The production of this handbook is inspired by the essential role played by Interpreters to the success of justice delivery in Ghana. Indeed, hardly can one find any trial court in the country that can adjudicate successfully without the necessity for the intervention of an Interpreter.

The guidelines in this book provide a standard outline to ensure uniformity of approach to interpretation. It also outlines certain basic duties and responsibilities, interpretation techniques, ethical challenges, simple definitions of crimes commonly charged in court and a glossary of terms often encountered in court, in order to improve upon their delivery skills.

This book is not an end in itself. It is recommended that it be read and studied alongside the code of ethics for Employees of the Judicial Service as well as other relevant legislations.

It is hoped that the use of this handbook will equip Interpreters with the basic skills to perform their duties more effectively and efficiently.

Ag. Director, JTI  
May 2011, Accra

## **INTRODUCTION**

This handbook sets out the standards, which all interpreters are required to meet in terms of punctuality, performance, confidentiality and other ethical issues. Please understand that by accepting an appointment as an interpreter within the Judiciary of Ghana you are also accepting the current terms and conditions of the Judicial Service of Ghana. We also require you to agree to abide by any other reasonable instructions issued as policy by the Judicial Service.

While the Judiciary and the Judicial Service endeavour to keep you updated of any changes to this handbook, the terms and conditions may change without notice.

Please ensure you read and understand what is contained in this handbook. If you have any questions, direct them to your Registrar first and then ultimately to the Judicial Secretary.

Please also understand that if you fail to meet the standards and the duties set out in this handbook, the Judicial Service reserves the right to dispense with your services in accordance with laid down regulations and laws affecting labour practices.

## **WHEN IS AN INTERPRETER REQUIRED?**

The Judicial Service requires the services of interpreters in the courts of Ghana to facilitate communications where a party/accused or witness speaks a language other than English, and requests that an interpreter is present to interpret for them. Interpreters generally sit/stand directly alongside a party/accused and witnesses in court. The services of an interpreter

may be required at various stages of a trial or hearing process in court.

Having an interpreter working in court allows all parties and the Judiciary (judge/magistrate) to understand each other where a party/ies or witnesses cannot understand or speak English very well.

## **THE INTERPRETER**

After successfully completing an interview, briefing, assessment and training course, interpreters are appointed as staff of the Judicial Service of Ghana.

## **WHAT IS AN INTEPRETER'S EMPLOYMENT STATUS?**

As an interpreter, you are an employee of the Judicial Service of Ghana and are therefore bound by the Judicial Service regulations and other related regulations of the Service.

## **THE CRITERIA FOR APPOINTING INTERPRETERS**

There are three criteria that the Judicial Service considers for appointing interpreters:

- Skill Level - An interpreter's skill level, determined by recognised qualifications and experience levels – e.g. Degree or Diploma in Interpreting, Judicial Service assessment grade
- Vacancies – Interpreters are appointed based upon the availability of vacancies to be filled in various courts on the basis of needs.
- Suitability – if a court is listed requiring an interpreter



for more than one language or dialect (e.g. Twi with its dialects such as Asante Twi, Akuapim Twi or Bono Twi) a specific interpreter may be able to speak all the dialects required.

## **CHANGE OF PERSONAL DETAILS**

It is your responsibility to tell the Judicial Service of any changes to your personal details. These include:

- Your name
- Postal address
- Bank details
- No longer wishing to interpret in one of your languages

Please complete the attached form (Annex A) when appropriate and return to the Head Office, Accra.

All requests for change must be in writing.

## **ATTENDANCE**

### **START TIMES**

An interpreter must be punctual for work. Many people work together to enable court hearings to operate effectively and efficiently, hence the interpreter must arrive at work on time. Court times presently run from 8 am to 4 pm. An interpreter must arrive 15 minutes before court times commence and be available till the close of court at 4pm or any time thereafter, if

for some reason, the court sits late.

## **LATE ARRIVAL OR EARLY LEAVING OF INTERPRETERS**

Late arrival without providing a reasonable explanation may result in disciplinary action being taken against you.

If after this, further problems with attendance are encountered, the Registrar will decide what further action will be taken against you.

There are occasions and reasons for which an interpreter's services may be called off:

They include:

- The Judiciary (judge/magistrate) has adjourned the case/s – e.g. due to new information coming to light and the parties requiring more time to consider it.
- The Judiciary (judge/magistrate) confirms the abandonment of the case after notification by the representative or a party.
- Movement of cases between courtrooms resulting in lack of need for an interpreter
- The language requirement has changed
- You have disclosed a conflict of interest

## **A duty to interpret accurately and precisely**

As an interpreter, you have a duty to interpret accurately and precisely what is being said, and to ensure that the meaning is conveyed. To do so, you need to have a good linguistic understanding of the language you are interpreting. You should speak firmly and clearly.

Your role is to facilitate communication between people, who, without your assistance, could not communicate together. You should not become personally or emotionally involved with what you are interpreting.

You should try to replicate the type of language that is being used, whether it is simple, formal, colloquial etc. If abusive or obscene language is used in the source language, you should use the English equivalent. Similarly, do not make additions or omissions. Restrict yourself only to what is being said, without changing the meaning, based on your personal opinion, advice or sensitivity.

To aid in this, it is necessary that you maintain information on the general culture, social and political situations in the communities from which the languages being interpreted originate.

## **A duty to be impartial**

You are in a very responsible position. There may be very serious consequences for a party or accused person who is unjustly denied his claim/right, because you have not performed your job professionally and with integrity. However, you must understand that there are many people seeking or asserting their claims or

defending what they see as their just causes under the law but who do not meet the necessary criteria.

Therefore, legally qualified, highly trained and experienced Judges and magistrates have the job of very carefully deciding whether a party meets the criteria for grant or refusal of his reliefs. There are also appeal provisions to higher courts, if a party loses his application and exercises the right of appeal.

You, therefore, have a duty to be impartial and to be seen by others to be impartial. This means that you must not take sides in the hearing. You should have no personal interest in the outcome of the hearing, and you should not know any of the parties. Please do not discuss actual cases or reveal names outside the court room. Do not also communicate in any way with the parties, their representatives, witnesses, their Counsel etc., before or after the hearing except in the course of your official duties or after seeking permission to do so from the Judiciary. (judge/magistrate)

In addition, you should not accept any offering of money, gifts, favours or financial benefits for any reason from any person associated with the cases in which you are the interpreter. Please report any offers to you (an interpreter) to your registrar and judge/magistrate immediately.

Please be aware of situations that are or could be seen as potential conflicts of interest that could arise with carrying out your duties. You must inform your registrar and magistrate immediately of these. They will decide whether it is appropriate for you to interpret in a particular hearing. The following are a number of examples of which you should be aware:

- If you think that the name of a party in the action as indicated in the documents of the court for which you are to interpret may relate to someone you know or that you may have interpreted for on a number of occasions.
- If you find that a witness whose testimony you have been asked to interpret is either related to you or someone you know.

You may also be required by the Judiciary to swear or affirm that you will interpret to the best of your ability and knowledge, and to be impartial to all parties.

### **Duty to treat all people equally**

You have a duty to treat all people equally, irrespective of their race, sexual orientation, nationality, ethnic origin, disability, age, religion, gender, marital status or membership or otherwise of a trade union.

### **UNDERTAKING TO ABIDE BY THE OATHS ACT 1972**

On acceptance of an appointment as an interpreter, you undertake to abide by the provisions of the Oaths Act, 1972 (NRCD 6). This means you must not disclose to any person outside of the court any information that becomes known to you during the course of your work. Rule 3 of the Code of Conduct for Employees of the Judicial Service forbids any employee of the Service (to which you belong) from disclosing to any unauthorized person any confidential information acquired in the course of his/her employment. Any data or information that you obtain in the course of your services is strictly confidential.

You are not to communicate it in any way to any unauthorized person at any time. The rights to this information shall rest with the court. Any breach of this requirement may result in criminal or civil proceedings and/or in the immediate termination of your appointment.

Study and become familiar with the obligations under the Oaths Act 1972; Section 64(1) and (2) of the Evidence Act, Act 323 (1975) and the Code of Conduct for Employees of the Judicial Service of Ghana. The registrar can provide the rules governing the use of official information and related activities.

Below are the two oaths subscribed to by interpreters as a reminder:

*i. The Oath of Secrecy*

*I,.....holding the office of .....  
do (in the name of the Almighty God swear)  
(solemnly affirm) that I will not directly or indirectly  
communicate or reveal to any person any matter  
which shall be brought under my consideration or shall  
come to my knowledge in the discharge of my official  
duties except as may be required for the discharge of  
my official duties or as may be specially permitted by  
law. (So help me God.)*

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ii. *Interpreter's Oath*

*I,....., swear by the Almighty God that I will well and faithfully interpret and explain to the Court [the Jury] and the witnesses the matters and things that are required of me to the best of my skill and understanding.*

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## **MOBILE PHONES AND PAGERS**

Please switch off your mobile telephone and/or pager when entering the court.

## **DRESS CODE**

The intention of the Judiciary's interpreter dress code guidelines is to complement the Judiciary's image to the public as a professional organization that effectively and efficiently disposes of cases.

The following guidelines detail the standard of dress that is requested of court interpreters:

- Your ID badge must be worn at all times whilst working in any court hearing for security purposes.
- Male interpreters are asked to wear the Judicial Service prescribed dress for male staff the same being sober coloured suits or tailored jackets and trousers, with a collared shirt and tie
- Female interpreters are asked to wear the Judicial Service

prescribed dress for female staff.

The following items should not be worn:

- Denim clothing of any description
- Nose rings (except on religious grounds)
- Sports or leisure wear
- Shorts
- Clothing with slogans
- Hat or headwear (except on religious grounds)
- Training shoes
- Friday wear or African wear must conform to Judicial Service standards.

If your clothing is not appropriate for work within a court room, the registrar will call you to immediate order.

## **INTERPRETING TECHNIQUES**

During opening statements and submissions, your interpreting should be whispered and simultaneous. During questions and answers, interpreting should be consecutive. When a party or witness is speaking, your interpreting should be consecutive. If the Judiciary (judge/magistrate) asks you to stop interpreting, please follow that direction. It may also be important for the interpreter to note down important points such as dates, names, etc.

## **INTERVENTION**

You may intervene at the hearing for the following reasons:

- i. To seek clarification if you have not fully understood what you have been asked to interpret.
- ii. To alert the Judiciary (judge/magistrate) that although the interpretation was correct, the question or statement



- may not have been understood
- iii. To alert the court to a possible missed cultural inference – such as when an item of information has not been stated but knowledge of which has been assumed
  - iv. If someone is speaking indistinctly, too quickly or for too long without pausing to allow adequate consecutive interpreting you should not speak in one language with the party/witness, which the court cannot understand. You should seek the advice of the Judiciary (judge/magistrate) if you encounter any problems.

## TIME

1. An Interpreter must always try to get a witness to tell what happened in the proper order of time. A witness should begin with what he saw or heard first. Then he should tell in its proper order what he heard or saw afterwards. If the witness mixes things up, a lot of time will be wasted before court finds out how the matter really happened. This is very important.
2. When a witness says, *sometime or sometime ago*, ask him, which *time*. Try to find out when the event happened. Try to get the time as exactly as you can.
3. If the witness cannot say the time for certain, the Interpreter must tell the court that the witness is uncertain about the time. If the witness says that it happened about a certain time, the Interpreter must tell the court this.
4. It is not good to say a *long time*, or a *short time*, because people perceive the length of time differently. If the

witness is uncertain, ask him whether it is more than an hour, or a day, or a week, or a month, or six months, or a year, till you find out what he means.

5. When dealing with a witness who does not know English time and the court wishes to know which month the witness means, the interpreter should ask the witness which season of the year it was. For instance, beginning of rains; dry harmattan period; Tornadoes; Farm preparation time; New Yams; Ramadan (in the case of Mohammedans), (Muslims).
6. When the question is how long a servant has worked for his master, if the witness does not know the English months, the interpreter can ask him, *how many days or how many weeks?*
7. If the witness does not know the hour of the clock, the interpreter can ask the witness what was the position of the sun, or, what meal he had just had, or some question like that about something which happens every day. If the witness is a Mohammedan (Muslim), he will be able to say between which times of prayer the event happened. The Mohammedan times of prayer are (1) in the morning before sunrise; (2) when noon is passed and the sun begins to decline; (3) in the afternoon before sunset; (4) in the evening after sunset, and before day is shut in; (5) after the day is shut in, and before the first watch of the night.
8. When witnesses who do not know clock time have to speak of some space or length of time, or are asked for

how many minutes, or for how many hours, they did a certain thing; they may be asked where the sun was when they began, and where it was when they finished. If it is a question of a few minutes only, they may be asked to which place they could walk in the time.

9. If the interpreter is interpreting the words of a witness who does not know clock time, but who speaks of where the sun was, the interpreter should tell the courts exactly what the witness has said. The interpreter may then add that, by the clock, that time would be three o'clock, or whatever it is.
10. When the interpreter mentions an hour of the clock, he should add whether he means day or night, morning or evening. This will prevent confusion.
11. In dealing with natives who do not know English time, it is important to notice the difference between an European year and some local or natural concept of years. If a witness says year, but means a local year of less than twelve months, the interpreter must tell the court.
12. In the case of months and weeks, the interpreter must be careful that he does not mix local months or weeks with English months and weeks. By month an African means the time taken by the moon to complete its orbit, which is always twenty-eight days, and many locals reckon eight days to the week instead of seven. The interpreter should always tell the court exactly what a witness means, if he uses either of these two words in a different sense to the English one.
13. The interpreter must be careful about phrases like three

days ago, three days afterwards. When locals say three days ago, they mean that to-day makes the third day, that is, they count today as one of the three days. When they say three days afterwards, they count today and mean that two days after that make three days altogether. If there is doubt, it is good to say three days ago including today, when we mean to count today as one of the three days; and three days ago excluding today, when we mean not to count today.

14. In the same way, when speaking of three days afterwards, we can say three days afterwards including today, when we mean to count today; and three days afterwards excluding today, when we mean not to count today.

## **TRANSLATING DOCUMENTS**

You have not been tested, assessed or trained by the Judiciary to translate documents. Therefore, this is not a procedure which is required of you in the court room. If you are asked to translate documents, please make the Judiciary aware that you have not been assessed or trained by the Judicial Service in document translation. If the Judiciary is satisfied with this, and you are happy to translate the documents, the hearing can continue. If in doubt, please seek advice from the registrar.

## **WRITTEN EVIDENCE**

Dates requiring conversion mentioned in documents produced as evidence by a representative or party should be presented to the court with the conversion completed. However, when such a conversion is required during a hearing, the court interpreter

should only undertake the task if he/she is a qualified translator.

If the court interpreter is not a qualified translator, a short adjournment may be necessary to ascertain whether there is a qualified translator of the language in question in the jurisdiction. Otherwise the hearing may have to be adjourned for the document to be translated.

## **ORAL EVIDENCE**

When a date requiring conversion is given in oral evidence, the following guidance should be followed.

The date given in evidence by the witness or party should be translated directly into English but the names and details of the party's calendar should be retained.

The date should then be converted into the Gregorian calendar using a recognised conversion chart.

If requested, the conversion chart should be made available for examination by the Judiciary, the Prosecuting Officer, and the counsel or parties.

If there is any uncertainty about the conversion of a date, the court should be informed of the nature of the uncertainty and the reason for it.

## **DISCLOSURE OF ANY ACTIONS THAT COULD DISCREDIT THE JUDICIARY/ JUDICIAL SERVICE**

It is imperative in the interests of justice and professional services to the court that our interpreters maintain, and are seen

to maintain, the highest professional standards, both at work and in their private lives.

You must, therefore, inform the Judicial Service immediately if you are charged, convicted or cautioned for any offence, or if you become subject to any professional disciplinary proceedings or the likelihood of any of the above occurring. If you fail to inform the Judicial Service, it reserves the right to terminate your appointment immediately upon discovery.

You should also not conduct any business venture at the court, or profess to represent the court in any communication with any third party. Please do not hand out or pin up any business cards or publicity material in the court. Do not use your position in the court to conduct any business as per rule 2 (b) of the Judicial Service staff code of conduct.

## **INSTRUCTIONS FOR INTERPRETERS - DO'S AND DON'TS**

An interpreter's duty is to interpret accurately and precisely. An interpreter must remain strictly impartial both before and throughout the proceedings and must not discuss actual cases or reveal the names of people involved in the hearing outside the courtroom. In addition, do not do anything so that people could question your honesty or integrity.

The following "Do's and Don'ts" will prove invaluable to persons new to interpreting judicial proceedings.

### **Do:**

- i. Use the witness's exact words. If you cannot make a

direct or exact interpretation, interpret it as accurately as possible in the witness's own words and then inform the Judiciary what the phrase means. Your duty is to make sure the court understands what the witness is saying.

- ii. Stop the witness or questioner at the end of each sentence as necessary and interpret sentence by sentence.
- iii. Speak slowly and clearly during consecutive interpreting - the Judiciary will usually wish to write down every word said. During simultaneous interpreting, you must go at the speed of the court.
- iv. Speak loudly during consecutive interpreting so that the whole court can hear your words.
- v. Speak quietly when giving a simultaneous interpretation.
- vi. Inform the Judiciary if the witness is speaking a dialect that you find difficult to understand.
- vii. Spell out any foreign name or places said by the witness.
- viii. Inform the Judiciary (judge/magistrate) immediately, if you have any difficulty in interpreting.
- ix. Direct all interpreted answers towards the Judiciary even though the question may originate from a party's representative.
- x. Remain calm, especially if you hear unpleasant or controversial evidence. Your duty is to remain detached from the evidence you are interpreting.

### **DON'T:**

- i. Speak to a witness or a party/accused before or during a hearing except in the course of your official duties, unless the Judiciary has given you permission. In particular, do not have discussions not interpreted with a witness during the court session.
- ii. Use an English expression or phrase which is not an exact translation of the witness's own words.

- iii. Ask the witness what they mean by a particular answer. If you cannot understand what is meant by an answer, you must ask the Judiciary if you can ask the witness to repeat or clarify their answer.
- iv. Try to anticipate what the witness is trying to say or give an answer other than what is being said.
- v. Let your own experience or views get in the way of how you interpret the evidence.
- vi. Say, "He says that he..." when interpreting. Always use direct speech when interpreting.
- vii. Accept any offering of money or gifts from any person associated with the case, for any reason. Please report any offers to the registrar/magistrate immediately.

## **JURY TRIAL**

The names of jurors are ballot picked.

Balloting/Picking: The names of the jurors summoned are written on separate pieces of card or paper of equal size and put into a box. When the jury is required, the registrar or other officer of the court shall in open court, draw from the box by lot until the required number is obtained. After a challenge for just cause is allowed, those who remain as fair and indifferent shall constitute the jury for the trial. When the jurors are ready to be sworn, the registrar or any other officer of the court shall address the accused person as follows:

*"The jurors who are to try you are now about to be sworn; if you object to any of them, you must do so as they come to the book to be sworn, and before they are sworn, and you shall be heard."*

Note that after the picking, you have to swear the jurors one by



one. Seven (7) jurors are picked for a particular case. Then, the jurors appoint their foreman whose duty is to be the mouthpiece between the jury and the court.

- The charges are then read to the accused person/persons and their plea/s taken.
- The judge explains the legal implications and responsibilities of the jury to them.
- Then, lawyer/s for the accused person/s makes his/their initial submission.

## **VERY IMPORTANT**

When jurors are being picked, the accused person can object to any three of them without giving any reasons but will then after have to give reasons if he objects to subsequent ones.

When the full complement of seven jurors is chosen, they are sworn and called upon to elect one of them as the foreman. Where a majority of the jury do not, within the time that the court considers reasonable, agree to the appointment of a foreman, the court shall appoint the foreman.'

**NOTE:** After swearing in a witness you say this to the court:

1. S. O. B (in language sworn on the Bible.)
2. S. O. C. (in language sworn on the Cross)
3. S. O. K. (in language sworn on the Quran)
4. S.O.A (Affirmation in any language by those who don't believe in any deity or simply refuse to swear on any holy book or belief.)
5. S. A. R. B. (in language Sworn according to religious belief)

## **LUNCH BREAKS**

Lunch should be taken during any suitable break as directed by the Judiciary.

You must ensure that the Judiciary endorses the time taken for the break.

If you feel you require a break, after e.g. working continuously for three or more hours, please ask the Judiciary for a short adjournment. You may, however, have to fit your breaks into the court schedule.

## **EQUAL OPPORTUNITIES**

In the performance of your duties you must ensure that everyone is treated equally regardless of colour, race, nationality, ethnic origin, religion, sex, marital status, disablement, age, or sexual orientation as guaranteed under articles 12 and 19 of the Constitution 1992.

## **DATA PROTECTION**

You must not disclose the names and addresses of staff, judiciary, (judge/magistrate) or interpreters to other organizations, public bodies or other individuals.

## **HUMAN RIGHTS**

You must ensure that the human rights of parties/accused and witnesses are respected and correctly adhered to in the discharge of your duties.

## HEALTH AWARENESS

Most people will have been vaccinated against TB (Tuberculosis) during their time at school or in their childhood days. If you are unsure about whether you have been vaccinated, a visit to your doctor and a simple skin sensitivity test will show whether you are protected or not.

The risk of catching TB through conventional contact may not be high, and even conversational contact with another carrier does not mean that you will become infected. TB is usually passed from one person to another through prolonged close contact, although it is in theory possible to pass on the infection by coughing in the face of another person.

Interpreters whose immune system may be compromised by another condition such as diabetes, HIV, taking steroids or other immune suppressive therapy should be especially vigilant.

If you are concerned owing to the station you are posted to (e.g. any mining town) that you are at risk of exposure to TB in the course of your duties, talk to your registrar and take precautions. Cholera, typhoid, dysentery, hepatitis, scabies, buruli ulcer and lice are not airborne and are transmitted via contact with the body and bodily fluids. Interpreters are advised not to touch witnesses nor share eating utensils with colleagues. The Judicial Service advises that you do not put yourself at risk.

Anyone with mumps, measles or chicken pox should be in quarantine and not attending a court hearing. However, the

onus is on the individual to make the court and the registry aware of any such conditions.

If the registrar is aware of any medical condition that might cause concern, appropriate steps will be taken to safeguard all staff.

## **MAINTAINING THE PROFESSIONAL SERVICE**

You are expected to provide and maintain an accurate and professional interpreting service at all times when acting in your capacity as an interpreter. Any complaints or allegations to the contrary or any conduct that is apparently in breach of these guidelines will be thoroughly investigated.

### **Quality Checking**

As an interpreter there may be occasions when the Judicial Service and the Judiciary will require that you complete a quality check form (Annex B) outlining your general performance in court. Copies will be maintained on files and where concerns about your performance, professionalism, punctuality and adherence to Judicial Service code of conduct, are raised, they will be dealt with accordingly which could result in further checks being made.

While it is anticipated that you will be given every opportunity to make representations which will be given full consideration, the Judicial Service reserves the right to transfer you to another court or station where your services would be better required.

In the event that a complaint, allegation or misconduct is substantiated, you may be warned, or otherwise penalized at the discretion of the Judicial Service. Any breach of these terms or

conditions may lead to your removal from the Service.

Complaints can be received from several different stakeholders; these include members of the judiciary, members of the bar, parties, other interpreters and staff of the registry and the general public etc

Each complaint is dealt with on an individual basis and follows a set procedure. If the complaint is about an interpreter not being available for a hearing, there will first be a check whether there was a sitting at which he/she failed to avail him/her self and the background. If the fault lies with the interpreter, appropriate disciplinary sanctions will be meted out.

If the complaint is about the quality or conduct of an interpreter, there are several ways of investigating this:

- Result of independent assessment
- History in the interpreter's file, e.g., previous complaints
- Judicial feedback if the complaint came from outside the registrar
- In court assessment by an external linguist specialist organization or person knowledgeable in the language

Once this information is available, the Judicial Service can ascertain what action needs to be taken, if any.

The Judicial Service deems it important to support the interpreters, where necessary, against unwarranted complaints to protect the integrity of their role in the justice delivery system. Each complaint is dealt with on individual merit.

## **GENERAL INFORMATION**

### Further Development

The Judicial Service actively encourages interpreters to gain professional qualifications in interpreting. There are Degree and Diploma courses in languages and interpreting which are most useful. Any Judicial Service officer who is desirous of pursuing any course to enhance his delivery or performance as an interpreter must strictly adhere to the regulations and policies of the service.

## **POLICY ON INTERPRETERS GIVING GIFTS TO SUPERVISORY STAFF**

It is important that Judicial Service staff who take decisions concerning interpreters are impartial and are seen to be impartial in their dealings with interpreters and any other staff they deal with. The actions or conduct of our officers should not give the impression that they have been influenced by a gift to show favour to a particular interpreter or staff. This ensures that all interpreters and other staff are treated in a fair and impartial manner so that public resources are equitably distributed.

Therefore, if you do decide to offer a Judicial Service staff member or team a gift, please be aware of the following policy:

- Only small gifts of an insignificant or inexpensive seasonal nature (such as Christmas/ birthday/ seasonal cards, or small presents) may be accepted. No other gifts or money may be accepted
- Offers of gifts, whether accepted or not, must be recorded in a register which is kept on open display. The

register will contain information on the name of the person making the offer, the date it was received, its nature and approximate value

- The mandatory requirement to report all offers of gifts to senior staff relieves individuals of any suggestions of impropriety or bias, and of any embarrassment in refusing the offer.

## INTERPRETER'S OATH FOR THE PUBLIC

1. **Oath**, the words a person speaks when he swears in court by God or Allah, or by some fetish or juju, that he will speak the truth. The interpreters shall subscribe to the oath provided on page 10 item (ii) on appointment.
2. (a) **Civil Cases**. In a civil case a Christian witness holds a copy of the New Testament or Bible aloft in his right hand, and repeats after the registrar or interpreter as follows:

*I swear by Almighty God that the evidence I shall give to the court shall be the truth, the whole truth and nothing but the truth.*

It is not necessary to add "So help me God": the witness should not be called upon to kiss the book unless he wishes to do so.

- (b) **Criminal Cases**. In a criminal case a Christian takes the oath in the same way as in a civil case, as follows:

*I swear by Almighty God that the evidence I shall give to the court shall be the truth, the whole truth, and nothing but the truth.*

3. **Interpreters.** The oath subscribed to by an interpreter in a civil and criminal trial is the same. See item (ii) on page 10 for a sample oath.

A witness may, of course, affirm or take the oath in any other way he may declare to be binding on his conscience.

4. **Affidavits.** The deponent, being a Christian, holds a copy of the Bible aloft in his right hand and says: *I swear by Almighty God that this is my name and handwriting (referring to his signature at the foot of the affidavit), and that the contents of this my affidavit are true.* A deponent may affirm instead of taking an oath or take the above oath in any other form he may declare to be binding on his conscience.

(See Interpreter's Handbook by Ernest Gardiner Smith)



## INTERPRETER UPDATE FORM – ANNEX A

Please complete in block capitals and return to the Human Resource Department of the Judicial Service Accra should an interpreter require changes to his personal details.

**NEW/AMENDMENT/REMOVED** (Delete as appropriate)

Mr/Mrs/Miss/Ms:
Surname:
First Name:
Address:
Contact Number:
Home:
Mobile:
Other:
Date of Birth:
Court in which you work presently:
Identity Number:
Other Information:
(Change of Bank details etc)
Signature:

Date Signed:
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## INTERPRETER QUALITY CHECK FORM – ANNEX B

<b>Interpreter Name</b>					
<b>Court</b>					
<b>Date of Hearing</b>					
<b>Language</b>					
<b>Please complete the following questions by circling the appropriate number</b>					
	<b>Good</b>	<b>Average</b>		<b>Poor</b>	
1. Standard of English	1	2	3	4	5
2. Standard of Foreign Languages (if known)	1	2	3	4	5
3. Standard of Interpretation	1	2	3	4	5
Are explanations required?	1	2	3	4	5
Do questions have to be repeated?	1	2	3	4	5
Can the interpreter keep pace with the hearing?	1	2	3	4	5
4. Correct procedure being followed?	1	2	3	4	5
Is appropriate body language and tone of voice being used?	1	2	3	4	5
Spells out names & places?	1	2	3	4	5
Explains meanings of words?	1	2	3	4	5
5. Is behaviour professional?	1	2	3	4	5
6. Punctuality?	1	2	3	4	5
<b>Comments: (please comment on any markings below average)</b>					
<b>Name</b>				<b>Capacity</b> <b>(Judge/Magistrate)</b>	
<b>Signature</b>		<b>Date</b>			

## CRIMES

<b>Abatement of a Nuisance</b>	Removing or putting away a nuisance. To abate is to lessen or remove.
<b>Abduction</b>	<ol style="list-style-type: none"> <li>1. The act of leading someone away by force or fraudulent persuasion.</li> <li>2. Seizing or enticing away women or children. The accused is said to abduct.</li> </ol>
<b>Abetting</b>	Helping another person to commit a crime. The accused is said to abet, and is called an abettor.
<b>Abortion: Causing abortion</b>	Means to use an artificial means to induce the termination of a pregnancy for the purpose of destroying an embryo or a fetus or do something to kill the child in the womb.
<b>Accessory</b>	A person who aids or contributes in the commission or concealment of a crime: <b>being an accessory</b> , helping a criminal before the crime.
<b>Accessory</b>	<b>Accessory after the fact:</b> one who was not at the scene of crime but knows that a crime has been committed and who helps the offender in his attempt to escape arrest or punishment.
<b>Affray</b>	Fighting in public and making other people fear.
<b>Arms of precision</b>	Fire-arms which are precise, or shoot straight, such as cap guns.
<b>Arson</b>	Wickedly or maliciously setting someone's building on fire.
<b>Assault</b>	To strike a person, or threaten to strike him (when you are standing near). The person who does this commits an assault, and is called the aggressor.
<b>Assault and battery</b>	Assault and beating. Battery means beating.
<b>Attempt</b>	To try to commit a crime, for instance, to try to steal.

<b>Bestiality</b>	Having sexual intimacy with an animal.
<b>Bigamy</b>	A man who marries a wife under the Ordinance commits bigamy if he marries another wife while his ordinance marriage has not been formally dissolved by a court of law.
<b>Blackmail</b>	To try to get money from a man by threatening to accuse him of some crime or misconduct.
<b>Breach of the peace</b>	A row or quarrel in public
<b>Breaking and Entering</b>	Breaking into a house, and entering it. Sometimes, in a case of house-breaking, we talk about a <i>building within the curtilage of a dwelling house</i> . Curtilage means compound.
<b>Bribery</b>	The offence of giving or taking bribes. Bribe: a present or dash to some public officer, juror, or voter, to make him help someone unjustly.
<b>Burglary</b>	Breaking into a house to steal or to commit any felony at night. In modern use, burglary simply refers to breaking and entering any building (not just a dwelling and not only at night) with intent to commit a felony.
<b>Causing harm</b>	Causing any bodily hurt, disease or disorder, whether permanent or temporary. <i>Note</i> – The interpreter must remember that assault means only to strike at a person in any way. In interpreting to a judge/magistrate, an interpreter must not use the word assault, but must tell the judge in what way the accused struck at the complainant, for example, with his fist, or with a matchet.
<b>Charm</b>	Something worn as a juju
<b>Cheat</b>	To get something from a man by fraud or deceit.
<b>Common assault</b>	An assault which causes only slight harm or none at all to the person assaulted. The accused is nearly always allowed to pay a fine instead of going to prison.

<b>Compounding a crime</b>	Taking money or some other present from a person, and agreeing not to prosecute or give evidence against him on a criminal charge.
<b>Conspiracy</b>	An agreement between two or more persons to commit an unlawful act with the intent to achieve the objective of the agreement. Persons who agree to do or participate in such a thing are said to conspire together, and are called conspirators, or fellow conspirators.
<b>Contempt of Court</b>	Disobeying an order of the court, or showing disrespect in court.
<b>Counterfeit</b>	An imitation made to deceive people, for example, counterfeit coin (bad money).
<b>Defamation</b>	The act of harming the reputation of another person by making a false written or oral statement to a third person. (Slander: if the false statement is oral, or Libel: if the false statement is in writing) A man is said to publish a libel when he shows it to another person: this is called publication. The speech or writing is said to be defamatory, because it defames character. Where a person uses defamatory words which are not clear, but in such a way that everyone knows what he means, then we say that the words suggest or hint the meaning. This hint or suggestion is called an innuendo.
<b>Drumming with intent to challenge or insult</b>	Drumming with intent to challenge or provoke any other person to commit a breach of the peace or with intent to annoy or insult any other person.
<b>Embezzlement</b>	When a clerk or servant steals money which he receives for his master.
<b>Excusable Homicide</b>	Killing by accident when there is no negligence. (Death by Misadventure).
<b>Extortion</b>	When an official forces people to pay him money which is not due or when a public official illegally obtains property under the colour of office. He is said to extort the money or property.

<b>Inciting a person to commit a breach of the peace; or Endeavouring to provoke a person to commit a breach of the peace</b>	Doing something which is likely to make a person angry and cause a row.
<b>Incorrigible rogues</b>	People who refuse to become honest
<b>Indecent assault</b>	Touching or exposing some other person's private parts, or attempting to do so.
<b>Infanticide</b>	Killing a child soon after it is born.
<b>Intimidation</b>	Any threatening words or actions calculated to lead a person to do something he is not bound to do, or to prevent him from doing something he has a right to do.
<b>Justifiable Homicide</b>	When a man tries to commit a very bad and violent crime and someone tries to prevent him and kills him. Under this head comes homicide committed in self-defence.
<b>Kidnapping</b>	Seizing a person and taking him out of the jurisdiction of the court, or imprisoning a person within the jurisdiction of the court in such a manner that no one knows where he is imprisoned.
<b>Kleptomania</b>	An insane love or mania for stealing
<b>Larceny</b>	Stealing; thieving; theft. There must be dishonest appropriation, that is carrying away, moving, taking, obtaining or dealing with a thing with the intent that a person may be deprived of the benefit of ownership of that thing, or the benefit of the right or interest in the thing, or in its value or proceeds, or part of that thing.
<b>Maim</b>	To wound a person and injure him for life.
<b>Malicious injuries to property</b>	Spoiling a person's property maliciously
<b>Malicious injuries to the person</b>	Unlawfully wounding or injuring a person's body.

<b>Manslaughter</b>	(1) When the killing was intentional, but there was extreme provocation or other matter of partial excuse; (2) When the killing was not intentional, but death was caused by the negligence of the accused. In this latter case the accused is guilty only of manslaughter by negligence.
<b>Matricide</b>	Killing one's mother
<b>Misappropriation</b>	Stealing money entrusted to one.
<b>Murder</b>	Intentionally killing a person when there is no extreme provocation or other excuse sufficient in law to reduce the killing to manslaughter.
<b>Mutiny</b>	When soldiers or sailors or policemen refuse to obey their officers, they are said to mutiny or cause a mutiny. They are called mutineers.
<b>Negligence</b>	Want of care
<b>Nuisance</b>	Something which makes a disagreeable noise or smell, or is injurious to the health of the neighbours.
<b>Patricide</b>	Killing one's father.
<b>Peace</b>	The law relating to public order. A state of public tranquility: freedom from civil disturbance or hostility.
<b>Perjury</b>	Telling a lie in court or before a public officer, after taking an oath or making an affirmation.
<b>Personation</b>	Pretending to be another person.
<b>Piracy</b>	Seizing and robbing boats at sea.
<b>Prison breach or breach of prison</b>	Breaking out and escaping from prison.
<b>Procuration of women</b>	Procuring or bringing women in order that men may have sexual intimacy with them.
<b>Quarrelling</b>	Having a quarrel or making palaver in public.

<b>Rape</b>	Having sexual intimacy with a female of not less than sixteen years without her consent. The man is said to ravish the woman, and to be the ravisher.
<b>Receiving stolen goods</b>	Receiving goods knowing that they have been stolen.
<b>Riot</b>	If five or more persons gather together for an unlawful purpose, and try to carry it out by force, they are guilty of a Riot.
<b>Robbery</b>	Stealing from a person by force, or with violence or threats of violence.
<b>Rogues and Vagabonds</b>	People who are dishonest and wander about.
<b>Sedition</b>	Stirring up people against the Government. Speeches that do this are called seditious.
<b>Simple larceny</b>	Larceny by a person who has charge of goods or holds in trust.
<b>Slander</b>	Defaming or injuring a person's character by words. Words of this kind are called slanderous.
<b>Slave-dealing</b>	Buying or selling a person as a slave.
<b>Smuggling</b>	Bringing goods into the country without paying the customs duty, or bringing goods into the country that are forbidden.
<b>Sodomy</b>	Having anal sex with a man or boy.
<b>Stealing from the person</b>	Stealing something which a person has in his hand or pocket.
<b>Subornation of perjury, Suborning</b>	Procuring a witness to tell a lie in court.
<b>Suicide</b>	Killing one's self.
<b>To cause a nuisance</b>	To cause or make something which has a disagreeable noise or smell, or is injurious to the neighbours.



<b>To commit a nuisance</b>	To go to closet (or void excrement, or relieve nature), in a place that is not the proper place; an unreasonable interference with a right common to the general public.
<b>Unlawful assembly</b>	When persons assemble together for the purpose of committing a Riot.
<b>Uttering</b>	Is passing the false writing to other people and pretending that it is good. One who does this is said to utter the forged writing. A person who knowingly pays out counterfeit coin is said to utter the counterfeit coin.
<b>Vagrancy</b>	Wondering about, without any house, and doing no proper work. A vagrant means a wanderer, an idle fellow.
<b>Witch</b>	A sorcerer or juju-woman.
<b>Witchcraft</b>	Sorcery; juju
<b>Wound</b>	A cut or tear in the skin of the body
<b>Wounding</b>	To strike a person so that the skin is broken

## GLOSSARY OF TERMS USED IN THE COURT

<b>Adjourned</b>	A case is adjourned when it is stopped for a period of time for some reasons until a later time. Cases may be adjourned for a variety of reasons e.g. no legal representative, illness, fresh evidence to be considered.
<b>Adjournment sine die</b>	The ending of a court session without setting a time to reconvene.
<b>Appellant</b>	An individual who initiates a proceeding to have a decision reconsidered by a higher court. The party that appeals a court judgment. This does not depend on who was plaintiff or defendant in the trial court. It refers to the party who has shown his displeasure with the trial court's decision or judgment and has gone on to file at the appellate court for redress.
<b>Bail Hearing</b>	A person being detained but wishing to be released applies for a bail hearing upon filing a motion for bail.
<b>Cause List</b>	A list of cases to be dealt with in a particular court.
<b>Defendant</b>	The defendant is the person who is sued and must defend in a civil action, or an accused in a criminal proceeding.
<b>Determination</b>	A written decision by a court after hearing. It will contain reasons and state whether an application has been allowed or dismissed.
<b>Docket</b>	A case file that contains all processes involved in a particular case.
<b>Ex Parte motion</b>	A motion made to the court without notice to the adverse or opposing party; a motion that a court considers and rules on without hearing all sides.
<b>Exhibit</b>	A document, record or other tangible object or thing formally introduced as evidence in court.
<b>Explanatory Statement</b>	A written statement offering further details about the evidence.

## ABBREVIATIONS AND SHORT PHRASES

<b>a.k.a.</b>	<p>Also known as.</p> <p>Explanation: – It is sometimes common to find some people with more than one name. This may be intentional so as to hide the real identity or because of a change in names due, say to marital status.</p> <p>Example: Angelina Tawiah upon her marriage changes her name to Angelina Aware. Some of her legal documents might show her name as “Angelina Tawiah a.k.a. Angelina Aware”</p>
<b>Amicus Curiae</b>	<p>L . A friend of the court.</p> <p>Explanation: – During the trial of cases and especially when dealing with a novel issue, the court may ask the opinion of counsel who are not involved with the case in issue to proffer an opinion as a friend of court. Also in certain jurisdictions in important cases, people who are not parties to the litigation may want to file research notes or briefs to aid the court, hoping to persuade the court to adopt their views. These people are called amicus curiae, and they seek the permission of the court to file their briefs for consideration.</p>
<b>Certiorari</b>	<p>Certiorari is an order issued by a Superior Court quashing a decision or order of a lower court or tribunal whose decision or order was made without jurisdiction either because the court exceeded its jurisdiction or lacked jurisdiction in the matter.</p>
<b>D.b.a.</b>	<p>Doing Business As.</p> <p>Many business entities in Ghana are one man/woman companies or enterprises. While they are not legally separate from their owners they operate under different names. D.b.a. is pronounced as three individual letters and not as one word.</p> <p>Example: Kwaku Atta owns and operates a multipurpose store called Mankessim Supermarket. Amina who ate expired canned fish purchased from the store was taken sick and diagnosed with food poisoning arising from the canned fish. She sues the offending shop owner as “Kwaku Atta d.b.a. Mankessim Supermarket”.</p>

<b>Dictum</b>	This is a statement that forms part of the judgment of a court, in particular a court whose decisions have value as precedent under the doctrine of stare decisis. It is an authoritative formal pronouncement.
<b>Et al</b>	And another. The abbreviation stands for et alius – meaning "and another". The plural is et alii – meaning "and others". The short form of the plural version is "et als", meaning three or more people.
<b>Etc</b>	Et Cetera - And similar type things. Example: The office contained the usual assortment of chairs, tables, books etc.
<b>In Re</b>	In the matter of. In a lawsuit in which there is no adverse party such as probate or adoption, where one person is named in the court documents, the caption bears the title; In re (Name of applicant).
<b>Obiter dictum (dicta) (pl)</b>	An opinion voiced by a Judge that has only incidental bearing on the case in question and therefore not binding. It also refers to an incidental remark or observation; a passing comment.
<b>Per Diem</b>	Per day; by the day. Explanation: – Usually used in finance as for example "the secretary was entitled to GH¢10 per diem out of station allowance when undertaking the relieving assignments.
<b>Per Se</b>	By itself. Explanation: – The fact itself, without any further or other explanation is enough. Example: The fact that an accident has occurred shows negligence per se.
<b>Prima facie</b>	On its face or at first sight. Explanation: – Just by looking at the item in question, something is obvious and does not require anything outside to make a conclusion. Per se is an absolute certainty, while prima facie only creates a presumption that the item is sufficient, which presumption can be rebutted.

<b>Pro Forma</b>	As a matter of form.
<b>Pro Rata</b>	In Proportion or 'according to the rate' – It means the division shall be proportionate. In other words, each person shall share according to the ratio that his or her share bears to the total.
<b>To Wit</b>	That is to say. The term usually clarifies the phrase immediately before it.
<b>V or Vs or Vrs.</b>	Versus. It is usually used to designate the opposing party. E.g. Kofi Mintah Vrs. Ama Mensah.

## REFERENCES

Black's Law Dictionary, 9th edition by Bryan A. Garner.

Interpreter's Handbook by Ernest Gardiner Smith.

Interpreter's Handbook by Judicial Studies Board, UK.