

# The Right to Assistance of an Interpreter in the Federal and Oromia Regional State Courts: An Assessment of the Legal Recognition and Practice During Civil Proceedings

Muluken Kassahun<sup>186</sup>

## Abstract

This article critically examines the legal frameworks regulating language interpretation and its practice in selected federal and Oromia Regional State regular courts across different tiers. The paper employs a qualitative research approach, gathering data from Addis Ababa and Adama cities through interviews, observations of court proceedings, case analysis, and legal and literature reviews. The federal courts use Amharic, while the Oromia region courts use Afaan Oromo as their working languages. The Federal Courts Proclamation and directives recognize the right to qualified interpreters at the state's expense during civil proceedings. However, in practice, there is a shortage of qualified interpreters in federal courts. As a result, courts often rely on volunteer administrative workers and individuals from outside the court staff. There are no competency certification or monitoring standards in place to ensure the quality of interpretation. Although the federal court establishment proclamation promised to set up interpreters' office, no such office has been established to date. In Oromia, there is no law that clearly enjoins the state to provide interpreters in civil lawsuits. In practice, litigants represented by an attorney often overcome the language barrier. The courts also provide interpreters for litigants who cannot secure their own. In certain circumstances, courts conduct oral hearings in Amharic to expedite trials. Hence, linguistic accessibility in civil proceedings requires both legal and practical reforms.

**Keywords:** civil proceedings, language interpreter, state obligation, Federal courts, Oromia courts

---

<sup>186</sup> PhD Candidate, Addis Ababa University Center for Human Rights, Email-[mulkas2003@gmail.com](mailto:mulkas2003@gmail.com).

## Introduction

In the judiciary, courts use language to adjudicate cases and interpret laws and facts regardless of whether in civil or criminal proceedings. Litigants use a language to present and defend their cases. Access to justice thus depends on the linguistic accessibility in court proceedings (Grabau et al 1996). Without understanding the language and context, litigants cannot properly present or defend their cases.

As Namakula emphasizes "trial is a communicative process", effective communication is essential for accessing and delivering justice (Namakula 2012). Courts handle cases using a state's working language, which is often selected because it offers better communication and linguistic access to public. However not everyone understands the working language of the court. The provision of interpretation services thus is one of the key techniques used to address language barriers faced by non-speakers.

In Ethiopia, the Federal Democratic Republic of Ethiopia's (FDRE's) Constitution establishes a three-tier court structure at both federal and state levels: First Instance Court, High Court, and Supreme Court.<sup>187</sup> Each court handles civil and criminal cases. In the country, the working language of the federal government and states government is also the working language of federal and state courts, respectively. Currently, a monolingual approach is employed in federal and regional courts, with the exception of the Harari region.<sup>188</sup> The working language at each level of the judiciary is used by litigant parties for pleadings and by courts for hearing them, covering all proceedings from the preliminary hearing to the final resolution of

---

<sup>187</sup> See FDRE Constitution, Federal Negarit Gazette, Proclamation No. 1/1995, Article 78 (2-3).

<sup>188</sup> Amharic is the working language in federal courts and six regions (Amhara, Benishangul-Gumuz, Central Ethiopia, Gambela, South West Ethiopia, and Southern Ethiopian regional States). In other regions, Afar (Afarigna), Harari (Harari and Afaan Oromo), Oromia (Afaan Oromo), Sidama (Sidamu Afoo), Somali (Caf Somali) and Tigray (Tigrigna) serve as court working languages, respectively.

cases.

The federal and regional constitutions, along with other laws, explicitly recognize the right to a state-funded free interpretation for criminally accused individuals in accordance with international human rights instruments ratified by Ethiopia.<sup>189</sup> However, while access to language is equally important in civil proceeding litigations, there is no uniformity in recognition of the right to state funded interpretation in federal and regional courts. The denial of linguistic accessibility in civil cases not only does threatens equality before the courts but also undermines access to justice overall.

This article explores the legal recognition and practice of state funded interpretation services in selected federal and Oromia courts in civil proceedings. Using a qualitative approach, it focuses on the experiences of the courts and their clients. Addis Ababa and Adama were chosen based on federal structure, linguistic diversity, state working languages, and legal frameworks for court language services. Federal Courts in Addis Ababa use Amharic, while Oromia courts use Afaan Oromo. Although no official data exists, both cities host multilingual populations. Addis Ababa, the country's capital, is home also to thousands of foreigners. This raises the issue of whether and how they cater to their residents who do not speak the cities' working languages.

The study selected Akaki and Lideta First Instance Court (FFIC), Lideta Federal High Court (FHC), and Federal Supreme Court (FSC). Akaki FFIC was chosen for its potential as a site with a significant number of non-speakers, located on the outskirts of Addis Ababa adjacent to Oromia, fostering a multilingual community. Lideta FFIC and FHR were selected because they are the major centers of administration of court services including provision of court interpretation services. Additionally, Lideta FHC frequently hears cases involving court clients that need foreign language interpretation services. The FSC entertains final appeals and has cassation power on

---

<sup>189</sup> See the relevant provisions of the federal and regional state constitutions of Ethiopia dealing with the right of accused persons.

cases that come from federal courts, in addition to handling regional courts that operate in Amharic and other regional working languages. This study selected Oromia State Supreme Court (SSC), Adama City State High Court (SHC), and Adama City Bole Sub-City State First Instance Court from the Oromia region. In Adama city, although Oromia courts operate in Afaan Oromo, according to key informants, more than 85 percent of cases are heard between non-speakers of the state's working language at both first instance and high court levels.<sup>190</sup> Oromia SSC has final appellate and cassation power on regional matters. The court also has appellate power over federal first instance jurisdiction entertained by Oromia state high courts and constitutionally delegated first instance jurisdiction on FHC power.

The data collection is guided by saturation of data to answer key research questions. The data sources of this research cover 82 interviews, 12 court observations, and 26 case analyses, supplemented by secondary sources. Interviews with key informants at the sites of sampled courts cover 13 judges, 15 court interpreters, six court registrars and legal officers, six court human resource department staff, eight attorneys, 24 litigant parties, and 10 court transcribers. Each interviewee was selected based on their affiliation with interpretation issues.

The author personally conducted interviews with Amharic, English, and Afaan Oromo speakers, while assisted by volunteer interpreters for interviews with other language speakers. Data collection was principally conducted between December 21, 2023, and May 29, 2024. The study is guided by relevant research ethics principles in collecting, analyzing, and writing the research report.

---

<sup>190</sup> Confidential Interview with Private Attorney at Oromia and Federal Courts, March 13, 2024, *Addis Ababa*; Interview with Milkesa Bekele, Adama City SHC Vice President, March 26, 2024, *Adama*; Interview with Dereje Tesfaye, President of Adama City Bole Sub- City SFIC, March 20, 2024, *Adama*.

## **1. Linking the Right to Access to Civil Justice and Access to the assistance of an Interpretation Services**

According to Hazel Genn, civil justice encompasses substantive civil laws, civil procedure rules, courts, and the judiciary (Genn 2009). Civil litigation includes a wide range of claims, such as family disputes, inheritance, contracts, commercial suits, torts, labor disputes, land and property matters, and other related concerns. Civil lawsuit seeks to compensate the victim for wrongdoings in the form of monetary compensation, restitution, or reinstatement to their initial position.

In many international human right instruments, the right to access civil justice does not exist as a stand-alone right; it is often deduced from broader rights such as the right to an effective remedy,<sup>191</sup> the right to a fair trial<sup>192</sup>, the right to access justice<sup>193</sup>, and the right to redress, compensation, or reparation. Despite such fact, Hazel Genn stressed that access to “civil justice is a public good that serves more than private interests”, as it is crucial for peaceful dispute resolution and maintaining social order, similar to criminal matters or any other matters of public interest (Genn 2009).

The right to access to civil justice may not be fully realized without guaranteeing linguistic accessibility for the litigant parties. However, the right to language services in civil proceedings has not been recognized under most of the international human rights instruments, unlike criminal trials. Even the international instruments acknowledging the right to interpretation for civil proceedings limit it to members of vulnerable populations who cannot understand or

---

<sup>191</sup> See UDHR (Article 8), ICCPR (Article 2(3)), CMW (Article 83), ICERD (Article 6), Enforced Disappearance Convention (Articles 8 and 20), Maputo African Women Protocol (Article 25), African Persons with Disability Protocol (Articles 9(3) and 10 (3)).

<sup>192</sup> See ICCPR (Article 2 (1) and 14), ACHPR (Article 7) and ECHR (Article 2 (1) and 6(1)).

<sup>193</sup> See CRPD (Article 13), ACHPR Person with Disability Protocol (Article 13), Maputo Women’s Protocol (Article 8), and ACHPR Older Persons Protocol (Article 4).

speak the court's working language.<sup>194</sup> States bear no automatic international obligation to guarantee the right to interpretation for individuals in civil proceedings. States are, therefore, at liberty to recognize it as a right or otherwise.

Thus the right to assistance of an interpretation<sup>195</sup> is a subsidiary right of the right to access justice and facilitates the enjoyment of other fair trial rights for those who do not speak the language with which the court conducts its business. Provision of interpretation ensures the right to equality before courts, judicial impartiality and independence, the right to be informed and understand the content of the case, the right to adequate time and facilities to prepare a defense and communicate with counsel, the right to be tried within a reasonable time, the right to be present, and the right to defend and examine witnesses (Christos 2004).

## **2. The Legal Recognition of Interpretation Service Provision During Civil Proceedings in Federal and Oromia Regional State Courts**

### **2.1 The Rights of non- Speakers of Court Working Language in Ethiopia**

Studies show that 63 percent of Ethiopia's population are monolingual, facing linguistic barriers to communicate in other languages (Ronny et al 2023). However, the number and percentage of the monolingual population differ based on place of residence, ethnic community, age, and other factors. For instance, 85 percent of Sidama, 71 percent of Afar, and 68 percent of Amharic mother tongue

---

<sup>194</sup> For instance, see Article 12 of ILO Indigenous and Tribal Peoples Convention (1989); Article 22 (3) CMW (1975); Article 13 (1) of the CRPD (2006); the ACHPR PWD Protocol (2018) and Article 9 of the European Charter for Regional or Minority Languages (1992).

<sup>195</sup> In this paper, the term "court interpretation" or "interpretation" refers to oral interpretation of language for a person who is unable to communicate in court working language. It does not refer to legal interpretation of laws by courts.

speakers are monolingual (Ibid).

In this regard, monolingual speakers who are unable to communicate in the working language of the state need interpreter to communicate with speakers of other languages, especially in accessing public services. In relation to court cases, the federal and regional states' constitutions guarantee free interpretation at state's expense solely for criminally accused persons. The 2020 Ethiopian Language Policy follows a similar approach, except for its recognition of Afar, Afaan Oromo, Somali, and Tigrigna as additional federal working languages (Ado 2023).<sup>196</sup>

The federal and regional constitutions and relevant policies are silent on providing the same language service, offering the right to free interpretation at state's expense for civil litigants, unlike for criminally accused persons. Despite this, the FDRE Constitution guarantees "everyone's right to access justice" (Article 37), "equal access to publicly funded social services (including courts)" (Article 41(3)), "non-discrimination on the ground of language" (Article 25), and "equality of all languages" (Article 5). Similar provisions are also included in all regional states' constitutions.

Litigants encounter difficulty in accessing justice if they are unable to effectively understand, present, and defend their cases. The party who speaks the court's working language would have a communication advantage, over those who do not, which makes the court a partisan weapon (California Commission on Access to Justice 2005). To overcome such dilemmas, the above constitutional provisions serve as a basis for asserting the right to access language services, particularly interpretation in civil matters, especially for vulnerable groups of the population who cannot afford to afford their own interpreter.

Additionally, the FDRE's Constitution states that the rights and freedoms specified in Chapter Three of the Constitution must be "interpreted in a manner conforming to the principles of the Universal

---

<sup>196</sup> See FDRE Language Policy (2020), Section 6.

Declaration of Human Rights, International Covenants on Human Rights, and international instruments adopted by Ethiopia.<sup>197</sup> Several UN human rights monitoring bodies provide authoritative interpretations for human rights provisions guaranteed under Ethiopian constitutions. For instance, the UN Human Rights Committee General Comment No. 32 on the right to a fair trial (Article 14 of the ICCPR) guarantees that indigent parties in civil lawsuits are provided with a free interpreter to avoid miscarriages of justice.<sup>198</sup>

Similar provisions are found in other soft human rights instruments adopted by Ethiopia, such as ICERD General Comment No. 31 (2005), CRC General Comment No. 11, CEDAW General Comment No. 33 (2015), and CEDAW General Comment No. 39 (2022) (Amid 2024). These commentaries target offering of interpretation service during civil proceedings to vulnerable group population. In this instance, the interpretation of the right to access justice under Article 37 of the FDRE Constitution and regional constitutions at least should follow such approach to pledge the right to access interpretation services in civil lawsuits at state's expense in federal and regional courts.

## **2.2 Federal Courts**

At the federal level, Article 31 (2) of the Federal Court Proclamation No. 1234/2021 obliges federal courts to provide competent interpreters for individuals who do not understand Amharic. State-funded interpreters are provided at every level of federal courts, regardless of whether the matter is civil or criminal.<sup>199</sup> The purpose of this provision is to facilitate effective communication between litigants and the courts. Accordingly, so long as the litigants can communicate in the court's working language, there is no need for an interpreter (Arzoz 2010).

---

<sup>197</sup> See FDRE Constitution, Note 2, Article 13.

<sup>198</sup> See General Comment No. 32, Article 14: 'Right to Equality before Courts and Tribunals and to a Fair Trial', U.N. Doc. CCPR/C/GC/32 (2007) (2007), para. 13.

<sup>199</sup> See Federal Court Interpreters Service Fee Determination and Payment Directive (Federal Courts Interpreters Directive), Directive No. 6/2020, FSC of Ethiopia (2020), Section 1.4.



Article 31 (2) of the proclamation states that a language interpreter is provided for “a person who does not understand Amharic.” Language proficiency can be measured by the ability to hear, understand, speak (communicate), read, and write the language. In this regard, different human rights instruments provide inability to speak as alternative grounds to claim the right to interpretation for criminally accused persons.<sup>200</sup>

As court litigation is a communicative process, the ability to understand and speak is equally important to effectively present and defend one's case. The Federal Court Interpreters Service Fee Determination and Payment Directive No. 6/2020 states that “a trial conducted in a language that litigant parties are unable to understand and [speak] constitutes a trial in absentia.”<sup>201</sup> The author also observes that in court proceedings, several court litigants understand the spoken language but encounter challenges in properly articulating their speech or responses due to fluency disorders, limited vocabulary, and inability to find the right words or form grammatically correct statements.<sup>202</sup>

The limited proficiency in speaking a court's working language impairs a litigant's effective communication, unlike native or proficient speakers of the court. To avoid such complications, recognizing both the inability to understand and speak the court's working language as grounds for claiming the right to an interpreter is crucial under the proclamation (Leung 2019). Luckily, the above directive addresses the gap in the proclamation.

The federal Court proclamation further requires the court to “provide a competent interpreter.” The method for providing interpreters is left to the court's discretion. The court can provide interpreters by either hiring a permanent interpreter or assigning an *ad hoc* interpreter to assist individuals in need. Here, the term “a competent interpreter” is

---

<sup>200</sup> See Article 14 (3f) of ICCPR, Article 6 (3f) of ECHR and Article 8(2a) of American Convention on Human Rights.

<sup>201</sup> See Federal Courts Interpreters Directive, Note 14, Section 2.2.

<sup>202</sup> Personal Court Observation, FSC, Contract Case, January 24, 2024; Akaki Kality FFIC, Family Case, March 18, 2024, *Addis Ababa*; Adama City Bole Sub-City SFIC, Succession Case, March 20, 2024, *Adama*.

generic. Mikkelsen emphasizes that successful interpreting requires mastery of both interpreting skills and legal vocabulary (Gonzalez et al 2012). In USA, for instance, interpreter's competency test includes written exam that tests language ability, legal vocabulary, and interpreter ethics, whilst the oral exam analyzes the three types of interpretation services: simultaneous, consecutive, and sign interpretations (Chochrane 2009).

In Ethiopia, however, there is no such specification. Permanent interpreters are hired from among the graduates of language and literature, while there are no criteria for ad hoc interpreters other than self-declaration of competency.<sup>203</sup> The Federal Courts' Interpreters Directive mandates the court's registrar office to cross-check the competency of interpreters by setting its own standards.<sup>204</sup> In practice, permanent interpreters are assessed based on the civil servant hiring manual, which includes both written and oral exams.<sup>205</sup>

Concerning ad hoc interpreters, the court registrar searches for a native or fluent speaker of the language from its court staff or outsources the service to undertake the interpretation task.<sup>206</sup> Ad hoc interpreters' competence is typically assessed by bilingual judges or litigants during proceedings rather than by the court registrar.<sup>207</sup>

If an interpreter repeatedly misinterprets, the judge may halt their services. Courts also review complaints from litigants or attorneys about interpreters' incompetence or inconsistency.<sup>208</sup> Permanently

---

<sup>203</sup> Interview with Zinashwerk Haileyesus, Human Resource Officer at FSC of Ethiopia, January 23, 2024, *Addis Ababa*.

<sup>204</sup> See Federal Courts Interpreters Directive, Note 14, Section 3.3.5.

<sup>205</sup> Interview with Zinashwerk Haileyesus, Note 18.

<sup>206</sup> Interview with Zeineb Behonegn, Director of FSC Bench Service Directorate, January 31, 2024, *Addis Ababa*; Interview with Alemayehu Legese, Vice Chief Registrar of FHC, March 12, 2024, *Addis Ababa*; Interview with Tilahun Mulatu, Akaki FFIC Judge, March 18, 2024, *Addis Ababa*.

<sup>207</sup> Interview with Asres Abune and Behailu Tewabe, Judges of Lideta FHC, February 14, 2024, *Addis Ababa*.

<sup>208</sup> Interview with Hana Gebremichael, Judge at Lideta FFIC, March 22, 2024, *Addis Ababa*.

hired court staff and ad hoc interpreters from within the court system generally perform better, while external interpreters often struggle with legal jargon.<sup>209</sup> The issue worsens when non-professionals, like volunteer court attendants, are assigned.

Article 31 (2) only mandates the courts to provide a court interpreter. There are differing opinions on whether litigants can provide their own court interpreters. Some scholars argue against allowing litigants to provide their own interpreters due to potential conflicts of interest and issues of competency (Lebese 2013). Because an interpreter must be unbiased in performing interpretation tasks, allowing a litigant to provide their own interpreter could undermine the impartiality of the interpretation service.

Conversely, some argue that sometimes courts struggle to find interpreters for diverse languages. In such circumstance, if litigants furnish their own interpreters, the burden on the court would be reduced (Chochrane 2009). The right to interpreter assistance further allows individuals to choose between a state-provided interpreter or hiring their own at personal expense, similar to hiring private legal counsel. Therefore, the court's responsibility is to assess and ensure the interpreter's competency and impartiality, rather than requiring the exclusive use of a state- assigned interpreter.

Ethiopia's Federal Supreme Court has issued various directives that address the issue of interpretation services. Among other things, the Federal Court Interpreters Service Fee Determination and Payment Directive No. 6/2020 regulates the assignment, service, and allowances for temporary interpreters. The directive outlines the rights and obligations of interpreters, as well as the powers and duties of the court trial bench, registrar's office, and other internal actors.<sup>210</sup> The directive emphasizes that the physical presence of a litigant is not equated with full presence unless the litigant is mentally present or understands the language of the court proceedings.

---

<sup>209</sup> Personal Court Observation, FSC, Contract Case, January 24, 2024; Lideta FHC, Commercial Case, March 12, 2024, *Addis Ababa*.

<sup>210</sup> See Federal Court Interpreters Directive, Note 14.

The directive specifies the service fee payment for interpreters. Domestic language interpreters are entitled to 250 birr allowance per case for a half-day service and 500 birr allowance for a full-day service.<sup>211</sup> For foreign languages, interpreters are paid 500 birr per case for a half-day and 1,000 birr for a full-day task. There is no additional payment for transportation and other expenses. Although the regulation does not specify an allowance for sign language interpreters, courts apply the same standards as for local languages. The directive requires the court finance department to pay interpreters immediately upon completion of their duties.<sup>212</sup>

In this instance, it is important to note that the difference in payment between local and foreign language ad hoc interpreters leads to language discrimination and goes against the notion of "equal pay for equal work." Federal Court officials argue that the shortage of foreign language interpreters justifies this gap.<sup>213</sup> However, the same problem exists for minority local languages and sign language interpreters, who are also hard to find.<sup>214</sup> This inconsistency shows that the courts' justification for the pay disparity is speculative.

The Federal Courts Court Proceeding Directive No. 13/2021 stipulates that interpreters must be fluent in both the interpreted language and the court's working language, Amharic. The directive defines the ethical code of conduct for interpreters.<sup>215</sup> Additionally, the Federal Courts Civil Cases Flow Management Directive mandates judges to identify the need for a language interpreter before beginning the hearing of a case.<sup>216</sup>

### **2.3 Oromia Regional State Courts**

Like the federal Constitution, the Oromia Regional State's Constitution

---

<sup>211</sup> See Federal Courts Interpreters Directive, Note 14, Section 3.4.5.

<sup>212</sup> Ibid, Section 3.4.12.

<sup>213</sup> Confidential Interview with FSC Official, February 08, 2024, *Addis Ababa*.

<sup>214</sup> Interview with Zeineb Behonegn, Note 21; Interview with Alemayehu Legese, Note 21.

<sup>215</sup> See Federal Courts Court Proceeding Directive No. 13/2021, Article 23.

<sup>216</sup> See Federal Courts Civil Cases Flow Management Directive, 08/2013 (2021), Article 17 (11/2).

recognizes everyone's right to access justice.<sup>217</sup> The constitution establishes three levels of regular court structures. The Oromia Regional SSC and State High Courts are further authorized to exercise the jurisdiction of the FHC and FFIC respectively. The regional constitution prohibits discrimination based on language and guarantees the right to an interpreter for those who have been arrested or accused.<sup>218</sup> However, there is no equivalent or conditional guarantee for civil proceeding.

The Oromia Regional State Courts Proclamation No. 216/2018 establishes Afaan Oromo as the courts' working language and mandates interpretation services for litigants who do not understand the language.<sup>219</sup> However, the English and Afaan Oromo versions differ: the Afaan Oromo text limits state-funded interpreters to criminally accused individuals, while the English version refers broadly to "defendants" (criminal or civil). Since the Afaan Oromo version holds legal precedence, the right to a state-provided interpreter in Oromia applies only to criminal defendants. Consequently, civil cases—whether under regional or federal jurisdiction—proceed in Afaan Oromo without guaranteed interpretation.<sup>220</sup>

The Oromia Supreme Court Directive on Courts Proceeding Ethics defines an "interpreter" as a person assigned to assist criminally charged individuals, meaning regular courts in Oromia have no obligation to provide interpreters for non-criminal cases.<sup>221</sup> There is also no regulatory framework for interpreters in civil litigation. However, Customary Courts Proclamation No. 240/2021 requires customary courts to appoint community interpreters, and the Oromia Sharia Court Proclamation No. 53/2002 guarantees the right to a state-

---

<sup>217</sup> See Revised Oromia Regional State Constitution, Magalata Oromia, Proclamation No. 46/2001, Article 37.

<sup>218</sup> Ibid, Article 25, 19 (1) and 20 (7).

<sup>219</sup> See Oromia Regional State Court Proclamation, Magalata Oromia, Proclamation No. 216/2018, Article 36.

<sup>220</sup> Interview with Oliyad Yadesa, Oromia Supreme Court, President of the Office, February 07, 2024, *Addis Ababa*.

<sup>221</sup> See Oromia Supreme Court Directive on Courts Proceeding Ethics, Directive No. 16/2022, Article 2 (8).

funded interpreter in civil cases, particularly those involving family and personal matters.<sup>222</sup> Customary courts use community interpreters to ensure trust, inclusivity, and participatory customary dispute resolution.<sup>223</sup>

Conversely, while Sharia Courts acknowledge the right to an interpreter to ensure linguistic accessibility and typically have a lighter caseload than regular courts, they lack both a permanent and an ad hoc interpreter system due to budget constraints.<sup>224</sup> Consequently, litigants are often required to provide their own interpreters at their own expense. In some instances, Sharia Courts request assistance from regular interpreters—who are usually hired for criminal cases—to provide interpretation service during Sharia Court proceedings.<sup>225</sup>

The Oromia Regional Courts Proclamation's "veil of ignorance" regarding civil litigant parties' access to interpreters threatens the linguistic accessibility aspects of the right to access courts and justice. The law offers a litigant party who speaks the court's working language a communication advantage over those who are unable to understand or speak it. This creates a judiciary that acts as a partisan institution, accessible only to speakers of the court's working language.

Oromia region court officials cite resource scarcity and "the defense of undue burden on states" as reasons for the failure to officially recognize the right to an interpreter in civil proceedings.<sup>226</sup> However, the scarcity of resources or the notion of progressive realization is not a valid defense for the state's total denial of fulfilling its obligations regarding civil rights, including access to courts due to language barriers (Amid 2024). States bear an immediate positive obligation to

---

<sup>222</sup> See Oromia Customary Court Proclamation, Magalata Oromia, Proclamation No. 240/2021, Article 24 (2); Oromia Sharia Court Proclamation, Magalata Oromia, Proclamation No. 53/2002, Article 15 (2).

<sup>223</sup> Confidential Interview with Legal Expert at Oromia SSC, February 07, 2024, *Addis Ababa*.

<sup>224</sup> Interview with Haji Gobana Sheik Kedir, Kadi (Judge) of Oromia Region Sharia SSC, February 09, 2024, *Addis Ababa*.

<sup>225</sup> *Ibid*.

<sup>226</sup> Confidential Interview, Note 38.

guarantee equal access to justice, including accessibility of court language. However, they may prioritize state-funded interpreter entitlements in civil cases to avoid undue burden of claims on the pretext of resource constraints.

In the USA, for instance, courts prioritize vulnerable groups and family issues—including indigent cases, parental rights, guardianship, maintenance support, and domestic violence—when providing language services, particularly in situations where funding or resources are limited (Amid 2025). Therefore, litigants should not be systematically denied equal access to court due to their inability to speak the court's working language or afford the expense of an interpreter.

### **3 Administration and Provision of Interpretation Services During Civil Proceedings**

This section examines the administration and provision of interpretation services in federal and Oromia regional state regular courts.

#### **3.1 Federal Courts**

##### **3.1.1 Administration of Interpretation Services**

The federal courts guarantee the provision of interpretation services in civil proceedings. The Federal Courts Proclamation No. 1234/2021 mandates all federal courts to organize an Interpreters Office with comprehensive services.<sup>227</sup> The establishment of a separate Interpreter's Office within courts is intended to ensure professionalism, quality, and accessibility of interpretation services. However, the Interpreter's Office has yet to be established.<sup>228</sup> The details of the problem is elaborated in section 5.2.

The provision of interpretation services in federal courts is structured into local and foreign language interpreters.<sup>229</sup> Languages spoken

---

<sup>227</sup> See Federal Courts Proclamation, Federal Negarit Gazette, Proclamation No. 1234/2021, Article 31 (4).

<sup>228</sup> Interview with Zeineb Behonegn, Note 21.

<sup>229</sup> Interview with Zinashwerk Haileyesus, Note 18.

within Ethiopia's borders by various nations, nationalities, and peoples—including Ethiopian Sign Language—are considered local/domestic languages.<sup>230</sup> Languages not spoken in Ethiopia are classified as foreign languages. Cross-border languages fall under the category of local languages (Ronny et al 2023).<sup>231</sup> For instance, an interpreter who offers Tigrigna language services for Eritrean citizens is paid based on the local language payment rate.<sup>232</sup>

The Federal Courts recruit, hire, and administer interpreters in accordance with the laws and standards set by the Federal Civil Service Commission. Courts do not have the authority to autonomously formulate rules and criteria for selecting their own interpreters.<sup>233</sup> In this regard, the federal parliament passed the Federal Court Administrative Employees Regulation No. 1/2023 to facilitate the autonomous administration of court administrative staff. This regulation encompasses recruitment, hiring, deployment, promotion, transfer, training and education, occupational safety and health, salary increments, benefits, disciplinary matters, grievance handling, and other relevant subjects for court administrative (non-judicial) workers.

### **3.1.2 Provision of Interpretation Service**

The interpretation service can be offered for litigants, witness or expert witness who are unable to properly communicate in Amharic.<sup>234</sup> In Federal Courts, judges are mandated to identify the need for language interpreter services before starting preliminary hearings and

---

<sup>230</sup> See Federal Court Interpreters Directive, Note 14, Section 1.3.2.

<sup>231</sup> Ethiopia has at least 17 cross-border languages spoken in Ethiopia and other adjacent countries. These are Afaan Oromo, Afar, Anywa, Baale, Berta, Burjii, Dhasanac, Ganza, Gumuz, Komo, Kwama, Nyangatom, Nuer, Opuo, Sahoo, Somali and Tigrigna.

<sup>232</sup> Interview with Kasech ---, Tigrigna Language Ad Hoc Interpreter, Akaki Kality FFIC, March 18, 2024, *Addis Ababa*.

<sup>233</sup> Interview with Zinashwerk Haileyesus, Note 18.

<sup>234</sup> *Sintayehu Bahiru (12 Persons) v Elbunyan Food*, 107107 (Akaki Kality FFIC, March 1, 2023); *Tsigereda Hidri v Tekle Kelati*, 110412 (Akaki FFIC January 09, 2024).



scheduling testimonies.<sup>235</sup> Judges identify the need for interpretation services through different mechanisms. First, judges identify the need for the provision of interpretation if the litigant or witness is unable to effectively communicate in Amharic.

Second, if a litigant party requests an interpreter because he or his witness is unable to effectively communicate in Amharic, the court orders the assignment of an interpreter. In doing so, the litigant party's declaration of being unable to speak the language is used as a standard to determine and assign an interpreter.<sup>236</sup> A key informant confirms that judges request and assign interpreters to them when they are unable to properly communicate in the Amharic language.<sup>237</sup>

Once the need is identified, the judge's order their respective court registrar's office to assign the interpretation service sought on the date scheduled. In the absence of a permanently employed interpreter, the court appoint an *ad hoc* interpreter from its administrative staff, a police officer, or any volunteer.<sup>238</sup> The court registrar may outsource the provision to media journalists, prisoners, embassy translators, private translation service workers, court attendants and others.<sup>239</sup> As a last resort, courts may request that litigants furnish their own interpreters. Due to shortage of permanent interpreters, federal courts rely heavily on *ad hoc* interpreters.<sup>240</sup> In circumstances where a language interpreter is unavailable in court, cases are frequently

---

<sup>235</sup> See Federal Courts Civil Cases Flow Management Directive, Note 31, Article 17 (11/2).

<sup>236</sup> Interview with Hana Gebremichael, Note 23.

<sup>237</sup> Interview with Adhan Abdurahman, Litigant Party, Lideta FFIC, March 14, 2024, *Addis Ababa*; Interview with Aster Mengistab, Litigant Party, Akaki Kaliti FFIC, March 19, 2024, *Addis Ababa*; Interview with Kenesa Galalcha, Litigant Party, FSC, February 01, 2024, *Telephone Interview*.

<sup>238</sup> Interview with Alemayehu Legese, Note 21; Interview with Zeineb Behonegn, Note 21.

<sup>239</sup> Interview with Alemayehu Legese, Note 21.

<sup>240</sup> *Ibid*.

adjourned, which causes delays and incurs unintended costs for litigants.<sup>241</sup>

A person assigned as an interpreter can deliver the service either in person or remotely via a virtual system.<sup>242</sup> Interpreters are required to undertake an oath to interpret truthfully before starting to provide their services. They undertake interpretation services during the first hearing, trial witness examination, judgment reading, appellate and cassation proceedings, as well as during the execution of court judgments.<sup>243</sup> The provision of interpretation is particularly crucial during the initial hearing of a case compared to appellate phases, as it facilitates witness testimonies and the examination of evidence/ facts at that stage.<sup>244</sup>

Courts use different modes of interpretation depending on the nature of each case (Gonzalez et al 2012).<sup>245</sup> Interpreters usually provide the services through word-by-word consecutive interpretation during first hearing, when hearing witness and other phases of oral

---

<sup>241</sup> Interview with Zeyid Berhe, FSC Litigant Party, February 07, 2024, *Telephone interview*; Interview with Selam Abebe, Litigant Party, Adama City Bole Sub-City SFIC, March 26, 2024, *Adama*; Interview with Ebrahim Kalil, Litigant Party at Lideta FHC, March 13, 2024, *Telephone Interview*.

<sup>242</sup> Interview with Zeineb Behonegn, Note 21.

<sup>243</sup> Ibid

<sup>244</sup> Interview with Mebrat Gebrehiwot, Litigant Party, FSC, February 14, 2024, *Telephone Interview*; Confidential Interview with Litigant Party, FHC, March 14, 2024, *Addis Ababa*.

<sup>245</sup> Court interpretation modes can be classified into simultaneous interpretation, consecutive interpretation, summary interpretation, and relay interpretation. Simultaneous interpretation occurs when the interpreter provides interpretation services at the same time as the speaker. The interpreter is required to instantaneously reproduce oral speech from the source language into the target language. Consecutive interpretation involves interpreting from the original language into the target language after the speaker completes their utterance. This mode allows the interpreter to take notes while interpreting. Summary interpretation condenses and paraphrases key points from the source language into the target language. Sight translation involves rendering interpretation services by reading documents and translating them into the target language. The interpreter read written documents and orally translate to beneficiary.

litigations.<sup>246</sup> During judgments and interlocutory orders, however, the interpreter interprets the summary of key issues of the judgment to the concerned the relevant party.

Relay interpretation (intermediary interpretation), is another mode of interpretation used in exceptional circumstances where it is difficult to find an interpreter who can directly interpret from the source language into the court's working language. Relay interpretation applies when one interpreter interprets into another language, and a second interpreter then interprets that speech into the target language used in court.<sup>247</sup> This method requires at least two interpreters: the first interpreter translates for the second, who then translates into the final target language. For instance, the first interpreter interprets from Chinese to English, and the second interpreter interprets from English to Amharic.

Monitoring the quality of interpretation services is another task for judges. First and foremost, bilingual judges play a crucial role in monitoring the quality of interpretation.<sup>248</sup> A bilingual judge can easily identify errors in interpretation and direct the interpreter to correct mistakes that the latter made during interpretation. The federal court usually assigns bilingual/multilingual judges to monitor the quality of interpretation.<sup>249</sup> The key informants, litigant parties, also state that they have more confidence when the case is handled by a bilingual judge, as the judge can intervene and request clarity in the event of inconsistencies.<sup>250</sup> However, finding a bilingual judge for most foreign and local languages is difficult.

---

<sup>246</sup> Interview with Asres Abune and Behailu Tewabe, Note 22.

<sup>247</sup> Interview with Shewangizaw Hailu, FSC Foreign Language Interpreter, January 24, 2024, *Addis Ababa*; Interview with Gedion, Lideta FHC Foreign Language Interpreter, March 14, 2024, *Addis Ababa*.

<sup>248</sup> Interview with Habtamu Kabtyimer, Judge at FSC of Ethiopia, February 08, 2024; Interview with Roba Tilahun, Judge, Akaki Kality FFIC, March 18, 2024, *Addis Ababa*.

<sup>249</sup> Interview with Aster Mengistab, Note 52; Interview with Shambal Shifarra, Litigant Party, Akaki Kality FFIC, March 18, 2024, *Addis Ababa*.

<sup>250</sup> Interview with Shambal Shifarra, Note 64; Interview with Ambessa Mulu, Litigant Party at Akaki Kality FFIC, March 15, 2024, *Telephone Interview*.

Judges usually depend on objections or complaints from the opposing litigant party or their attorneys regarding the accuracy of interpretation, if none of them understand the language in question.<sup>251</sup> In such cases, the judge requests a clarification from the interpreter and the other litigant party regarding the objection. Judges also monitor the quality of interpretation by evaluating inconsistencies in the interpreter's statements and the confused facial expressions of either the interpreter or the litigant parties regarding the interpreted statements. Courts may also order an independent interpreter to verify the recorded audio or video of the interpretation.<sup>252</sup>

If the interpreter commits an unintentional minor interpretation error, the judge orders him or her to correct the statement.<sup>253</sup> However, if the interpreter poorly performs in providing the interpretation services repeatedly during the trial, the judge would order the removal of that interpreter from providing interpretation services and orders that they be replaced by another interpreter.<sup>254</sup> The interpreted statement is also nullified. If the judge finds or suspects that the interpreter intentionally misleads the interpretation, they can refer the case for criminal or administrative liability investigation.<sup>255</sup> In practice, however, judges refer such concerns for investigation only upon complaints from the concerned litigant party.

### **3.2 Oromia Regional Courts**

In Oromia, the law requires parties to a civil litigation to provide their own interpreter at their. In practice, the Oromia regular courts sometimes offer interpreters in civil proceedings for indigent individuals who need free legal counsel to prevent miscarriages of

---

<sup>251</sup> Confidential Interview, Note 5.

<sup>252</sup> Interview with Asres Abune and Behailu Tewabe, Note 22.

<sup>253</sup> Interview with Hana Gebremichael, Note 23.

<sup>254</sup> Interview with Ermias Name, Court Interpreter at FSC, January 24, 2024, *Addis Ababa*.

<sup>255</sup> Interview with Hana Gebremichael, Note 23.

justice.<sup>256</sup> Administrative court staff or any volunteer also provide free interpretation services in civil proceedings without payment or service fees.<sup>257</sup>

The service is offered either based on a judge's order or a referral from the court's free legal aid division for interpretation.<sup>258</sup> However, according to key informants, the decision to offer free interpretation is depends on the discretion of the judge.<sup>259</sup> Some judges require evidence that demonstrates that a person indigent, while others allow it by considering mere declaration of litigant party's inability to present his own interpreters.

In other circumstances, judges conduct oral litigation in Amharic, but formal records and rulings are written in Afaan Oromo. The courts in Adama often do so.<sup>260</sup> Although the judges' actions contravene the rule of regional courts' working language, they ensure linguistic accessibility for court litigants and enhance the efficiency of handling cases. Such an approach is more preferable for parties in a litigation who cannot speak Afaan Oromo.<sup>261</sup> Additionally, the private attorney representing the litigant party simultaneously addresses the language barrier of the litigant party during oral litigations and communicates court orders and verdicts to their own clients.<sup>262</sup>

The process of identifying the need for and assigning interpreters, the

---

<sup>256</sup> Confidential Interview, Note 38; *Selam Abebe v Getu Melka*, 01362 (Adama City Bole Sub- City SFIC March 26, 2024).

<sup>257</sup> Interview with Kifle Asfaw, Oromia SSC Registrar Officer, February 06, 2024, *Addis Ababa*.

<sup>258</sup> *Selam Abebe v Getu Melka*, Note 71.

<sup>259</sup> Interview with Kassahun Beyene, Litigant Party, Adama City SHC, March 28, 2024, *Adama*; Interview with Sisay Tamene, Litigant Party, Adama City Bole Sub-City SFIC, March 21, 2024, *Adama*.

<sup>260</sup> Interview with Lense Sinqee, Adama City SHC Judge, March 26, 2024, *Adama*; Confidential Interview, Adama City Bole Sub City SFIC, March 26, 2024, *Adama*.

<sup>261</sup> Interview with Sisay Tamene, Note 74; Interview with Bethelihem Daniel, Litigant Party, Adama SHC Judge, March 27, 2024, *Adama*.

<sup>262</sup> Interview with Jafar Aliyi, Private Attorney at Oromia and Federal Courts, December 20, 2023, *Addis Ababa*; Confidential Interview, Note 5.

mode of delivering interpretation services, and the monitoring techniques for the quality of interpretation in Oromia courts, is similar to the processes and practices of federal courts discussed in the above subsection. In addition, the selection, benefits, promotion, grievance handling, and disciplinary procedures of permanent interpreters are governed by civil service laws and standards, similar to those of the federal court interpreters. However, the Oromia interpreters are accountable to the vice presidents of the courts,<sup>263</sup> as the registrar office system is currently abolished in the Oromia region's court structure.

## **4 Challenges of Providing Quality Interpretation Services**

### **4.1 Legal Restriction and Gaps**

The right to a court interpreter is essential from the opening of the file to the decision and its enforcement. In Oromia, however, regular court laws do not explicitly require courts to provide court interpreters in civil cases at the expense of the regional state. Hence, litigants are required to bring their own interpreters at their own expense. As discussed earlier, offering interpretation in civil proceedings is at the discretion of the courts.<sup>264</sup>

At federal level, the Federal Court Proclamation guarantees interpretation during civil proceedings but does not specify whether it applies in only courtrooms or extended to outside courtrooms. The Federal Court Interpreters Service Fee Determination and Payment Directive, however, restricts such service to courtrooms.<sup>265</sup> In practice, also, the provision of interpretation is limited to courtroom services.

Outside of courtroom interpretation is equally important for facilitating effective communication, such as during file openings, appointment date notifications, and other related services provided by registrar office or administrative personnel. Sometimes, litigants fail to

---

<sup>263</sup> Interview with Milkesa Bekele, Note 5.

<sup>264</sup> Confidential Interview, Note 38.

<sup>265</sup> See Federal Court Interpreters Directive, Note 14, Section 1.4.1.

appear on the appointment date due to miscommunication.<sup>266</sup> The judges also acknowledge the importance of language interpretation outside of the courtroom.<sup>267</sup> However, resource constraints, including a lack of personnel, limit the provision of interpreters to the courtroom only.

Another area of legal lacuna is that the delegation of federal court jurisdictions to regional court do not mandate regional courts to hear federal cases using the federal court's working language. There are scholars who claim that the delegation of federal jurisdictions to state courts should be entertained using federal courts' working language.<sup>268</sup> In contrast, the regional constitutions, including that of Oromia, and court laws require regional courts to operate using the regional state's working language. There is no legal basis to claim that Amharic should be the working language when seeing cases that fall within federal jurisdiction. Besides, mandating regions to operate using federal working language threatens state's autonomy and the right to self-rule in federal system of government.

Currently, in Oromia, courts use Afaan-Oromo even when seeing cases that fall within federal jurisdiction. The federal courts use Amharic when the cases are brought to them by way of appeal.<sup>269</sup> In such circumstances, the litigant is responsible for providing their own interpreter before Oromia Courts and must cover the cost of translation to appeal to federal courts, which entails a significant financial burden. Key informants note that the high cost of interpretation and translation is one of the factors restricting parties' rights to appeal and seek cassation before the Federal Supreme Court,

---

<sup>266</sup> Interview with Soliana Bereket, Litigant Party at Akaki Kality FFIC, March 15, 2024, *Telephone Interview*; Interview with Aklilu Dube, Litigant Party, Lideta FHC, March 14, 2024, *Addis Ababa*.

<sup>267</sup> Interview with Habtamu Kabtyimer, Note 63; Interview with Roba Tilahun, Note 63.

<sup>268</sup> Confidential Interview, Note 5.

<sup>269</sup> Interview with Habtamu Kabtyimer, Note 63.

in addition to court fees and other related expenses.<sup>270</sup>

## 4.2 Structural Problems

Currently, the administrative workers, which includes court interpreters, of federal and Oromia region's courts are governed by civil servant statutes. The civil service system is not compatible with court administration system and its staff benefits. The civil service administration system jeopardizes the court's independence to manage its employees and creates barriers to maintaining a conducive working environment for administrative staff as opposed to judicial personnel. The system also results in court staff being administered by two separate administrations: judicial appointees by court laws and Judicial Administration Council, and non-judicial personnel by civil service laws.<sup>271</sup>

In regard to this, Article 39 of the Federal Courts Proclamation No. 1234/2021 enables federal courts to independently recruit and manage administrative court staff to address these issues. The proclamation directs the House of Peoples' Representatives to enact regulations that facilitates the autonomous administration of court administrative staff. The Federal Supreme Court is authorized to issue directive that facilitate the enforcement of the above regulation.<sup>272</sup>

Based on the proclamation, the federal parliament adopted the Federal Courts Administrative Employees Regulation No. 1/2023 after a three-years delay. The new regulation aims to enhance the structural and institutional independence and impartiality of federal courts, as well as their ability to address administrative staff complaints. Despite this progress, the enforcement of such law has been delayed to date.<sup>273</sup> The Oromia region also drafted the same law at the regional level, but not

---

<sup>270</sup> Interview with Sara Yohannes, Litigant Party, FSC, January 24, 2024, *Addis Ababa*; Interview with Amir Abdurahman, Litigant Party, FSC, December 21, 2023, *Addis Ababa*.

<sup>271</sup> Interview with Zinashwerk Haileyesus, Note 18.

<sup>272</sup> See Federal Courts Proclamation, Note 42, Article 55 (2).

<sup>273</sup> Interview with Zinashwerk Haileyesus, Note 18.



yet adopted.<sup>274</sup>

Additionally, the federal court establishment proclamation promised to set up interpreters' offices. The establishment of such an office would facilitate the professionalization of the court interpretation system and the provision of high-quality language interpretation services in courts. Unfortunately, the Interpreter's Office has yet to be established, and its formation remains an unfulfilled promise.<sup>275</sup>

The officials of the Federal Supreme Court responded that they were previously waiting for parliamentary approval of Federal Court Administrative Employees Regulation No. 1/2023, which restructures the administration of non-judicial personnel in the courts, including court interpreters.<sup>276</sup> Following the adoption of the law, the process of enforcing the regulation has also been delayed for unknown reasons by the government. As a result, all levels of federal courts currently offer court interpretation services through the Court Registrar's Office.

277

### **4.3 Standardization Problem and Quality of the Service**

Standardization of services helps ensure quality, consistency, efficiency, and customer satisfaction. Unfortunately, court interpretation services at both the federal and Oromia level are not standardized in many different dimensions. First, there are no standardized education and training criteria to produce qualified personnel for court interpretation.

The federal and Oromia regional courts require a BA degree in language or literature to hire a permanent court interpreter, but there are no legal education/ training criteria for hiring court interpreters.<sup>278</sup> In other systems, such as in the USA and South Africa, a potential

---

<sup>274</sup> Interview with Diriba Fayera, Head of Oromia SSC Judicial Administration Commission, February 12, 2024, *Addis Ababa*.

<sup>275</sup> Interview with Zeineb Behonegn, Note 21.

<sup>276</sup> Confidential Interview, Note 28.

<sup>277</sup> Interview with Zeineb Behonegn, Note 21.

<sup>278</sup> Ibid; Interview with Mulu Berhanu, Director of Human Resource Department at Oromia SSC, February 07, 2024, *Addis Ababa*.

candidate is required to hold a certification in court interpretation (Amid 2025). Mastery of a language is insufficient to qualify for court interpretation services due to unique legal jargons and ethical codes of conduct.

Secondly, the court interpretation service in the country lacks a certification and licensing system, as well as a responsible institution to manage it. Currently, the service is provided by any volunteer layperson through self-declaration of competency, with no inclusionary or exclusionary criteria for serving as a court interpreter. This trend causes distorted or poor interpretation, threatening the goal of delivering quality interpretation services.<sup>279</sup> Although the Federal Supreme Court's five-year strategic plan (2021-2026) promised to develop a standard and certification system for court interpreters<sup>280</sup>, the process of standardization and certification has not yet begun.

Additionally, the standardization of a court's working language is still in its infancy in the country. Language standardization facilitates uniform and effective communication during court proceedings. Currently, the Federal Law and Justice Institute, in collaboration with Addis Ababa University, has initiated the development for bilingual Amharic and Afaan Oromo dictionaries.<sup>281</sup> This initiative contributes to fostering a standardized and uniform working languages of courts.

#### **4.4 Unattractive Working Environment**

The existing court interpretation system is not attractive and conducive so as to retain court interpreters. First, there is no attractive salary and benefits system for court interpreters. In federal courts, a diploma holder with two years of experience earns 6,485 Birr (\$47) per month; a BA degree holder in Language or Literature in all tiers of

---

<sup>279</sup> Confidential Interview, Note 5; Interview with Soliana Bereket, Note 81.

<sup>280</sup> FSC. 2021. Federal Courts Third Strategic Plan (2021-2026).

<sup>281</sup> Addis Ababa University. AAU Agrees to Create Law and Justice Bilingual Dictionary, October 25, 2024, <https://www.aau.edu.et/blog/aau-agrees-to-create-law-and-justice-bilingual-dictionary/>; Addis Ababa University. AELC, JLI and JFA-PFE Sign Memorandum of Cooperation," October 25, 2024, <https://www.aau.edu.et/blog/aclc-jli-and-jfa-pfe-sign-memorandum-of-cooperation/>.

courts earns 6, 940 birr (\$50.4) per month.<sup>282</sup> In Oromia, a BA holder court interpreter is paid 7424birr (\$54) per month.<sup>283</sup> This salary is not only insufficient but also inadequate to cover personal and household expenses.

In both tiers, court interpreters receive no additional benefits unlike judicial staff who are entitled to transport allowances, mobile cards, annual medical and clothing allowances, training, educational scholarships, and other benefits.<sup>284</sup> Even though permanent court interpreters have equivalent workloads to court registrar officers and judges, they are not entitled to appropriate salaries and benefits.

Moreover, courts hire interpreters who can alternatively find employment in public or private schools that pay more than double the salary of court interpreters for the same qualification.<sup>285</sup> Federal and regional courts also lack a system of promotion or salary increment for those who upgrade their educational qualifications or expertise, unlike schools. Court interpreters are paid the same salary regardless of their educational status, as far as they satisfy the position's minimum level of education.<sup>286</sup>

Similarly, in federal courts, ad hoc interpreters are entitled to service fee payments. As discussed before, the payment for local language interpretation is 250 birr for half a day and 500 birr for a full day. Foreign language interpretation is charged at twice the local language rate. Although these service fees were increased from previously lower payments, professional language interpreters from outside complain about the inadequacy of payment. The payment does not account for transportation costs, waiting time in courts, or market rates for professional services outside of court.<sup>287</sup> Payments are also made after

---

<sup>282</sup> Interview with Zinashwerk Haileyesus, Note 18. The dollar conversion is based on OANDA rate.

<sup>283</sup> Interview with Mulu Berhanu, Note 93.

<sup>284</sup> Interview with Zinashwerk Haileyesus, Note 18; Interview with Mulu Berhanu, Note 93.

<sup>285</sup> Interview with Itenesh, Oromia SSC Interpreter, February 06, 2024, *Addis Ababa*; Interview with Gedion, Note 62.

<sup>286</sup> *Ibid.*

<sup>287</sup> Interview with Ermias Name, Note 69; Interview with Kasech, Note 47.

several adjournments, further wasting the time and cost of ad hoc court interpreters.

As a result, many competent individuals are uninterested in joining the profession and delivering court interpretation services. Key informants from both Oromia and federal courts state that although courts frequently announce hiring for new court interpreters, no one is interested in competing for the positions primarily due to unattractive benefits and working conditions.<sup>288</sup> Above all, there is a high turnover of court interpreters in the courts. For instance, the Federal Supreme Court has only one foreign language interpreter; FHC have no permanent interpreters, and FFIC have only five interpreters who work across eleven first instance courts in Addis Ababa. Other interpreters have left the job due to the unattractive benefit system.

Consequently, most court interpretation services in federal courts are provided by unqualified ad hoc interpreters. In such circumstances, judges are overburdened with monitoring or supporting court interpretation services, in addition to their regular duties of handling cases and interpreting laws. Court interpretation often doubles the time required for regular case handling. The absence of competent interpreters further contributes to delays and inefficient handling of cases.<sup>289</sup> Although existing court interpreters hope for reform under the new court administrative regulation, the delay in implementing the new structure places workers in a dire situation.

#### **4.5 Extent of Accommodating Language Diversity**

Language diversity is natural across the globe. However, it is challenging for courts to balance linguistic diversity with the need to safeguard everyone's right to effective communication. Court interpretation services face unique challenges due to the difficulty of

---

<sup>288</sup> Interview with Zinashwerk Haileyesus, Note 18; Interview with Mulu Berhanu, Note 93.

<sup>289</sup> Interview with Zeineb Behonegn, Note 21; Interview with Tolosa Hirko, Oromia SSC Judge, February 09, 2024, *Addis Ababa*; Interview with Ebrahim Kalil, Note 56; Interview with Zeyid Berhe, Note 56.

hiring interpreters for diverse local and international languages on the one hand, and the sporadic nature of the work, on the other. Moreover, internal diversity within a single language can lead to dialect and pronunciation differences among speakers, necessitating some form of interpretation (Leung 2019).

In this regard, both the federal and Oromia regional courts lack standards to determine which languages require permanently hired interpreters and which can be accommodated by ad hoc interpreters. Both tiers of courts also lack a comprehensive documentation system to regularly record and update the demand for and supply of court interpretation services across a variety of languages.<sup>290</sup>

Federal courts typically use ad hoc interpreters' payment sheets to identify the language services offered, but there is no equivalent system for monitoring demand and supply for permanent interpreters in federal and Oromia regional courts.<sup>291</sup> Without credible data on the demand and supply gap for court interpretation services, it is difficult to implement intervention mechanisms or corrective measures.

In federal courts, the need for hiring permanent interpreters is determined by the human resources department based on the frequency of demand for language services. Currently, federal courts have the structure to hire permanent interpreters for the Afaan Oromo local language and English as a foreign language.<sup>292</sup> In Oromia, there is no differentiation for court interpretation positions between local and foreign language interpreters. In most cities, court interpreters are at least required to speak Afaan Oromo, the working language of Oromia, and Amharic, the federal working language.<sup>293</sup> In border areas of the region, the local languages of border region is also considered to hire court interpreters.

---

<sup>290</sup> Personal Court Observation, FSC, January 24, 2024; Adama City Bole Sub-City SFIC, March 26, 2024, *Adama*; Akaki Kaliti FFIC, March 18, 2024, *Addis Ababa*.

<sup>291</sup> Personal Court Observation, FSC, January 24, 2024, *Addis Ababa*; Akaki Kaliti FFIC March 18, 2024, *Addis Ababa*; Lideta FHC March 12, 2024, *Addis Ababa*.

<sup>292</sup> Interview with Zinashwerk Haileyesus, Note 18.

<sup>293</sup> Interview with Mulu Berhanu, Note 93.

However, it is difficult to accommodate the needs of several languages spoken by a large number of people through court interpretation. For instance, according to key informants, more than 85 percent of court clients in Adama city are unable to communicate in Afaan Oromo, the Oromia courts working language.<sup>294</sup> Consequently, the majority of litigant parties are represented by attorneys who simultaneously handle language barriers and legal representation.

Similarly, federal courts in Addis Ababa, located adjacent to Oromia region's borderlines, receive a high number of cases from Afaan Oromo speakers, making it challenging to address these needs solely through state-funded court interpreters.<sup>295</sup> In such situations, introducing bilingual courts or trials is crucial to bridge the significant gap between the demand for and supply of language services.

In contrast, the needs for court interpretation in many local and foreign minority language speakers rarely emerge. According to federal and Oromia regional civil service standards, designating a certain job as a permanent position requires undertaking tasks for eight hours a day and 39 hours a week.<sup>296</sup> In this context, most occasionally requested language needs do not meet the standard for hiring a permanent language interpreter, in addition to impossibility of hiring court interpreters for all languages. Consequently, the majority of court interpretation needs, irrespective of demand levels, are met through unqualified and uncertified ad hoc interpretation services.

#### **4.6 The Role of Non-Interpreters in Court Interpretation Services**

Various actors play significant roles in offering and transcribing court interpretation services. During court litigation, bilingual judges and attorneys play crucial roles in overcoming language barriers for court litigants. Judges are primarily responsible for identifying the need for interpretation, ordering the assignment of court interpreters, and

---

<sup>294</sup> Interview with Milkesa Bekele, Note 5; Interview with Lense Sinqee, Note 75; Confidential Interview, Note 5

<sup>295</sup> Interview with Tilahun Mulatu, Note 21.

<sup>296</sup> Interview with Zeineb Behonegn, Note 21; Interview with Mulu Berhanu, Note 93.

monitoring the quality of interpretation.

Beyond that, bilingual judges in federal and Oromia courts, sometimes conduct oral litigation in the language understood by the litigant parties and record litigant party responses in the court's working language, especially in the absence of a court interpreter.<sup>297</sup> By doing so, they differentiate between the language of oral litigation and the language of court recording to address language barriers and facilitate efficient case handling. However, this practice may undermine the judges' impartiality and adds an additional burden as they manage language issues along with legal matters. Judges have no authority to serve simultaneously as a court interpreter and judges. Judges volunteer gap-filling services also violate the working language rule of courts.

Private attorneys also play an important role in fixing language barriers. While representing litigant parties in federal and Oromia courts, they effectively address the language challenges faced by litigants. Sometimes, attorneys provide pro bono services to indigent litigants who cannot afford to hire private attorneys and who are unable to communicate in the court's working languages.<sup>298</sup> In such cases, they manage both the legal and language concerns of the parties they represent. Bilingual attorneys facilitate better the two-way communication between their clients and the courts. However, they are not assigned as court interpreters in their own cases to avoid conflicts of interest.<sup>299</sup> Additionally, they also monitor quality of interpretation offered by the court or the opposing party.

Court transcribers also play an invisible role in monitoring court interpretation while converting audio transcriptions of court trials into written text. In cases involving court interpretation, court transcribers are required to transcribe the words of the interpreter, not the speech

---

<sup>297</sup> Interview with Tilahun Mulatu, Note 21; Interview with Sheik Kadir Haji Gobana, Note 39; Interview with Lense Sinqee, Note 75; Confidential Interview, Note 38.

<sup>298</sup> Interview with Juhar Mohamed, Head of Justice Office at Adama City Bole Sub-City, March 26, 2024, *Adama*; *Selam Abebe v Getu Melka*, Note 71.

<sup>299</sup> Confidential Interview, Note 5.

of source language speaker. Several court transcribers are bilingual and identify errors during interpretation. In federal courts, court transcribers fully transcribe the words of the interpreter, regardless of whether the interpretation contains errors. They justify this by stating that their mandate is solely to transcribe audio into written text, and correcting errors in interpretation is the judge's responsibility.<sup>300</sup>

In Oromia courts, transcribers who note errors in interpretation correct the wording during transcription and inform the concerned judge handling the case to cross-check the credibility of the interpretation.<sup>301</sup> They argue that most interpreters are laypersons with no familiarity with legal terms, and their interpretations become meaningless if transcribed verbatim. Consequently, they correct transcribed interpretations and inform judges for further review. This practice highlights that transcribers play an invisible role in monitoring the quality of interpretation while transcribing audio into written texts.

## 5 Conclusion

The right to court interpretation is essential for accessing justice and ensuring fair trial rights. Trials conducted in a language unfamiliar to litigants equate to trials in absentia, denying justice. While international law mandates court interpretation in criminal cases, it does not require it in civil proceedings. In Ethiopia, federal courts provide interpretation for civil cases at state expense, but this is not explicitly mandated in the Oromia region. Sometimes Oromia courts offer interpretation services and conduct oral litigation in Amharic, while recording proceedings in Afaan Oromo.

Both federal and Oromia courts face systemic challenges: unqualified interpreters, lack of training and certification, poor benefits, and reliance on ad hoc interpreters. This burdens judges, attorneys, and litigant parties, causing delays and undermining judicial integrity.

---

<sup>300</sup> Confidential Interview with Transcribers of Lideta FHC, February 05, 2024, *Addis Ababa*.

<sup>301</sup> Confidential Interview of Transcribers of Court Proceeding at Oromia SSC, February 07, 2024, *Addis Ababa* and Interview with Konjit \_ Adama City SHC, March 26, 2024, *Adama*.



Hazel Genn stressed that access to civil justice is a public good that serves more than just private interests, as it is crucial for peaceful dispute resolution and maintaining social order. Hence, resource limitations should not justify the denial of free court interpretation services in civil proceedings.

Federal and regional courts should consider formalizing the distinction between oral proceedings and judicial records of languages, as occasionally practiced in Adama courts and jurisdictions like India. In line with the new FDRE multilingual policy proposals, the federal and regional governments should consider constitutional amendments to recognize additional court working languages based on local realities and resource capacities. Alternatively, Oromia could adopt federal-style interpretation services for civil cases. Resource scarcity could be addressed by prioritizing the service to vulnerable and indigent groups or introducing free professional court interpretation services, similar to free legal aid, through volunteerism.

## References

Addis Ababa University. 2024. *AU Agrees to Create Law and Justice Bilingual Dictionary*. Available on [elc-jli-and-jfa-pfe-sign-memorandum-of-cooperation/](#).; Accessed on 01.01.2024.

Ado, Derib. 2023. "Language Policy and Planning in Ethiopia." In *the Oxford Handbook of Ethiopian Languages*, 1st ed., edited by R. Meyer, B. Wakjira, and Z. Leyew. Oxford University Press.

Amid, Muluken K. 2025. "Reforming the Provision of Language Services During Civil Proceedings in Ethiopia: Lessons from Comparative Experiences." *Mizan Law Review* 6, no. 1: 81-104.

Amid, Muluken K. 2024. "The Rights of Deaf Persons Access to Civil Justice in Ethiopia: Examining the Laws and Practices." *Hawassa University Journal of Law* 8: 71-109.

Arzoz, Xabier. 2010. "Accommodating Linguistic Difference: Five Normative Models of Language Rights." *European Constitutional Law Review* 6, no. 1: 102–22.

California Commission on Access to Justice. 2005. "Language Barriers to Justice in California." 2005. Available on; [https://www.calbar.ca.gov/Portals/0/documents/reports/2005\\_Language-Barriers\\_Report.pdf?ver=2017-05-19-134110-167](https://www.calbar.ca.gov/Portals/0/documents/reports/2005_Language-Barriers_Report.pdf?ver=2017-05-19-134110-167). Accessed on 01.02.2024.

Chochrane, Diana K. 2009. "Como Se Dice, Necesito a Un Interprete - The Civil Litigant's Right to a Court-Appointed Interpreter in Texas." *The Scholar: St. Mary's Law Review on Race and Social Justice* 12, no. 1: 48–94.

Christos, Rozakis. 2004. "The Right to A Fair Trial in Civil Cases." *Judicial Studies Institute Journal* 4, no. 2: 96–106.

Federal Court Interpreters Service Fee Determination and Payment Directive, Directive No. 6/2020.

Federal Courts Civil Cases Flow Management Directive, 08/2021.

Federal Courts Proclamation, Proclamation No. 1234/2021.

Federal Democratic Republic of Ethiopia Constitution, Proclamation No. 1/1995.

Federal Democratic Republic of Ethiopia Language Policy (2020).

Federal Supreme Court. *Federal Courts 3<sup>rd</sup> Strategic Plan (2021-2026)*, 2021.

General Comment No. 32, Article 14: 'Right to Equality before Courts and Tribunals and to a Fair Trial', U.N. Doc. CCPR/C/GC/32 (2007).

Gonzalez, Roseann D, Victoria F Vasquez, and Holly, Mikkelson. 2012, *Fundamentals of Court Interpretation: Theory, Policy and Practice*. 2<sup>nd</sup> ed. Carolina Academic Press.

Grabau, Charles M, and Llewellyn J Gibbons.1996. "Protecting the Rights of Linguistic Minorities: Challenges to Court Interpretation." *New England Law Review* 30: 227.

Hazel Genn.2009. *Judging Civil Justice*. Cambridge University Press.

Lebese, Samuel J. 2013. "The Undefined Role of Court Interpreters in South Africa." MA Thesis, UNISA.

Leung, Janny. 2009. *Shallow Equality and Symbolic Jurisprudence in Multilingual Legal Orders*. Oxford Studies in Language and Law. Oxford University Press.

Meyer, Ronny, and Moges Yigezu. 2023. "Ethiopian Languages and Their Demographic Distribution." In *the Oxford Handbook of Ethiopian Languages*, 1<sup>st</sup> ed., edited by R Meyer, B. Wakjira, and Z Leyew. Oxford University Press.

Namakula, Catherine S. 2012."Language Rights in the Minimum Guarantees of Fair Criminal Trial." *International Journal of Speech, Language and the Law* 19, no. 1 (2012): 73–93.

Oromia Customary Court Proclamation, Proclamation No. 240/2021.  
Oromia Regional State Court Proclamation, Proclamation No. 216/2018.

Oromia Regional State Sharia Court Proclamation, Proclamation No. 53/2002 (2002).

Oromia Supreme Court Directive on Ethics of Oromia Regional Courts Proceeding, Directive No. 16/2022.

Revised Oromia Regional State Constitution, Proclamation No. 46/2001.

Selam Abebe v Getu Melka, 01362 (Adama City Bole Sub- City SFIC March 26, 2024).

Sintayehu Bahiru (12 Persons) v Elbunyan Food, 107107 (Akaki Kality FFIC March 1, 2023).

Tsigereda Hidri v Tekle Kelati, 110412 (Akaki Kality FFIC January 9, 2024).

