

ACCOMMODATION STRATEGIES IN KENYAN
COURTROOM COMMUNICATION: EVIDENCE
FROM SUBORDINATE COURTS IN NYANZA
PROVINCE.

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AND
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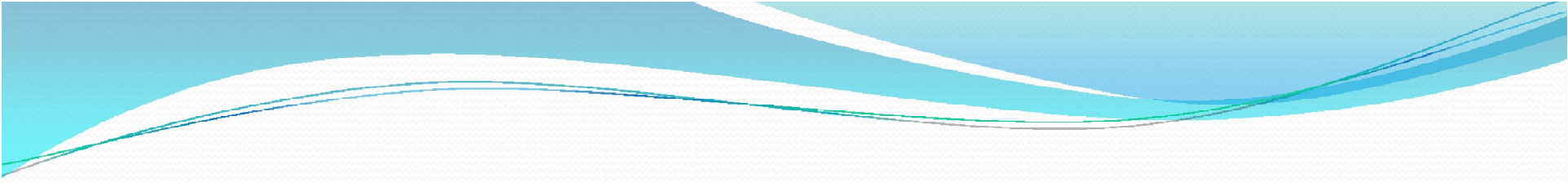
BACKGROUND

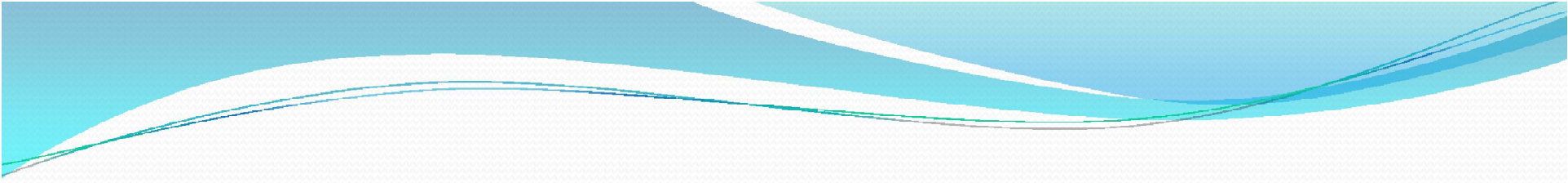
- Courtroom interaction is a verbal exchange which differs from talk on ordinary conversation because it is not a true conversation between speakers as what is said is meant for a third party (judge/ magistrate).
- It violates ordinary conversation as it is controlled by practices of control of information, compelling people to answer questions that they may not want to answer. Talk is distributed according to rigid rules.



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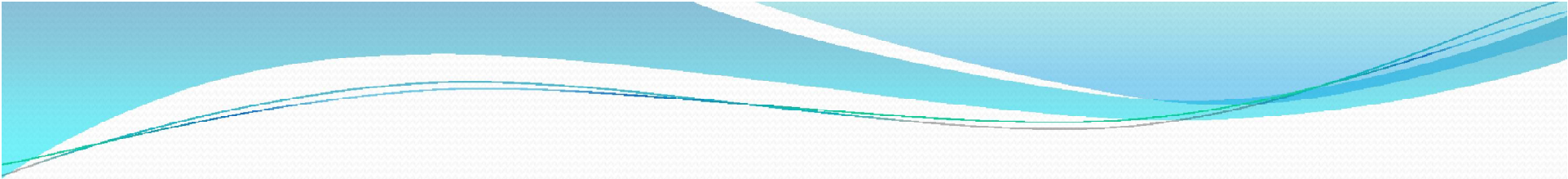
- The interpreter who negotiates between the two participants is hence an important person in this exchange. Role of the interpreter is recommended when the advocate –litigant communication is limited by language difficulties.
- Language rights issues
- Promotes linguistic justice
- Promotes inequalities based on language

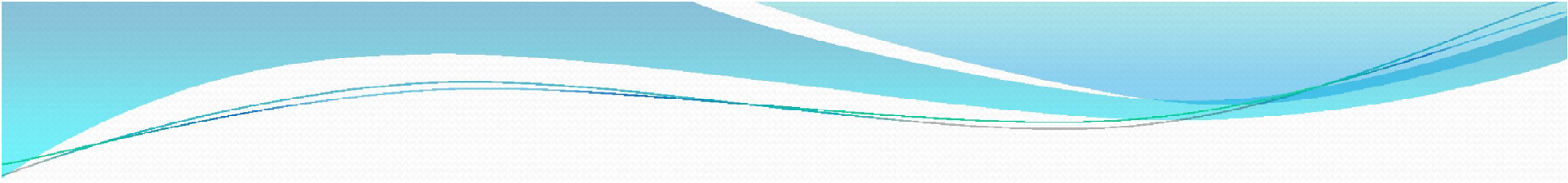
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- Several charters and declarations support language right e.g. International Covenant on Civil and Political Rights (1966), Framework Convention For The Protection Of National Minorities(1995), Universal Declaration Of Linguistic Rights declare provision for the need to observe language rights in courts by providing justice in the language of the accused and an interpreter if need be.

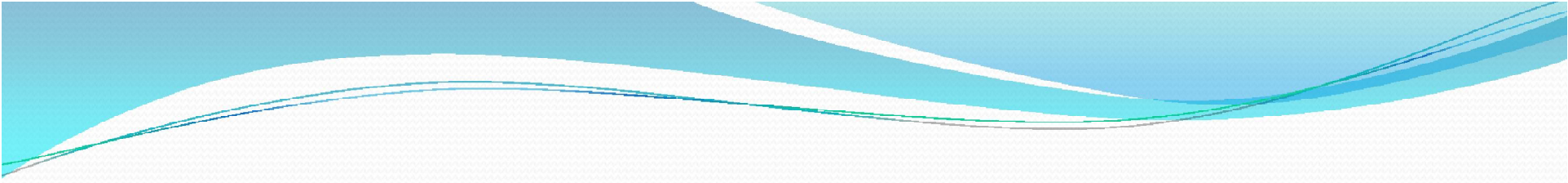
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- In Kenya CPC CAP 75 (1987) declares English as the official language of the high court and a provision for an interpreter for litigants who do not speak English.
 - Law provides that litigants' be informed of the charge against them in a language they understand and speak.
 - Litigants' who do not understand English are therefore excluded from the discourse in court even if they have competent representation from a lawyer.
 - They therefore lose the right to participate in a trial except in the presence of an interpreter.

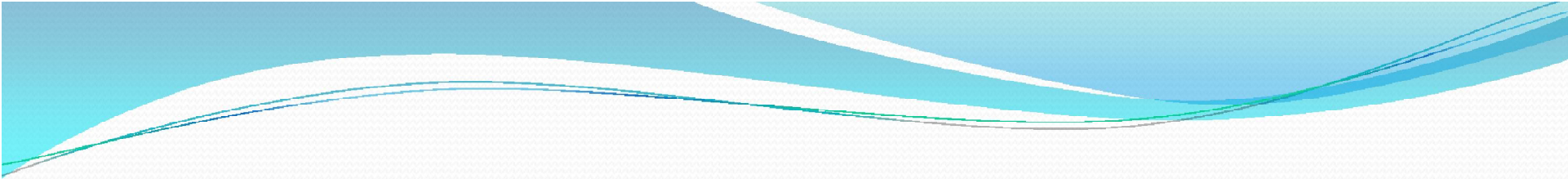
SPEECH ACCOMMODATION THEORY(SAT)

- Predicts and explains adjustments in speech.
- Adjustments meant to create maintain or decrease distance in interaction
- Explain ways in which people accommodate others in their communication
- Postulates that: Communication is influenced by features of the immediate situation, participant's orientation to the situation and context of interaction. Social category membership is often negotiated during an interaction through accommodation.

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- Interaction uses specific strategies –either convergence or divergence.
 - Convergence – individuals adopt their communications behavior to be similar to the interlocutors' behaviour.
 - To gain approval from other interlocutors.
 - Improves effective communication
 - Should be natural and sincere
 - Divergence-individuals attempt to maintain their communication patterns
 - Diverge away from the recipients speech patterns
 - Desire to communicate a contrastive self-image
 - Is negatively rated by recipients.

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- Convergence our primary concern is to show how court interpreters work.
 - **Excerpt 2**
 - **2.1 MAG:** Any questions
 - **2.2 INTERP:** *In gi penjo madi penji. Jaduong', in gi penjo madi penji. In kode gi penjo madi penji koso onge?* (Do you have any questions? Old man, do you have any question, do you have any question to ask or you don't have?)
 - **2.3 ACC:** *Gikmowachogo to ok gin adieri*(all he has said are not true)
 - **2.4 INTERP:***En mana penjo ka onge to iwacho* (you just ask questions if there is none just say)
 - **2.5 ACC:***An ne ok wan kode omiyo gik mapenje onge. Ok ne wan kode. Bende ok ang'eye omiyo gima apenje onge.* (I was not with him so I have no questions for him. I also don't know him so I have no question for him.)
 - **2.6 INTERP:** No questions your honour.

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- The data in excerpt 2 also shows the use of repetition. In Turn 2.1 the magistrate asks the accused if he has any questions to ask the witness. Questions here imply that the accused cross-examines the witness on the issues the witness said in court. In Turn 2.2 the interpreter asks the accused to go ahead with the cross-examination. This is done in three repeated utterances. The accused is supposed to cross-examine the witness as part of the defense but in Turn 2.3 instead of the accused cross-examining the witness, the accused states that whatever the witness has told the court are lies

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- This is not a question to the witness as anticipated and the interpreter intervenes in Turn 2.4 by repeating the instruction from the magistrate that the accused ask questions. This repetition in Turn 2.4 serves to direct the accused on the appropriate way of conducting cross-examination. This intervention via repetition implies the need to make the accused relevant by insisting that he asks questions and not make statements. The accused in turn 2.5 states that he has no questions for the witness.



- **Excerpt 3**

- **3.1 PROS:** How was his condition at the time?

- **3.2 INTERP:** *Ne en nade seche go* (How was he at that time)

- **3.3 WIT:** *Na nwang'e kobet piny e amchea* (I found him seated on an armchair)

- **3.4 INTERP:** *Ne en nade. Ipenji kaka ne en* (How was he? You are being asked how he was.)

- **3.5 WIT:** *Nomer.* (he was drunk.)



- **Adoption**

- **4.1 PROS:** I have not received the probation officer's report.

- **4.2 INTERP:** *Pok oyudo ripot mar probeshon ofisa*
(He has not received the report

- from the probation officer)

- **4.3 ACC:** *Ofisa no biro kelo ripot chieng' mane?* (when will the officer table his

- Report?)



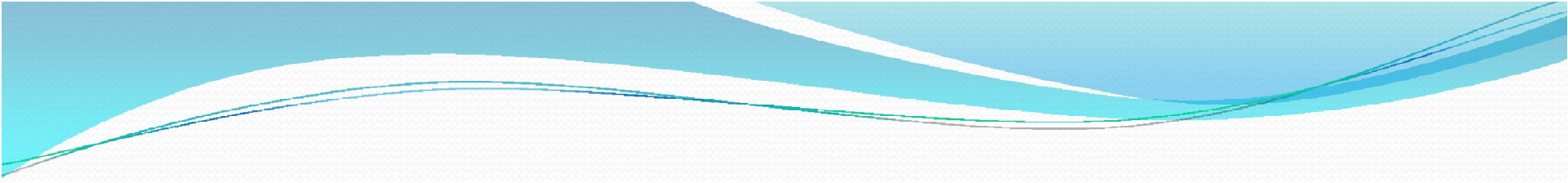
- **Excerpt 6**

- **6.1 ADV:** Did you file an affidavit responding to their claims

- **6.2 INTERP:** *Be nindiko affidavit ma idwoko go weche go* (Did you write an

- affidavit to respond to those claims)

- **COMP:** *Ne ok andiko* (yes I was given)

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- **Excerpt 7**
 - **7.1 ADV:** You said you paid some money, were you issued with a receipt
 - **7.2 INTERP:** *Iwacho ni nichulo pesa moko be nomiy irit* (You have said that you paid some money and you were given a receipt)
 - **7.3 COMP:** *Risit nomiya to kaka ajal inotimore to an be...* (I was given a receipt but after the accident and I was...)



- **Excerpt 8**

- **8.1 WIT:** I asked him, Opambo where is your grandfather's seven hundred shillings

- **8.2 INTERP:** *Kane opambo osebiro nopenje siling mia abiryo mar kwargi* (When Opambo had come he asked him about the seven hundred shillings from the grandfather)

- **8.3 WIT:** He told me he took the money and went to Luanda



CONCLUSION

- Observance of language rights is important in courtroom discourse.
- Interpreters play important role in courtroom communication.
- Convergence strategies used are repetition, adoption and nativization.
- Accommodation phenomena by interpreter is an attempt to observe of language rights.