UNIVERSITY *of the*
WESTERN CAPE

INTER- AND INTRALINGUAL TRANSLATIONS OF COMPLAINANTS' POLICE SWORN STATEMENTS: A CO-CONSTRUCTION OF A LEGAL TEXT IN A SOUTH AFRICAN CONTEXT

BY

LAURIAN TESLYNE LESCH

University of the Western Cape

Thesis submitted in fulfilment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in the

Department of Linguistics

Date of submission: 2 May 2023

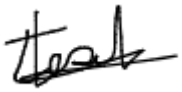
Supervisor: Professor Monwabisi K. Ralarala

https://uwcscholar.uwc.ac.za/home

DECLARATION

I declare that the dissertation hereby submitted by me, *Laurian Teslyne Lesch,* for the degree of Doctor of Philosophy (PhD) at the University of the Western Cape, is my own independent work and has not previously been submitted by me at another University/Faculty. I furthermore cede copyright of the thesis in favour of the University of the Western Cape.

Full name: Laurian Teslyne Lesch

Signed:  Date: 2 May 2023

https://uwcscholar.uwc.ac.za/home

ABSTRACT

English is the dominant language of record in the South African criminal justice system, despite the constitutional provision that affords all twelve languages equal status and usage. As a result of English hegemony, sworn statements are constructed through the medium of English and in some cases in Afrikaans. In cases where the accused, the witness or the complainant has limited understanding of either of these languages, the retelling and rewriting of complainants' legal narratives is done by police officers, who translate such narratives from the source text (ST) into the target text (TT) to facilitate and benefit the legal process. Hence, both interlingual and intralingual translation may take place. Of note is that a sworn statement lays the foundation for the administration of justice. Its value lies in its accuracy, whether it is an inter- or intralingual translation. This study investigates the problem of inter- and intralingual translations with specific reference to legal translation of complainants' sworn statements by police officers within the South African Police Service (SAPS). It explores the extent to which the sworn statements are co-constructed as legal texts, and the implications of such legal texts in as far as access to justice is concerned. Drawing on Critical Discourse Analysis (CDA) (Fairclough, 1992; Wodak, 2001), Narrative Theory (Bal, 2009), as well as Conversational Analysis (Sacks, 1987), the study specifically examines both the micro and macro linguistic aspects associated with the SAPS's current model of record construction. Through analysis of data derived from 30 audio-recorded police interviews, the findings of this study demonstrate that the system of re-telling and/or translation of sworn statements is not in the best interests of justice. Instead, it entrenches the domination of some languages over others, perpetuating inequalities in the broader administration of justice, thus substantially reducing meaningful access to justice for speakers who have limited understanding of the languages of record.

Key terms: sworn statement; translation; legal narrative; interlingual translation; intralingual translation.

https://uwcscholar.uwc.ac.za/home

ACKNOWLEDGMENTS

I thank God for granting me the ability to pursue this study and providing me with the opportunity to do so successfully.

My supervisor, Prof Monwabisi Knowledge Ralarala: Thank you for throwing me in the deep end and teaching me how to swim. Thank you for your attentive criticism, professionalism, unwavering support and generosity in sharing your knowledge and time with me.

I acknowledge the complainants and the South African Police Services (SAPS) for their generosity in sharing their interview data with me – without them, this study would not have been possible.

I acknowledge the transcriber, Elizabeth de Graaf, for her meticulous and timely work.

I extend a heartful thank you to Wilna Adriaanse for her skills and expertise as a sworn translator for combing through reams of data and assisting with the translation of transcripts – thank you for your professionalism and willingness to undertake this daunting task.

I extend my sincere gratitude to editors: Dr Jenny Wright and Jane Mqamelo for their patience and professional criticism in editing my work. Thank you for your detailed and valued feedback.

I acknowledge Damien Cloete, for his guidance in the analysis of some of the data in the study. Thank you for your time and thorough work.

To my mother and my sister: Thank you mommy and Candice for your continuous support, prayers and understanding. Thank you for being consistent throughout my pursuit of success. Thank you for all the sacrifices you made and continue to make so that I can pursue my dreams and the things that are important to me. I am forever indebted to you. We made it!

It truly takes a village to raise a child. I thank my family: the Leschs and Cloetes (Uncle Albert, Uncle Henry, Aunty Magda, Aidan, Inga, Ivana, Richard and Gail); the Josephs (Aunty Lorraine, Aunty Marilyn, Aunty Sharon, Uncle Malcolm, Tatum, Laurelle and Tana), the

https://uwcscholar.uwc.ac.za/home

Diergaardts (Ouma Meid and Valerie); and the Vermeulens (Aunty Cathy and Uncle Stevan). Thank you all for your prayers and understanding and for choosing to be a part of this journey. To my friends, Cairistine, Earl, Khanyiso, Lizelle, Lusanda, Mango, Melissa, Nomfundo, Shinaed, Stevlyn: Thank you for motivating and encouraging me to achieve this goal.

I acknowledge the Western Cape Language Committee, with special thanks to Jane Moleleki, for their continued support and interest in my academic endeavours.

I acknowledge the attorney Charles Abrahams, who impressed upon me the importance of undertaking research on this topic, when at one stage it was merely an idea in its infancy.

This work is based on research supported by the National Institute for the Humanities and Social Sciences (NIHSS). Opinions, findings and conclusions or recommendations expressed in this publication are those of the author and the NIHSS accepts no liability in this regard.

Trust in the Lord with all your heart and lean not on your own understanding, but in all your ways, acknowledge Him and He will direct your path (Proverbs 3:5–6).

https://uwcscholar.uwc.ac.za/home

TABLE OF CONTENTS

DECLARATION ..... **i**
ABSTRACT ..... **ii**
ACKNOWLEDGMENTS ..... **iii**
CHAPTER ONE: INTRODUCTION **1**
1.1 Rationale and introduction to the study 1
1.2 Statement of the problem 3
1.3 Research objectives 4
1.4 Research questions 4
1.5 Theoretical framework 5
1.5.1 Critical Discourse Analysis (CDA) 5
1.5.2 Narrative Theory 6
1.5.3 Conversation Analysis (CA) 7
1.6 Preliminary literature review for context and rationale 7
1.6.1 The language debate: The language situation in South Africa 7
1.6.2 Some languages are more equal than others: Languages of record 9
1.6.3 Problems of second language speakers of English and Afrikaans 9
1.6.4 The sworn statement 10
1.6.5 The process of constructing a statement 12
1.7 Translation voices and styles 14
1.7.1 Translated versions of text – what constitutes inter- and intralingual translation of a legal text 14
1.7.2 The original versus the translated form 14
1.7.3 Finding the translator's 'voice' in a translated text 14
1.8 Methodology 15
1.8.1 Sample size and sampling technique 15
1.8.2 Data collection tools/instruments 15

https://uwcscholar.uwc.ac.za/home

1.8.3 Data analysis 16
1.9 Ethics statement 16
1.10 Justification for the study 17
1.11 Forensic Linguistics defined 17
1.12 Translation in Forensic Linguistics: Inter- and intralingual translations 19
1.13 Scope and limitations of the study 22
1.14 Structure of the thesis 22
CHAPTER TWO: LITERATURE REVIEW 23
2.1 Introduction 23
2.2 A global perspective on Forensic Linguistics 23
2.2.1 Forensic Linguistic research in the United States of America (USA) 23
2.2.2 Forensic Linguistic research in the UK 24
2.2.3 Forensic Linguistic research in the Netherlands 27
2.2.4 Forensic Linguistic research in Australia 28
2.2.5 Forensic Linguistic research in Africa 31
2.2.6 Forensic Linguistic research in Asia, with reference to China 33
2.2.7 Forensic Linguistic research in South Africa 34
2.3 Closing remarks from a global standpoint 37
2.4 A thematic approach to the literature 38
2.4.1 The theme of the study 38
2.4.2 The politics of language in South Africa 38
2.4.3 The legalities of access to justice in South Africa 40
2.4.4 Change is inevitable 40
2.4.5 Telling stories: The sworn statement as a concept in Forensic Linguistics 42
2.5 The complainant and the statement 43
2.5.1 Repeat, recap, reiterate: The telling and retelling of narratives 43
2.5.2 Translator + interpreter + police officer = *transpreter* 44

https://uwcscholar.uwc.ac.za/home

2.5.3 The significance of police interviewing....45
2.6 Inter- and intralingual translation....48
2.6.1 It takes two to tango: The relationship between intra- and interlingual translation....48
2.6.2 Inter- and intralingual translations....49
2.6.3 Intralingual translation....50
2.7 Conclusion....53
CHAPTER THREE: THEORETICAL FRAMEWORK....54
3.1 Introduction....54
3.2 Critical Discourse Analysis (CDA)....54
3.2.1 Why CDA?....54
3.2.2 CDA and its historical background....56
3.2.3 CDA and power relations....58
3.2.4 CDA and its relevance in police discourse/police interviewing....59
3.2.5 CDA and the representation of power in police record construction....60
3.3 Narrative Theory....61
3.3.1 Why Narrative Theory?....61
3.3.2 Narrative Theory and its relevance in police interviewing....63
3.3.3 Sworn statements as storytelling....64
3.4 Conversational Analysis....65
3.4.1 Why Conversational Analysis?....65
3.4.2 CA and police interviews....66
3.5 Conclusion....69
CHAPTER FOUR: METHODOLOGY....70
4.1 Introduction....70
4.2 Data collection and analysis....70
4.2.1 Methodology....70
4.2.2 Data collection and sampling....70
4.2.3 Analysis of data....70

https://uwcscholar.uwc.ac.za/home

4.3 The data 70
4.3.1 Obtaining the data 71
4.3.2 Description of the data sets 71
4.4 Sampling 72
4.5 Ethical issues 72
4.5.1 Informed consent and archival data 72
4.5.2 Data storage and transparency 72
4.6 Limitations 73
4.7 Conclusion 73
CHAPTER FIVE: PRESENTATION AND ANALYSIS OF DATA: INTRALINGUAL TRANSLATIONS 74
5.1 Introduction 74
5.2 Synopsis of intralingual cases 75
5.2.1 Case 1 75
5.2.2 Case 2 76
5.2.3 Case 3 76
5.2.4 Case 4 76
5.2.5 Case 5 76
5.2.6 Case 6 76
5.2.7 Case 7 76
5.2.8 Case 8 77
5.2.9 Case 9 77
5.2.10 Case 10 77
5.2.11 Case 11 77
5.2.12 Case 12 77
5.2.13 Case 13 78
5.2.14 Case 14 78
5.2.15 Case 15 78

https://uwcscholar.uwc.ac.za/home

5.3 Discrepancies 78
Table 5.1: Case 1: Word count: An illustrative example based on a theft case 78
Table 5.2: Case 2: Word count: An illustrative example based on a theft case 79
Table 5.3: Case 3 Word count: An illustrative example based on a malicious damage to property case 79
Table 5.4: Case 4 Word count: An illustrative example based on a fraud case 79
Table 5.5: Case 5 Word count: An illustrative example based on a break in 79
Table 5.6: Case 6 Word count: An illustrative example based on a theft case 79
Table 5.7: Case 7 Word count: An illustrative example based on a theft case 80
Table 5.8: Case 8 Word count: An illustrative example based on a case of public violence ..80
Table 5.9: Case 9 Word count: An illustrative example based on a case of malicious damage to property 80
Table 5.10: Case 10 Word count: An illustrative example based on a theft case 80
Table 5.11: Case 11 Word count: An illustrative example based on a theft case 80
Table 5.12: Case 12 Word count: An illustrative example based on an assault case 81
Table 5.13: Case 13 Word count: An illustrative example based on a theft case 81
Table 5.14: Case 14 Word count: An illustrative example based on an assault case 81
Table 5.15: Case 15 Word count: An illustrative example based on an assault case 81
5.4 Errors 82
Table 5.16: Case 1 82
Table 5.17: Case 2 83
Table 5.18: Case 3 84
Table 5.19: Case 4 85
Table 5.20: Case 5 86
Table 5.21: Case 6 87
Table 5.22: Case 7 87
Table 5.23: Case 8 88
Table 5.24: Case 9 89

https://uwcscholar.uwc.ac.za/home

Table 5.25: Case 10 90
Table 5.26: Case 11 90
Table 5.27 Case 12 91
Table 5.28: Case 13 92
Table 5.29: Case 14 93
Table 5.30: Case 15 94
5.5 First-person pronoun 95
Table 5.31: Case 1 Extract 1 95
Table 5.32: Case 2 Extract 2 95
Table 5.33: Case 3 Extract 3 95
Table 5.34: Case 4 Extract 4 96
Table 5.35: Case 5 Extract 5 96
Table 5.36: Case 6 Extract 6 97
Table 5.37: Case 7 Extract 7 97
Table 5.38: Case 8 Extract 8 97
Table 5.39 Case 9 Extract 9 97
Table 5.40: Case 10 Extract 10 97
Table 5.41: Case 11 Extract 11 98
Table 5.42: Case 12 Extract 12 98
Table 5.43: Case 13 Extract 13 98
Table 5.44: Case 14 Extract 14 98
Table 5.45: Case 15 Extract 15 99
5.6 Omissions 99
Table 5.46: Case 1 99
Table 5.47: Case 2 100
Table 5.48: Case 3 100
Table 5.49: Case 4 101

https://uwcscholar.uwc.ac.za/home

Table 5.50: Case 6 101
Table 5.51: Case 7 102
Table 5.52: Case 8 102
Table 5.53: Case 10 103
Table 5.54: Case 11 103
Table 5.55: Case 12 103
Table 5.56: Case 14 104
Table 5:57: Case 15 104
5.7 Additions 104
Table 5.58: Case 1 105
Table 5.59: Case 2 105
Table 5.60: Case 3 105
Table 5.61: Case 4 106
Table 5.62: Case 5 106
Table 5.63: Case 6 106
Table 5.64: Case 7 106
Table 5.65: Case 8 107
Table 5.66: Case 9 108
Table 5.67: Case 11 108
Table 5.68: Case 12 109
Table 5.69: Case 15 109
5.8 Conclusion 109
CHAPTER SIX: PRESENTATION AND ANALYSIS OF DATA: INTERLINGUAL TRANSLATION 111
6.1 Introduction 111
6.2 Synopsis of interlingual cases 111
6.2.1 Case 1 111
6.2.2 Case 2 112

https://uwcscholar.uwc.ac.za/home

6.2.3 Case 3 112
6.2.4 Case 4 112
6.2.5 Case 5 112
6.2.6 Case 6 112
6.2.7 Case 7 112
6.2.8 Case 8 113
6.2.9 Case 9 113
6.2.10 Case 10 113
6.2.11 Case 11 113
6.2.12 Case 12 113
6.2.13 Case 13 113
6.2.14 Case 14 114
6.2.15 Case 15 114
6.3 Discrepancies 114
Table 6.1 Case 1: Word count: An illustrative example based on a fraud case 114
Table 6.2 Case 2 Word count: An illustrative example based on a physical harassment case 114
Table 6.3 Case 3 Word count: An illustrative example based on a fraud case 114
Table 6.4 Case 4 Word count: An illustrative example based on a theft case 115
Table 6.5 Case 5 Word count: An illustrative example based on a case of malicious damage to property 115
Table 6.6 Case 6 Word count: An illustrative example based on a theft case 115
Table 6.7 Case 7 Word count: An illustrative example based on an assault case 115
Table 6.8 Case 8 Word count: An illustrative example based on a theft case 115
Table 6.9 Case 9 Word count: An illustrative example based on a theft case 116
Table 6.10 Case 10 Word count: An illustrative example based on a theft case 116
Table 6.11 Case 11 Word count: An illustrative example based on a theft case 116
Table 6.12 Case 12 Word count: An illustrative example based on an assault case 116

https://uwcscholar.uwc.ac.za/home

Table 6.13 Case 13 Word count: An illustrative example based on a theft case 116
Table 6.14 Case 14 Word count: An illustrative example based on a fraud case 116
Table 6.15 Case 15 Word count: An illustrative example based on a theft case 117
6.4 Errors 117
Table 6.16: Case 1 117
Table 6.17: Case 2 118
Table 6.18: Case 3 119
Table 6.19: Case 4 119
Table 6.20: Case 5 120
Table 6.21: Case 6 121
Table 6.22: Case 7 122
Table 6.23: Case 8 125
Table 6.24: Case 9 126
Table 6.25: Case 10 127
Table 6.26 Case 11 128
Table 6.27: Case 12 129
Table 6.28: Case 13 130
Table 6.29: Case 14 131
Table 6.30: Case 15 132
6.5 First-person pronoun 134
Table 6.31: Case 2 Extract 2 134
Table 6.32: Case 2 Extract 2 135
Table 6.33: Case 3 Extract 3 135
Table 6.34: Case 4 Extract 4 135
Table 6.35: Case 5 Extract 5 135
Table 6.36: Case 6 Extract 6 135
Table 6.37: Case 7 Extract 7 136

https://uwcscholar.uwc.ac.za/home

Table 6.38: Case 8 Extract 3 136
Table 6.39 Case 9 Extract 9 136
Table 6.40: Case 10 Extract 10 136
Table 6.41: Case 11 Extract 11 136
Table 6.42: Case 12 Extract 12 137
Table 6.43: Case 13 Extract 13 137
Table 6.44: Case 14 Extract 14 137
Table 6.45: Case 15 Extract 15 137
6.6 Omissions 138
Table 6.46: Case 1 138
Table 6.47: Case 2 141
Table 6.48: Case 3 141
Table 6.49: Case 4 142
Table 6.50: Case 6 142
Table 6.51: Case 7 143
Table 6.52: Case 12 144
Table 6.53: Case 13 144
6.7 Additions 145
Table 6.54: Case 1 145
Table 6.55 Case 2 145
Table 6.56: Case 3 145
Table 6.57: Case 4 146
Table 6.58: Case 5 146
Table 6.59: Case 6 146
Table 6.60: Case 7 146
Table 6.61: Case 8 147
Table 6.62: Case 9 147

https://uwcscholar.uwc.ac.za/home

Table 6.63: Case 11 147

Table 6.64: Case 12 148

6.8 Conclusion 148

CHAPTER SEVEN: SUMMARY OF FINDINGS 149

7.1 Introduction 149

7.2 Findings 149

7.2.1 First finding: Police officers' levels of (il)literacy 150

7.2.2 Second finding: Monolingual statement-taking in a multilingual society 151

7.2.3 Third finding: Discrepancies and inconsistencies in the sworn statements 153

7.3 General observations 155

7.5 A reflection on the research theories 156

7.6 Conclusion 160

CHAPTER EIGHT: CONCLUSIONS, RECOMMENDATIONS AND CONTRIBUTIONS TO FORENSIC LINGUISTICS 161

8.1 Introduction 161

8.2 Comments on findings 161

8.2.1 Intralingual translation 161

8.2.2 Interlingual translation 163

8.3 Recommendations 164

8.4 Contribution to Forensic Linguistic research 165

8.5 Limitations 166

8.6 Conclusion 167

References 168

Appnedices 183

LIST OF TABLES

Intralingal translations

Discrepencies

Table 5.1 Case 1: Word count: An illustrative example based on a theft case 78

https://uwcscholar.uwc.ac.za/home

Table 5.2 Case 2: Word count: An illustrative example based on a theft case 79
Table 5.3 Case 3 Word count: An illustrative example based on a malicious damage to property case 79
Table 5.4 Case 4 Word count: An illustrative example based on a fraud case 79
Table 5.5 Case 5 Word count: An illustrative example based on a break in 79
Table 5.6 Case 6 Word count: An illustrative example based on a theft case 79
Table 5.7 Case 7 Word count: An illustrative example based on a theft case 80
Table 5.8 Case 8 Word count: An illustrative example based on a case of public violence ... 80
Table 5.9 Case 9 Word count: An illustrative example based on a case of malicious damage to property 80
Table 5.10 Case 10 Word count: An illustrative example based on a theft case 80
Table 5.11 Case 11 Word count: An illustrative example based on a theft case 80
Table 5.12 Case 12 Word count: An illustrative example based on an assault case 81
Table 5.13 Case 13 Word count: An illustrative example based on a theft case 81
Table 5.14 Case 14 Word count: An illustrative example based on an assault case 81
Table 5.15 Case 15 Word count: An illustrative example based on an assault case 81

Errors

Table 5.16 Case 1 82
Table 5.17 Case 2 83
Table 5.18 Case 3 84
Table 5.19 Case 4 85
Table 5.20 Case 5 86
Table 5.21 Case 6 87
Table 5.22 Case 7 87
Table 5.23 Case 8 88
Table 5.24 Case 9 89
Table 5.25 Case 10 90
Table 5.26 Case 11 90
Table 5.27 Case 12 91
Table 5.28 Case 13 92
Table 5.29 Case 14 93
Table 5.30 Case 15 94

First-person pronoun

Table 5.31 Case 1 Extract 1 95

https://uwcscholar.uwc.ac.za/home

Table 5.32Case 2 Extract 2 95
Table 5.33 Case 3 Extract 3 95
Table 5.34 Case 4 Extract 4 96
Table 5.35 Case 5 Extract 5 96
Table 5.36 Case 6 Extract 6 97
Table 5.37 Case 7 Extract 7 97
Table 5.38 Case 8 Extract 8 97
Table 5.38 Case 9 Extract 9 97
Table 5.40 Case 10 Extract 10 97
Table 5.41 Case 11 Extract 11 98
Table 5.42 Case 12 Extract 12 98
Table 5.43 Case 13 Extract 13 98
Table 5.44 Case 14 Extract 14 98
Table 5.45 Case 15 Extract 15 99
Omissions
Table 5.46 Case 1 99
Table 5.47 Case 2 100
Table 5.48 Case 3 100
Table 5.49 Case 4 101
Table 5.50 Case 6 101
Table 5.51 Case 7 102
Table 5.52 Case 8 102
Table 5.53 Case 10 103
Table 5.54 Case 11 103
Table 5.55 Case 12 103
Table 5.56 Case 14 104
Table 5.57 Case 15 104
Additions
Table 5.58 Case 1 105
Table 5.59 Case 2 105
Table 5.60 Case 3 105
Table 5.61 Case 4 106
Table 5.62 Case 5 106

https://uwcscholar.uwc.ac.za/home

Table 5.63 Case 6 106
Table 5.64 Case 7 106
Table 5.65 Case 8 107
Table 5.66 Case 9 108
Table 5.67 Case 11 108
Table 5.68 Case 12 109
Table 5.69 Case 15 109

Interlingal translations

Discrepencies

Table 6.1 Case 1: Word count: An illustrative example based on a fraud case 114
Table 6.2 Case 2 word count: An illustrative example based on a physical harassment case 114
Table 6.3 Case 3 Word count: An illustrative example based on a fraud case 114
Table 6.4 Case 4 Word count: An illustrative example based on a theft case 115
Table 6.5 Case 5 Word count: An illustrative example based on a case of malicious damage to property 115
Table 6.6 Case 6 Word count: An illustrative example based on a theft case 115
Table 6.7 Case 7 Word count: An illustrative example based on an assault case 115
Table 6.8 Case 8 Word count: An illustrative example based on a theft case 115
Table 6.9 Case 9 Word count: An illustrative example based on a theft case 116
Table 6.10 Case 10 Word count: An illustrative example based on a theft case 116
Table 6.11 Case 11 Word count: An illustrative example based on a theft case 116
Table 6.12 Case 12 Word count: An illustrative example based on an assault case 116
Table 6.13 Case 13 Word count: An illustrative example based on a theft case 116
Table 6.14 Case 14 Word count: An illustrative example based on a fraud case 116
Table 6.15 Case 15 Word count: An illustrative example based on a theft case 117

Errors

Table 6.16 Case 1 117
Table 6.17 Case 2 118
Table 6.18 Case 3 118
Table 6.19 Case 4 119
Table 6.20 Case 5 120
Table 6.21 Case 6 121

https://uwcscholar.uwc.ac.za/home

Table 6.22 Case 7 122
Table 6.23 Case 8 125
Table 6.24 Case 9 126
Table 6.25 Case 10 127
Table 6.26 Case 11 128
Table 6.27 Case 12 129
Table 6.28 Case 13 130
Table 6.29 Case 14 131
Table 6.30 Case 15 132

First-person pronoun

Table 6.31 Case 2 Extract 2 134
Table 6.32 Case 2 Extract 2 135
Table 6.33 Case 3 Extract 3 135
Table 6.34 Case 4 Extract 4 135
Table 6.35 Case 5 Extract 5 135
Table 6.36 Case 6 Extract 6 135
Table 6.37 Case 7 Extract 7 136
Table 6.38 Case 8 Extract 3 136
Table 6.39 Case 9 Extract 9 136
Table 6.40 Case 10 Extract 10 136
Table 6.41 Case 11 Extract 11 136
Table 6.42 Case 12 Extract 12 137
Table 6.43 Case 13 Extract 13 137
Table 6.44 Case 14 Extract 14 137
Table 6.45 Case 15 Extract 15 137

Omissions

Table 6.46 Case 1 138
Table 6.47 Case 2 141
Table 6.48 Case 3 141
Table 6.49 Case 4 142
Table 6.50 Case 6 142
Table 6.51 Case 7 143
Table 6.52 Case 12 144

https://uwcscholar.uwc.ac.za/home

Table 6.53 Case 13 144

Additions

Table 6.54 Case 1 145

Table 6.55 Case 2 145

Table 6.56 Case 3 145

Table 6.57 Case 4 146

Table 6.58 Case 5 146

Table 6.59 Case 6 146

Table 6.60 Case 7 146

Table 6.61 Case 8 147

Table 6.62 Case 9 147

Table 6.63 Case 11 147

Table 6.64 Case 12 148

LIST OF FIGURES

Figure 3.1 A narratological representation of the process of producing a translated narrative text 67

Figure 7.1: Intralingual translations: Discrepancies between the pre-statement interview and the actual sworn statement 155

Figure 7.2: Interlingual translations: Discrepancies between the pre-statement and actual sworn statement 156

https://uwcscholar.uwc.ac.za/home

CHAPTER ONE: INTRODUCTION

1.1 Rationale and introduction to the study

Language and the law cannot be separated. Sworn statements reflect the interconnectedness of these domains. Police officers or legal experts constantly use language to question witnesses, seeking to obtain information through language with the aim of constructing a sworn statement or legal text (Ralarala & Rodrigues, 2019:16). Among other practices, legal experts scrutinise sworn statements in terms of their language use, spelling errors, possible omissions, additions and distortions, particularly during court proceedings, since these elements can bring into question the veracity of the sworn statement. The identification of possible anomalies, arguably, can have detrimental outcomes for the complainant, witness or accused person.

In South Africa, a complainant who intends to lay a criminal charge with a police officer at a local police station can be faced with a difficult task. Ralarala (2012:56) coined the term *transpreter*s to refer to:

> … designated police officers [who are] informed by the type of dual dramatic competence and performance required – on the job – in order to render the cognitive and social service of message production and reception within the framework of both translation and interpreting of sworn statements.

This denotation of the police officer as an official of the state, an interpreter (reviewing language orally) and a translator (interpreting written formats of a text) demands further investigation. The multifaceted role of the police officer and the power held by this person to influence what is stated and how it is stated, is under scrutiny in this study. From this point onwards, this study interchangeably uses the terms *transpreter* and 'police officer', as they are one and the same person.

The study is situated in the domain of police interviewing, an area of work that falls within the broader field of Forensic Linguistics, discussed in depth in Chapter 2. Eades (2010:154) uses the term 'policespeak' to refer to the linguistic characteristics of police statements, a term coined by Fox (1993). 'Policespeak' or 'police talk' may also be understood as the register used by police officers when they speak and write, with sworn statements categorised under this rubric. Police talk typically contains five linguistic features, as follows:

https://uwcscholar.uwc.ac.za/home

- They indicate time and occurrence.
- They commonly use the passive voice.
- The terminology used is often more formal than informal.
- Accuracy is vital and police may use elaborate terms rather than simple, easy-to-understand words.
- The correctness of legal terms may override the use of commonly and easily understood words.

A specific area of interest is the writing of sworn statements and the role played by various individuals in this process. The police officer – often seen as the head of a hierarchy that exists in the statement-taking process – and the complainant are the key role-players involved. In police interviews, complainants or witnesses are required to give their version of events as part of the police officer's attempt to obtain evidential information. The complainant or witness's narrative often needs to be retold by the *transpreter*, depending on the situation, as part of the reconstruction of evidence for court proceedings (Eades, 2012:475). The retelling of the narrative immediately elevates the status of the *transpreter*, who writes down the words spoken by the complainant; in effect, this means that his or her version of the statement carries greater power and status than that of the complainant (Van Charldorp, 2014). The linguistic complexities, as well as the imbalance of power, intensify the challenges associated with police interviews and courtroom proceedings (Eades, 2012:471). It is imperative to acknowledge that the interconnected structures of law, language and translation create the foundation for legal processes.

South Africa acknowledges and values its diversity of languages, cultures and religions. A linguistically diverse South Africa is to be celebrated; however, in some circumstances, this diversity poses a major challenge to the practice of justice and fair representation before the law. Where a complainant speaks a different language from that required for the formulation of the sworn statement, translation and the interpretation of their words can introduce errors and result in a sworn statement that does not fully capture what was said by the speaker or transpired at the crime scene. In many cases, as in the law, education, state institutions and the professional working environment, English is the preferred language (Alexander, 2004:10). English is assumed to be a commonly understood language, but its use in legal contexts creates the space for exclusion in cases where speakers have limited English language proficiency.

https://uwcscholar.uwc.ac.za/home

This exclusion is not limited to second-language speakers of English only, but extends to first languages speakers, who may also experience challenges in conveying the intricacies of an event, or in understanding legal jargon, which is complex and quite different from colloquial English. Section 6 of the Constitution of the Republic of South Africa makes provision for multilingualism and pays particular attention to language rights (Constitution of the Republic of South Africa, 1996). It states that everyone has the right to be tried in a language they understand – an ideal that remains elusive in practice.

The central idea guiding this study is that the interlingual and intralingual translation of complainants' sworn statements by police officers constitutes a co-construction of legal texts, a co-construction that is worth examining for its implications with regard to the administration of justice. Jakobson (1959:233) distinguishes between inter- and intralingual translations. Interlingual translation refers to 'an interpretation of verbal signs by means of some other language'. Intralingual translation refers to an 'interpretation of verbal signs by means of the same language'. Furthermore, Jakobson identifies intersemiotic translation or transmutation as an interpretation of verbal signs by means of signs belonging to a non-verbal sign system. Translation from one language to another immediately involves the substitution of original phrases and words with different phrases and words, as statements are interpreted and transcribed. Translation is a form of reported speech; in simple terms, it may be said that translation involves two messages in two different codes and that the act of translating in police station settings involves both interpretation and translation (Jakobson, 1959:233). Therefore, this study investigates, first, complainants' narratives and the manner in which they are co-constructed for the formulation of legal texts during police interviewing; second, the process of interlingual and intralingual translation and the extent to which this practice contributes to the veracity, accuracy and quality of sworn statements; and third, the notion of the language of record and the (un)equal status of official languages in the criminal justice system, which raises the question of whether access to justice is available to all.

1.2 Statement of the problem

Statement-taking is an integral part of the process of administrating justice (Ralarala, 2016). The complainant or witness statement lays the foundation for further court and legal proceedings (Komter 2003; Haworth 2009). The challenge is that, despite the constitutional provision of multilingualism, for purposes of statement writing and record construction, South Africa's criminal justice system relies on only two languages, English and Afrikaans. The

https://uwcscholar.uwc.ac.za/home

literature reveals that the process of police interviewing, interpreting and translating introduces discrepancies and inconsistencies in sworn statements, attributed to inaccuracies, omissions and other anomalies (Eades, 1997, 2010, 2012; Heydon, 2004, 2005; Komter, 2002; Ralarala, 2014, 2015; Rock, 2001, 2004). These anomalies may arise because police officers lack proper training in record construction, or have limited linguistic capabilities and translation experience and/or because complainants or witnesses have limited language proficiency or are illiterate. In such cases, the quality and accuracy of a sworn statement is likely to be compromised, which tends to affect the evidence that serves as the basis for court proceedings. These anomalies constitute the linguistic complexities for this study.

1.3 Research objectives

This study builds on and expands the body of knowledge of Forensic Linguistics (FL) with reference to police interviews with complainants in the South African context. The objectives of the study are: first, to establish how sworn statements are co-constructed and whether the validity of a sworn statement constitutes an accurate, credible legal text.; second, to establish the role of the police officer as translator, interpreter and official of the state in the execution of the language event; and third, to consider the way in which sworn statements are translated from talk to legal texts and how they represent the complainants' intended meaning from the source text–ST– (the interview or interview transcript) into the target text–TT– (the sworn statement) and to inform a judgement about whether accuracy of the translation activity.

1.4 Research questions

The study is guided by three central questions. Both the complainant and the police officer are at the centre of these questions:

- How are complainants' narratives co-constructed during police interviews and to what extent does the process of record construction give rise to a credible legal text?
- To what extent do police officers and the justice system embrace the (un)equal status of languages and how does the inequalities of languages affect the notion of access to justice?
- To what extent do interlingual and intralingual translations contribute to the veracity, accuracy and quality of sworn statements?

https://uwcscholar.uwc.ac.za/home

1.5 Theoretical framework

1.5.1 Critical Discourse Analysis (CDA)

This study is underpinned by three theories: Critical Discourse Analysis (CDA), Narrative Theory and Conversational Analysis (CA). CDA is central, since it enables one to engage critically with the notions of language and power, as well as the perceived unequal nature of languages and the people of these languages. According to Wodak (2001:2), CDA 'aims to investigate critically social inequality as it is expressed, signalled, constituted and legitimized'. CDA is a theoretical construct that refers to 'language as a social practice' (Wodak, 2001:1). CDA allows for an investigation of the relationship between language and power. As a theoretical construct, CDA has become synonymous with investigating texts used for communication. Because of this, CDA is

> fundamentally concerned with analysing opaque as well as transparent structural relationships of dominance, discrimination, power and control as manifested in language. In other words, CDA aims to investigate critically social inequality as it is expressed, signalled, constituted, legitimized and so on by language use (or in discourse) (Wodak, 2001:2).

Based on the above, it may be stated that CDA is concerned with power relations in terms of language (Wodak & Fairclough, 2001:2). The approach in this study focuses on texts to explore language practice related issues and the power dynamics at play in relation to the South African criminal and justice system. CDA is a relevant approach to examining texts used in the SAPS and the wider judicial system.

According to Fairclough (2001:122), CDA is not limited to just one field: it is an interdisciplinary theoretical approach to understanding a variety of social norms and practices. It allows for both the 'recontextualisation' of sworn statements and an understanding of societal transformation that occurs in response to new contexts (Fairclough, 2001:134). Fairclough (1989:46) observed that the issue of power and hierarchies is not just definitive of discourse but of entities involved in any given relationship. CDA is relevant to the giving and taking of sworn statements, in that the act of both giving and taking the statement and the communication involved in the process, reflects the power dynamics at play. As CDA takes an interdisciplinary approach to understanding social dynamics, it is appropriate for exploring the role of language in South Africa, is as far as this study is concerned. It provides the ideal framework for

https://uwcscholar.uwc.ac.za/home

examining sworn statements and the imbalance of power involved in their creation and in their entire process of record construction. This imbalance of power is evident in both the status of the police officer in relation to that of the complainant and the status of the languages of record, English and Afrikaans, in relation to the language of the complainant.

1.5.2 Narrative Theory

Bal (2009:5) states that Narrative Theory is an analytical theory of narrative texts, while a narrative text is 'a text in which an agent relates a narrative'. She distinguishes between a narrative and a *fabula* (Latin). A narrative is a 'text in which an agent navigates a narrative' (ibid, 2009:5), or, simply put, a text in which a storyteller tells a story. A *fabula* refers to 'a series of logically and chronologically related events that are caused or experienced by actors' (Bal, 2009:5). Narrative Theory may not apply when there are gaps in communication, as it concerns a sequence of events that takes place (Barthes & Duisit, 1975). The complexities of narrative texts point to the significance of Narrative Theory in this study. The role of narrative in producing a written statement deemed to be coherent, veracious and persuasive enough to be considered is well established in the literature (see Harding & Ralarala, 2017).

Sworn statements are viewed as a story, a narrative. Narrative Theory underscores that in texts of this kind, a story is being told; the way in which it is told can influence the validity and creditworthiness of the story and thus of the statement itself. In the context of this study, the construction of a complainant's sworn statement involves a process in which both complainant and police officer play a part. The complainant is the narrator of the story (the statement) while the police officer adds to the story by interpreting, translating and summarising it (Harding & Ralarala, 2017). Throughout the process of constructing and co-constructing this narrative, there is the possibility of omissions, errors and changes which can distort the information. For this reason, the sequence of events, as reported, may become unclear or untrue, depending on the severity of the changes are introduced. The Narrative Theory is an analytical theory (Harding 2012; O'Sullivan, 2003), which makes it ideally suited to an analysis of sworn complaint statements. Through the application of Narrative Theory, one is able to discern the effects of differences between the ideologies and cultural domains of complainants and police officers. These differences are echoed throughout the judicial system.

https://uwcscholar.uwc.ac.za/home

1.5.3 Conversation Analysis (CA)

CA as advanced by Sacks (1978; 1992) looks into the manner in which communication through certain rules, engages take place and how conversations ensue. CA is rooted in sociological and linguistic spheres which then means that it accounts for interactions based on and through language. It has a primary focus towards the utterances of sequences and how these sequences are organised. One of the main aspects in considering these sequences are attributed to turn-taking. Turn-taking merely suggests the persons involved in the communicative act each have a turn to speak (Goldkuhl, 2003: 56-57). Additionally, CA introduces adjacency pairs which are linked to each other. This can be seen in examples such as question and answer, greeting and greeting, request and acceptance (ibid). Police interviewing sessions are an exchange of information between the police officer and the complainant and/or suspect. The police officer aims to obtain information which is in the form of a conversation. This information is transferred to paper in order to formulate the statement. By so doing, adjacency pairs are prevalent in interviewing sessions such as these which support the use of CA and how communication takes place through this engagement.

1.6 Preliminary literature review for context and rationale

1.6.1 The language debate: The language situation in South Africa

South Africa's language situation is complex. It is impossible to disregard the effects of apartheid, which demonstrated a blatant disdain for fair language representation. Therefore, in order to address issues of justice and (in)equality in the judicial system and elsewhere, it is necessary first to acknowledge the injustices of the past. One needs to acknowledge that apartheid took place and that this ideology, which dominated the country for 46 years after centuries of an equally unjust colonial system, is the origin of injustice and inequality in South Africa today. To understand the current language situation in South Africa, it is necessary to reflect briefly on the political and linguistic situation pre-1994. This sets the foundation for answering the question of why language rights need discussion, why only certain social spheres enjoy legal representation and, ultimately, why there is a need to redress the language inequalities that have lingered since the days of apartheid. Such reflection on the past creates an understanding of how and why South Africa finds itself in a 'language crisis'. In essence, South Africa is still fighting a battle for fair representation, diversity and equality.

https://uwcscholar.uwc.ac.za/home

As a result of South Africa's history, the current language situation in South Africa's judicial system is pre-determined and complex. This complexity stretches back many decades, as evident in the fact that as early as 1909, the South Africa Act (Union of South Africa, 1909) recognised English as one of two official languages. In Section 137 of the Act of 1909, the dual status of Dutch and English as South Africa's official languages was recognised. Further to this, Afrikaans was included under the definition of Dutch, according to the Union Act 8 of 1925 (Union of South Africa, 1925). This is noteworthy, as the onset of apartheid in 1948 simply compounded a situation that was already in existence. The position of Afrikaans as a standardised language dates back to settler Simon van der Stel who advocated for Afrikaans. In 1910 The Act of Union supported the notion that Afrikaans enjoy the same status and prestige in society as English thus being introduced in schools in 1913, 1918 in universities and ultimately in Parliament in 1925 (Prah, 2017:247). Judge John Hlophe (2014) stated that the dominance of two languages, which were accessible only to the privileged minority, has shaped our heritage (Docrat & Kaschula, 2019:72). The dominance of English and Afrikaans as has disregarded and marginalised many people who need recognition and representation within the legal sphere.

There are instances where English as the language of record cannot be used confidently by police officers. If one party identifies English as their first language and the other identifies Afrikaans as their first or only language, the potential for miscommunication is heightened. In such situations, neither language will be represented in its best form. The written statement is often a representation of a second (or even third) language speaker's account of an event, relative to the language of record. This discriminatory representation does not promote 'linguistic transformation' (Docrat & Kaschula, 2019:71). The term 'transformation' in this regard refers to more than just 'change'. It refers to a process whereby an old doctrine that remains in practice is replaced by a new doctrine (see Wesson & Du Plessis, 2008:187). Docrat and Kaschula (2019:84) suggest that African languages or previously marginalised languages need to be elevated in order for the country to experience true transformation. Once this 'linguistic transformation' is attained in the judicial environment, transformation may begin to emerge (ibid). Linguistic diversity should own its place. When a recognition of the equal status of all twelve languages finally finds expression in the judicial system, statements made in any South African language will carry as much weight as any other.

https://uwcscholar.uwc.ac.za/home

1.6.2 Some languages are more equal than others: Languages of record

According to the judicial system English is considered the language of record in South Africa. Following the relevant legislation, the legal sphere adopted English and Afrikaans as the official languages of use (Docrat & Kaschula, 2019:72-73; Cote, 2005). Statements are often translated from an African language into either English or Afrikaans. These translated statements are then used as evidence for future reference and ultimately as evidence in court. South Africa has a unique linguistic environment, in the sense that it is a multilingual society, boasting twelve official languages, each demanding fair recognition and use. The status of each language needs to be upheld within both social and professional environments. The issue of fairness and equality becomes more complex to understand and apply when one considers the greater sphere of multilingualism (Hlophe, 2004:42). It is imperative that the equality of all languages is upheld as an expression of the equality of persons and for the practical implementation of justice. Section 6 of the Constitution of the Republic of South Africa focuses extensively on language and the elevation of African languages, requiring that, while we do not disregard the place of English or Afrikaans, we confer the same status and recognition on African languages. However, viewing Section 6 in isolation can be problematic. Language is a discipline that extends beyond a particular domain or field – it is essential to almost all fields. From a legal standpoint, the linguistic domain plays an integral role in the processes and practice of transformation, particularly in the judiciary.

1.6.3 Problems of second language speakers of English and Afrikaans

Not all languages are equal in the judicial system. This reality is evident by the fact that only two of the twelve official languages are identified as languages of record. South Africa prides itself on its multilingualism and the Constitution entrenches the equal status of all twelve languages. However, the Constitution as a foundational document cannot, by itself, see to it that its principles are implemented. It is in this area that the legal system (and others) have been slow to respond. The principle of equality in terms of language use is disregarded in the SAPS, in the legal domain of lower and higher courts. The unequal status of languages in these contexts is echoed in the nature of various interactions that take place in court settings, which are shaped by language use, discourse, verbal interaction and the power and dominance of a particular social group (see Ralarala, 2017:219).

https://uwcscholar.uwc.ac.za/home

1.6.4 The sworn statement

1.6.4.1 Sworn statement defined

A sworn statement is a legal document. Extensive research has been conducted on the sworn statement as a legal document, which comes into being through 'interactional discourse' between two people, according to Eades (2008). In statement-taking, this interactional discourse takes place between a *transpreter* (the interviewer) and the complainant or accused (the interviewee). The sworn statement presented before court carries weight, as it lays the foundation for further court proceedings. The accuracy of the statement is an essential component of the trial. If the statement is inaccurate, it will throw into question the claims made by various parties, since it is used continuously as a point of reference. Rock (2001:47) states that witness statements (or, in this case, complainant statements) are taken in specific contexts. The complainant's statement narrates the story of what has happened, touching upon related events. The dynamics of the relationship between English and Afrikaans and the relationship between different varieties of English, are important factors in building, shaping and formulating the statement.

1.6.4.2 Anatomy of a statement: The co-construction of a narrative

A statement is 'the product of a statement-taking session or interview' (Rock, 2001:45). According to Komter (2012:732), a statement undergoes a process of manipulation; that is, the act of transcribing changes a statement from its original oral structure (spoken language) to the structure of a written text. In court, the complainant who gave the oral statement is confronted with a slightly altered version of it, especially since, in South Africa, the written statement is both an interpretation of a spoken narrative and a translation of it. Komter (2002) explains that the purpose of a statement is to present the narrative in its most original form, as given by the complainant; however, it is the (often poorly) translated, distorted version of the statement that goes to court and is used in court proceedings. Based on the literature, the complainant seems to have no option but to take ownership and responsibility for the statement, despite the fact that it may present a manipulated or distorted version of events.

A statement is multifaceted, in that it comprises many parts and may be understood in different ways. Ralarala (2014:386) recognises that a sworn statement is an 'anatomical' construct. The components of talking, writing, co-constructing and translating the sworn statement contribute to its final form on paper. Thus, the written statement is the product of a process, beginning

https://uwcscholar.uwc.ac.za/home

with events and narrations that take place before the formal statement is made. This earlier process is referred to as 'pre-statement-taking' (ibid: 386). The pre-statement-taking process may be seen as the 'build up' to the actual sworn statement. Narrations that take place as part of pre-statement-taking have the potential to play an important role in the manner in which the final statement is recorded (Heaton-Armstrong, 1995:138).

Rock (2001:50) elaborates on this idea, identifying four versions of the statement that constitute its genetic make-up. These are: Version one, called 'the witness offer', in which '[t]he witness narrates the event with slight involvement from the interviewer …'; Version two, called 'co-construction', in which the interviewer poses questions about the event and the witness responds; Version three, 'note checking', in which the interviewer provides feedback information to the witness; and, lastly, Version four, 'text construction', in which the interviewer transcribes the statement. In theory, sentences are transcribed word for word as narrated by the complainant or witness. However, this is rarely the case. The South African model of record construction of sworn statements is a case in point.

1.6.4.3 Retelling a statement – the narrative

A statement is also considered to be a narrative – a story that is told and retold; and then, for legal purposes, represented in written form to describe a particular criminal event. The way the narrative is told, retold, understood and interpreted adds to or detracts from its creditworthiness. Jönsson and Linell (1991) note that the process that takes place in the telling of a story and the taking down of a statement has undergone extensive research. Ralarala (2012:56) states that much research has been conducted on the inconsistencies in meaning that occur between the original message, conveyed in spoken language and the written text representing that message. These inconsistences distort the intended meaning, opening the statement to misunderstanding. Baydere (2019:109) makes the point that two important constituents of statement-taking are recognised: i) translation and ii) retelling. These constituents have to be viewed together to make sense of the original narrative.

1.6.4.4 Procedure and protocol

There are specific protocols in place for police officers involved in taking statements, to which they are expected to adhere; however, this does not always occur. The police officer and complainant both play a role, with each party needing to ask or give relevant information. This

https://uwcscholar.uwc.ac.za/home

give-and-take process creates reciprocity between the parties involved, thus having the potential to improve the validity of the statement-taking process (Jol & Stommel, 2016:31). The police officer may try to evoke specific actions or reactions in the complainant or witness, which can influence the validity of the statement. If the officer does not follow the correct processes, the language use and credibility of statements can become problematic. It is essential that police officers follow correct procedures for statement-taking, since in the interaction between complainants and police officers, the role of the police officer is elevated. This in itself introduces the risk of miscommunication. The police officer does not simply ask questions: he or she is a key player in the retelling and reformulating of narrated stories which present themselves in the form of sworn statements (De Almeida & Drew, 2020:47).

1.6.5 The process of constructing a statement

1.6.5.1 One text, many versions

The process of taking a statement is an essential part of the administration of justice (Ralarala, 2014:378). A statement, arguably, lays the foundation for further legal and court proceedings and needs to be as accurate and truthful as possible. The validity of the statement eventually determines the fairness of the trial (ibid.). In other words, the statement given at the police station must represent the truth. Therefore, the validity of the translated text is already in question, since police officer, as *transpreter*s, cannot act as qualified translators. Komter's (2002/2003) research addresses the notion that written statements are regarded as direct representations of a suspect's (or, in this case, a complainant's) words, despite being written by a police officer. Misunderstandings may affect statement taking, yet the suspect is held accountable for what is written down (Komter, 2002:168). The process of taking a statement is complex as it involves more than just the talking, the typing or transcribing and the text; it involves an understanding of meaning and later interpretation of the text produced (Komter, 2006:223).

1.6.5.2 The role of the police officer in constructing the statement

Communication is a key aspect in the daily task of the police officer. The transactions between the *transpreter* and complainant are among the most critical interactions that take place in the legal process (Haworth, 2006). As part of their scope of practice, police officers take statements that need to be clear, accurate, objective and specific (Vergie & Pienaar, 1996:153). A statement should be a word-for-word (verbatim) account of what has happened, but this is often

https://uwcscholar.uwc.ac.za/home

not the case. It is a misconception that statements are a precise account, because of the act of translation that occurs. Both language practices account for changes to and manipulation of the original statement.

The signing of a statement is an acknowledgment by the complainant (or witness) that the statement is a true reflection of the original record (Ralarala, 2017:218). In other words, the validity of the sworn statement is confirmed when the witness or complainant appends his/her signature on the statement. The validity of claims is further confirmed by the *transpreter* when writing in the language of record (ibid). In many cases, either the complainant or *transpreter*, or both, communicate in a language that is not their first language. This immediately introduces issues relating to comprehension. The complainant is not in a position to challenge the content of the statement once in court, as it has already been accepted as a truthful account. The position of the complainant therefore is diminished as his/her statement is retold by the *transpreter*. Although a statement is a product of rephrasing, as verbatim accounts could present as tedious, the retelling of the narrative does not merely involve translation but an interpretation of thoughts and deeds associated with the crime, the situation may be unjust, as the narrative of the statement is not written in the words of the complainant (Ralarala, 2017:13). The task of interlingual translation is already challenging for a *transpreter* who communicates in his or her second language, yet the onus rests on the *transpreter* to convey words accurately and with the meaning intended by the speaker in this challenging environment.

According to Heydon (2019:80-81), research on police statements involves scrutinising the interactions between the police officer and the suspect or complainant. Just as the rights of the suspect need to be upheld in the taking down of statements, the rights of the complainant need to be upheld, too. The statement, or a particular judgement associated with a case, is a manifestation of the communication of rights during the interaction. The statement is a legal text, which *transpreter*s need to understand and engage with critically. Therefore, the linguistic competence of *transpreter*s needs to be developed so that they are able to translate and interpret correctly, recognising and implementing the rights of all parties. On this basis, a statement can effectively be retold as a narrative in court (Heydon, 2019:42).

https://uwcscholar.uwc.ac.za/home

1.7 Translation voices and styles

1.7.1 Translated versions of text – what constitutes inter- and intralingual translation of a legal text

As a point of departure, it is necessary to attempt to define the term 'translation' in all its complexity. In the context of this study the term includes both inter- and intralingual translations. According to Zethsen (2013:299), translation indicates that

- a source text exists or has existed at some point in time;
- a transfer has taken place and the target text has been derived from the source text (resulting in a new product in another language, genre or medium), i.e., some kind of relevant similarity exists between the source and the target text.

The relationship between the original text and the translated text can take many forms and by no means rests on the concept of equivalence, but rather on the *purpose* of the target text.

1.7.2 The original versus the translated form

Translation and translators cannot be separated, for without a translator, a text cannot be translated accurately (Hermans, 2010:286). According to Zethsen (2013:808), there are two characteristics between interlingual and intralingual translations. The most evident challenge in interlingual translation, on the one hand, is that the intended reader(s) may not fully understand the text as it appears on paper. Intralingual translations, on the other hand, involves two language codes which are attributed to differences in terms of genre, culture and individual differences in which people use languages, despite the fact that the two versions of the text or statement appear in the same language. To rely on synonymy – which is a challenge– as a rule of thumb does not do justice to the translated narrative, as a direct translation may not capture originally intended meaning. This is problematic for both interlingual and intralingual translations in police record construction, as the statement is presented as a true depiction of events, which may not be the case, as the text has been translated, whether interlingually or intralingually.

1.7.3 Finding the translator's 'voice' in a translated text

A translation is made up of different voices and styles. There are clear differences between the author's and the translator's voices in a translated text (Hermans, 1996; O'Sullivan, 2003; Ralarala, 2016). Capturing the author's or speaker's voice depends on the 'translator's ability to creatively act and manipulate the translation process in order to make some sort of coherent

https://uwcscholar.uwc.ac.za/home

sense' (Millán-Varela, 2004:38). The process of translation involves the manipulation of a text and is reliant on identity, ideology and linguistic factors. According to Joyce (2004:44), the translator's voice is influenced by these factors, while the question of the translator's proficiency and various other socio-linguistic factors may also come into play. The translator's voice and the author's voice are both likely to become distorted in the quest to distinguish the voices in the text. The manipulation of a text may also involve changes that arise from differences in social and educational status or background (O'Sullivan, 2003:197). There are many factors that influence the translator's 'voice', including spelling and grammar (Jiang, 2012:367). In addition, translators can unconsciously intrude their own opinions into texts through their choice of words and phrases and need to take special care that they do not do so. Professional translators need to detach themselves emotionally and make a conscious decision to separate the voice of the client and the voice of the translator (Hermans, 2014:286). In the police station setting, the *transpreter* and complainant work together to construct the statement; however, the *transpreter* needs to remain impartial and not become emotionally invested in the situation. Thus, both the *transpreter* and the complainant have a role to play in the creation of the text, but the onus is on the *transpreter,* as the dominant party, to practice restraint and facilitate the conveying of the facts the facts impartially without personal intrusion. In this study it is apparent that this remains an aspiration.

1.8 Methodology

1.8.1 Sample size and sampling technique

The sample of this study consisted of 30 participants, some English and some Afrikaans speaking, who had made statements at police stations in the Western Cape. The inclusion of both languages allowed for an analysis of discrepancies in the translation of texts and of the relationship between the spoken words and the texts written in the language(s) of record. The participants were both male and female. The study relies on their accounts of the interview and transcription process and a close scrutiny of their sworn statements.

1.8.2 Data collection tools/instruments

The study draws on primary data in the form of complainants' sworn statements. As the study relies on both an inter- and intralingual translations of texts, it focuses on at least two sets of data. The first set, the interlingual translations of statements, consists of translations from

https://uwcscholar.uwc.ac.za/home

Afrikaans to English. The second data set, the intralingual translations, consists of translations from English to English and Afrikaans to Afrikaans.

The data 15 interlingual translations from Afrikaans into English and 15 intralingual translations – eleven from English to English and four from Afrikaans to Afrikaans. The data were collected from three police stations in the Western Cape, South Africa. This allowed for a pool of participants from different geographical and social backgrounds. The analysis focuses on the physical statement as it appears on paper and the interview transcripts. Observations took place in the physical space of the three identified police stations. Three police stations were identified in order to give reasonable scope for representation of the language demographics of the Western Cape.

1.8.3 Data analysis

The study relies on an analysis of complainants' statements in light of Critical Discourse Analysis, Narrative Theory and Conversational Analysis, with a focus on the translation style, whether intralingual or interlingual, the role of the police officer in the act of translation and the way in which meaning is conveyed, transferred and sometimes lost through translation. By focusing on sworn statements, the analysis brings to light various aspects which include but are not limited to: linguistic inequality, power relationship between language, law and crime and the notions of literacy versus illiteracy. of the relationship between the police officer and the complainant, centred as it is on the use of English and/or Afrikaans as the dominant languages of legal processes. The notion of English as a superior language is examined. English and Afrikaans have somewhat earned their place in the legal practice and formal judicial setting.

1.9 Ethics statement

The study complied with the required ethical standards and approvals for research. In order to proceed with the study, I applied for ethical clearance from both the University of the Western Cape and the SAPS. The screening process was conducted by the Humanities and Social Science Research Ethics Committee (HSSREC) of the University of the Western Cape, with the research approved on 29 March 2021. Once approval had been granted, I submitted a letter to the National Commissioner of SAPS detailing the nature and scope of the intended research and requesting permission to conduct it. I also submitted the approval granted by HSSREC, the

https://uwcscholar.uwc.ac.za/home

consent forms, information sheets and my research proposal. Approval from the SAPS was granted on 21 October 2021. All participants were asked to give their permission to partake in the research study by signing consent forms before volunteering any data. The complainants agreed to the use of their statements for this research, provided that their names and the locations, dates and times of the statements were not revealed. Participants in the study had the right to confidentiality; they were informed of the fact that they could withdraw from the research at any time without consequence to themselves; and that they could request feedback once the research had been completed. The participants were also provided with an information sheet (in English or Afrikaans) explaining the nature of the research. The police officers similarly received information sheets and consent forms. All participants gave their consent and agreed that the sworn statements could form part of this research.

1.10 Justification for the study

Various factors motivated this research. Firstly, the researcher was interested in the predicament of police officers and complainants alike who are compelled to rely on either English or Afrikaans as a means of communication. Secondly, when complainants present statements at a police station, language barriers become more pertinent because of the limited language proficiency in as far as the language of record is concerned. The relationship between the language of record and the language of the complainant and that of the police officer could potentially contribute to miscommunication in the policing sector. This problem warranted an investigation. Thirdly and finally, the outcome of the study could have implications for the SAPS and the way statements are currently taken. Currently, the role and scope of the police officer is defined within parameters that do not include working as a translator or as an interpreter. This raised concerns regarding the quality and accuracy of translations of sworn statements, hence the need further investigation.

1.11 Forensic Linguistics defined

Forensic Linguistics is a relatively under-researched field in South Africa. It is a distinct domain concerned with the law, jurisdiction and language as a combined field of research (see Durant, 2002:3). The question, ‘What is Forensic Linguistics?’, does not allow for a simple and clear-cut answer; however, Durant (2002:4) provides a broad description which I lean on to define this field:

https://uwcscholar.uwc.ac.za/home

> [Forensic Linguistics] draws on a wide range of procedural aspects of law besides specifically linguistic evidence. Under this definition Forensic Linguistics is something like "the application of linguistic principles to the practice of law". Included under this rubric are most aspects of language in a legal setting, including statute drafting and interpretation; court reporting; cross-cultural communication and failed communication in the courtroom; and the examination of law as a rhetorical practice.

This definition provides a broad understanding of the claims of the field and is used as a point of departure in this study in its investigation of issues to do with language use in sworn statements in the South African context. The field of Forensic Linguistics forms part of the field of applied linguistics, which looks into the application of linguistic science. It is a discipline centred on action, that establishes the linguistic facts on which decisions are made and the way in which narratives run their course in the justice system (Guillén-Nieto & Stein, 2022: 4-5).

Forensic Linguistics cannot be reduced to the concepts of language and law, although language is closely related to the law. According to Gibbons (1999:165), there are two broad areas of interest that function in the legal space in terms of language: first, authorship; and second, connotation and communication. Gibbons states that Forensic Linguistics concerns linguistic evidence, since the texts involved are presented in court; however, it can also involve assisting the police, or insurance providers, or businesses with copyright-related concerns (Gibbons, 1999:164). Khachatryan (2011:35) takes a similar stance, stating that both oral language and written language is used to mediate the law (as in written statutes and ordinances). Olsson (2008:3) defines Forensic Linguistics as:

> the interface between language, crime and law, where *law* includes law enforcement, judicial matters, legislation, disputes or proceedings in law, and even disputes which only potentially involve some infraction of the law or some necessity to seek a legal remedy.

Considering the definitions, it is clear that Forensic Linguistics is concerned with the relationship between language and the law. The interconnectedness of these two areas means that questions of linguistic intricacies that arise in legal matters are often applied to legally-related challenges, as in the current study.

https://uwcscholar.uwc.ac.za/home

Forensic Linguistics has become an area of interest to legal scholars, lawyers and other legal professionals. It is a field that features in attempts to implement access to justice. According to Shuy (2023:13), Forensic Linguistics complements the examination of language use in police interrogations and interviews and the question of the language used by police officers, lawyers, witnesses and judges. Although there has been growing and considerable work done in other countries (as explored in Chapter Two: Literature Review), my work positions South Africa in terms of police record construction of complainants' narratives, examining how sworn statements are co-constructed with police officers. Even though the focus and intention of my study is to explore record construction, it is important to note that the field of FL includes areas such as police questioning, legal talk in the courtroom and the examination of a great variety of texts. For the purpose of my research, I examine how sworn statements are co-constructed by complainants and police officers and to what extent these sworn statements constitute sound legal texts.

1.12 Translation in Forensic Linguistics: Inter- and intralingual translations

There is a tendency to view Forensic Linguistics under a microscope of other disciplines for example Translation Studies. Although there are elements of translation in this study it is foregrounded in FL. In terms of classifying legal texts, particularly complainant statements, this study recognises two broad groups of texts; inter- and intralingual translations. The study takes the view that in both types of translations, the text produced is a translation of the original text, as it undergoes a process of change.

Baydere (2019:116) acknowledges that translations may include re-translations, as follow:

- single interlingual re-translations
- combined inter- and intralingual re-translations

Moreover, they may make use of one or more current translations as their source text.

Intralingual translation is perhaps not as easy to define as interlingual translation. Peng suggests that intralingual translation is still a new term and thus there is a tendency to lean towards words such as 'retranslation', 'rewording' and 'self-retranslation' (Peng 2017:111). In support of this, Geçmen (2018:38) finds a place for retranslation within intralingual translation, noting that

> […] retranslation, editing, revision and even proofreading would be qualitatively the same and they can merely be quantitatively different,

https://uwcscholar.uwc.ac.za/home

> which is still problematic due to a vagueness problem, i.e., the indeterminacy of the boundaries between these four concepts.

A retranslation is defined as 'either the act of translating a work that has previously been translated into the same language, or the result of such an act, i.e., the retranslated text itself' (Baydere, 2019:114). It can come about when '… the translator reworks his/her own previous translation(s)' to convey meaning (Peng, 2017:113).

The *Cambridge Essential British English Dictionary* (2011) defines translation as 'something that has changed from one language to another'. However, one cannot merely rely on such as definition as the field of translation is broad. In relation to record construction, translation may be categorised into inter- and intralingual translation. Jakobson (1959:233) states that translation is a concept involving 'two equivalent messages in two different codes'. Delving into the field of translation requires one to establish a definition of multilingualism, as for translation to come alive multilingualism must be present. Comanaru and Dewaele (2015:405) provide a concise explanation of multilingualism as 'proficiency to various degrees in more than one language'. Jakobson makes a strong case for defining intralingual translation as rewording. Zethsen (2009:800) says that, in practice, there are clear examples of intralingual translation, as in the following instances: expert-to-lay communication, texts simplified for children, subtitles for the deaf and summaries (see also Wyatt, 2017). The process of translation can be narrowed down to the translator altering the original, being the ST and changing or translating it to the TT (the intended language) (Munday, 2008:5).

The term 'truncated multilingualism', as suggested by Blommaert, Collins and Slembrouck (2005:199), refers to 'linguistic competencies which are organised topically, on the basis of domains or specific activities'. The fact that a police officer has the ability to take a statement does not mean that they are competent in the different languages involved. Rather, levels of linguistic and communicative competency in reading and speaking influence the police officer's language choices.

Jakobson (1959) identifies definitions for inter- and intralingual translations that I rely on. He states that intralingual translation refers to the rewording of linguistic signs in the same language as the original text or spoken words; in the legal context, the term applies when a complainant needs the assistance of a police officer to translate their narration of events into a

https://uwcscholar.uwc.ac.za/home

sworn statement. Luo (2019:1-2) suggests that intralingual translation can also be used by translators as a point of reference to construct and implement different language varieties, in order to foster understanding. He maintains that intralingual translation is not simply the transfer of linguistic meaning, despite involving the rephrasing of words in the same language for enhanced meaning making (Luo, 2019:2).

In seeking to understand intralingual translation, one needs to understand the elements of knowledge, time, culture and space. Zethsen (2009) explores these in an attempt to clarify the idea of intralingual translation. The knowledge factor is dependent on whether the target audience can comprehend the meaning of the text, as well as their familiarity with the subject matter. The knowledge factor applies when texts are interpreted. The time factor affects intralingual translation and is itself influenced by culture and knowledge. Time is said to be an influencing factor in that past events, or both past events and texts, may be used to formulate a source text (Zethsen, 2009:806). An event that has taken place at a specific time and the ability to recall that particular event, influences how the intralingual translation is put together. The component of culture is also relevant in intralingual translation. There is a need to explain cultural references in a work that the target audience cannot grasp because of time constraints or a lack of background knowledge. Different cultures have different connotations for specific words, which can introduce linguistic challenges in terms of understanding what was initially meant by a speaker. In addition, the meaning of words may change over time, so that the translator needs to be aware of these changes in order to create an accurate and meaningful rendition of the facts. The element of space in intralingual translation refers to instances where words may have been added or omitted, so that the physical appearance of the text changes, taking up either more or less space, depending on whether words have been added or removed.

Interlingual translation (or translation proper) refers to the interpretation of verbal signs of a different language' (Jakobson, 1959:233). Interlingual translation is the typical form of translation, the only type that 'corresponds to what is normally understood by the word translation' (Zethsen, 2001:797). To some extent, one may assume that translation is a service that benefits a particular community – thus the term 'community translation'. The term 'community translation' is used by Cupido and Lesch (2020) to refer to 'an attempt to rectify the imbalance in [the] community context that exists within the communicative situation' (Cupido & Lesch, 2020:140). When translation is part of the statement-taking process, accuracy is essential, as complainants ultimately rely on the translated version to tell their story.

https://uwcscholar.uwc.ac.za/home

The complainant giving the statement acknowledges and affirms the correctness of the translated statement by signing and confirming its authenticity, irrespective of whether he or she understands the content of the translated statement. The accuracy of a translation may be influenced by many factors; it should not be viewed in isolation but rather to enhance the connection between Forensic Linguistics and Translation Studies, especially when record construction forms the focus.

1.13 Scope and limitations of the study

The field of Forensic Linguistics is interdisciplinary, as it comprises more than just language and the law. Within this broad field, the study is limited to an investigation of statements from the perspective of the complainant, along with the fact that miscommunication has consequences that may be carried forward throughout the legal process. The study is based on data collected from three police stations in the Western Cape. This geographical constraint does not provide a wide scope pertaining to languages; nevertheless, the three police stations yielded exceptional data, especially concerning miscommunications that occur in the two languages of record, English and Afrikaans.

1.14 Structure of the thesis

As pointed out earlier the study comprises eight chapters. The research is introduced in Chapter One. This includes the introduction, statement of the problem, research objectives, research questions, justification of the study and the scope and limitations of the study. Chapter Two comprises a review of the literature, expanding on notions introduced in Chapter One. Thus, it contextualises the study. Chapter Three examines the three theoretical frameworks that assisted with analysis of the data: CDA, Narrative Theory and CA, all of which shed light on interlingual and intralingual translations. The method of the study is described in Chapter Four. Here, I show how data was collected, analysed and interpreted. In Chapter Five, I present and analyse the sworn statements that comprised intralingual translations; in Chapter Six, I present and analyse the sworn statements that comprised interlingual translations. Chapter Seven serves as a reflection and discussion of the findings of the study, discussing the findings in relation to the research questions and the three theories. Chapter Eight serves as a concluding chapter, in which conclusions and recommendations are made for the taking of statements and for future research.

https://uwcscholar.uwc.ac.za/home

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This chapter reviews the literature on research conducted in the field of Forensic Linguistics (FL). As established in the title of the study and as mentioned in Chapter One, this study focuses on sworn statements and how these are (mis)interpreted by police officers. The literature illustrates the relevance of the research questions and assists in answering them. The chapter takes a global approach, followed by a thematic approach, to the topic under investigation, beginning with a review of Forensic Linguistics as practised in countries where research in the field has been prominent. The focus is broad and does not identify one specific area of FL; rather, it provides an overview of various topics that have been investigated in the discipline. A global perspective reveals common threads that emerge in the way FL is conducted in the Global North and Global South, allowing one to discern where South Africa falls in terms of the broad trends. The position that I adopt in this South Africa-based study supports the research of leading scholars in the Global North (the United Kingdom, Netherlands and Australia) and in the Global South (Africa, Asia – particularly China – and the USA). Situating this study in the context of both global positions allows me to draw on relevant perspectives from both regions, which enriches the study. In addition, the study refers to several leading scholars in South Africa.

2.2 A global perspective on Forensic Linguistics

In this section, I focus first on the countries that form part of the Global North before shifting the focus to Africa, Asia and South Africa, in the Global South.

2.2.1 Forensic Linguistic research in the United States of America (USA)

Forensic Linguistic research in the USA focuses on the individual and their rights during the interrogation process. Shuy is one of the well-known forensic linguistics scholars in the USA, with his research concerned mostly with the American courtroom. He gives an overview stating that:

> Forensic Linguistics covers a wide range of topics, including the language used in trials by judges, lawyers and witnesses; the language of the law itself; the language used in civil cases; and the language used in criminal cases. (Shuy, 2007:101).

https://uwcscholar.uwc.ac.za/home

Shuy looks into discourse analysis from a legal standpoint, scrutinising discourse, whether written or oral. In a 2007 article, he acknowledges that for quite some time, linguists have forced their way into the legal sector.

Tiersma and Solan (2002:223) note that, in the American courtroom, neither lawyers nor judges have much knowledge or understanding of linguistic matters. The American courtroom is a rigid environment that does not easily admit expert witnesses; however, courts are receptive to testimonies in foreign languages or 'nonstandard registers' (Tiersma & Solan, 2002:226). Concerns are often expressed about the use of jargon and there is acknowledgment that meaning may be lost, misunderstood or misinterpreted where translations are involved. In the US, Forensic Linguistics appears to be centred firmly in the courtroom and the linguistic interactions that take place in it; there is some consideration of written texts, but it is the courtroom that forms the main focus. Shuy (2001, 2002, 2006) and Cotterill (2002a, 2002b) have investigated courtroom discourse and the challenges presented in this setting.

2.2.2 Forensic Linguistic research in the UK

Forensic Linguistics in the UK is driven by many scholars for example Rock (2001, 2004, 2007, 2013). Her work focuses extensively on language planning and how meaning is constructed between a witness and a police officer as the key role players in statement-taking. Rock's (2001) research focuses on the manner in which a police officer and a witness co-construct the statement, a legal document.

Rock examines multilingualism and how this concept is upheld in the policing system, showing that multilingualism is not unique to a specific jurisdiction or country. She recognises the influence of different languages in the law and the ways in which they affect court proceedings. Her work on multilingualism and the need to consider the role of different languages in courtroom procedures reveals the need to delve into record construction. Rock makes the point that multilingualism raises issues of justice, asserting that there needs to be fair consideration of the needs of different language speakers in the judiciary.

Rock (2013) is also concerned with statement-taking. She addresses the fact that, when the police officer writes the statement, the witness is viewed as the so called 'resource' from whom he or she must obtain information. In this co-construction, the statement is presented as if it

https://uwcscholar.uwc.ac.za/home

reflects the witness's own words, yet it is the result of an engagement between the police officer and the complainant or witness. In the process, initial talk is transformed into text. The first stage of engagement is the retelling of a story that captures the witness's account of events (see Rock, 2013:79).

Rock's research in Applied Linguistics (AL) focuses on interactional discourse. She has cemented her footprint in Forensic Linguistics, noting that there has been increasing interest in the various characteristics of Forensic Linguistics in relation to statements recorded by police officers. These statements are either from prisoners or witnesses (Rock, 2001:45). This positioning of Forensic Linguistics in the field of Applied Linguistics provides insight into the foundation of Rock's research. Much emphasis is placed on the statement, as it lays the foundation for further legal proceedings.

In her 2004 research, Rock explores the concept of recontextualisation and how this influences the police interviewing process. Griffiths, Milne and Cherryman (2011), working outside of the UK, argue that the way police conduct interviews and their ability to do so justly with both complainants and suspects are matters of interest. The interview process involves recontextualisation of the original story, as it is told and then retold. Harding and Ralarala (2017), writing from a South African perspective, also explore the statement-taking process, acknowledging its complexity, as the roles of both the police officer and the complainant are compromised in their efforts to meet the linguistic demands of compiling and giving a statement. A statement in its final form has undergone a process: the evidence is collected, the witness provides a story of events and ultimately the legal text is co-constructed by the police officer and the witness (Rock, 2013:79).

The assumption of a legal text as a narrative is under scrutiny in this study. Jönsson and Linell (1991) also deduce that, because of the process of text transformation that takes place, it is the police officer's version of the statement that is held in high esteem in court. A statement is not only dependent on the narrative itself, but also on the process of gaining information from the witness or complainant, with the police officer transforming the information given into a legal document. Rock (2001:45) explicitly states that in the process of obtaining a statement

https://uwcscholar.uwc.ac.za/home

> […] a group of related speech activities [which] are influenced by legal procedure and police training and, by examining any interview and the resulting statement, we are also examining these influences and their appropriation within statement-taking sessions and beyond.

Johnson and Coulthard (2010:9) acknowledge Rock's view that the statement is complicated, as it involves 'difficulty, multifunctionality, performativity, politics, literacy and difference' (see Rock, 2007:8-12). In support of her 2001 work, Rock (2013) looks further into how the statement is transformed and recreated and how this is viewed as a piece of evidence and a legal document. A complainant is encouraged to give their account of events by telling a story in the form of a statement; however, the story is retold and slightly distorted by the police officer who writes down the narrative. In addition to Rock's research, Coulthard and Johnson (2010), Drew (1992) and Matoesian (2008) looked into how language is used in the courtroom in the UK.

McCardle (2018:41) avers that there are discrepancies in the types of language used in police interviewing, with the discourse adjusted according to who the police officer is interviewing, whether an adult, young adult or child. It is evident that the police officer controls the interview process and guides the flow of the discussion. Tipton (2021) claims that, despite the lack of research on 'interpreter-mediated police interviews', there is some general understanding of the procedure of police interviewing and how culture and other factors may play a role in the interviewing process. Language and culture cannot be separated thus different cultures influence how the message in police interviewing is received and whether this message is in fact received as intended by the complainant. In addition, silence also plays a role in the statement-taking process, in that the interviewee may not respond to all the questions asked by the interviewer, which can result in a skewed representation (Tipton, 2021:1062).

Field research on witness interviewing commonly focuses on the types of questions asked and their use in the coding of data (Rock, 2004). Although crucial to the analytical process, examples of the form of questions and what issues arise as a consequence of that form are seldom provided; in other words, sequential analysis of the question type used in conversation analysis is not often invoked to compliment the broad approach to question categorisation. Coulthard investigated discourse analysis with specific reference to police interviewing. His 2002 research is based on precise verbal discourse and investigates the prominence of the individual's voice as presented in the evidence.

https://uwcscholar.uwc.ac.za/home

2.2.3 Forensic Linguistic research in the Netherlands

In the Netherlands, Komter's research in Forensic Linguistics is concerned primarily with statement-taking. Her (2012) work examines the process of change and manipulation in texts, noting the problems that may occur when speech is transferred to text. Komter observes that there are significant differences between the narrative initially given at the police station and that which is presented and represented in court. This difference in text is partly caused by 'entextualisation', which, according to Bauman and Briggs (1990:73), is a process of turning sections of language production into units (texts) that may be lifted from their original interactive environment. Decontextualisation however refers to the extraction of a unit of text from its original context of production; recontextualisation refers to its subsequent insertion into a new surround through quotation, paraphrase, etc. (Komter, 2012:732).

In her research, Komter (2003) claims that a statement should, as far as possible, reflect the witness's account and appear in his or her own words. In contrast, Rock (2001) suggests that questions and answers are used to compile a statement, rather than to replicate the witness's account. Komter (2006) considers the process from the witness's perspective, arguing that, in the interviewing process, the relationship between talk and text is often flawed, as the statement that appears on paper is not a direct reflection of the words of the complainant (Komter, 2003:201).

Police questioning in the Netherlands is a stringent process governed by specific procedures. Komter (2002) pays considerable attention to the way in which a statement may be altered, even within this strict framework. Komter (2002:173) maintains that a police statement is a text that is transformed from a 'spoken text' into a written dialogue. The complainant or witness gives their account of events, with the attending police official capturing the narrative on computer as the complainant speaks. The account is relayed in the first person, even though the complainant or witness is not physically writing the account (Komter, 2002:174). Komter notes that this way of police interviewing is flawed, as complainants and witnesses alike may not read the final document closely, yet are held accountable it. The most important and obvious flaw is that this statement is used in court, where the judge accepts the police officers' words as they appear on the statement. Komter (2002, 2003) acknowledges that the statement sets the tone because of its powerful influence on further legal processes, it is crucial to scrutinise discrepancies that may

https://uwcscholar.uwc.ac.za/home

occur between the complainant's intended narrative and the final statement that appears as a result of the statement-taking process.

Coulthard (2002:20) supports the notion that record construction is a process predominantly controlled by police officers. The police officers have the upper hand in that they decide what is recorded and what is omitted. He adds that, in their training, police officers

> […] were never given any explicit guidelines as to what did and did not constitute a 'verbatim' record nor what they could and could not legitimately omit, but then neither did the courts seriously question whether their records were actually verbatim.

Coulthard's observations suggest that despite their insufficient training explicitly in statement-taking, police officers are authoritative figures, seldom questioned on the veracity and accuracy of the statements they produce. In the South African context, Harding and Ralarala (2017:160) concur that the police officer's ability to comprehend meaning and to meet the communicative needs of the complainant should be viewed with caution. Harding's (2012) research focuses on translation and the role it plays in Forensic Linguistics.

2.2.4 Forensic Linguistic research in Australia

Forensic Linguistic research in Australia takes a sociocultural standpoint. Eades has conducted research on the outcome of police questioning and how interviews both reflect and influence the social sphere. Her research is concerned with inequalities that manifest in police interviews from both a linguistic and a social perspective (Eades, 2002). From a Forensic Linguistic and sociolinguistic point of view, Eades (2008:213) claims that the sworn statement is a narrative that undergoes many changes before it reaches the court and that by the time it is told in court, it has been told and re-told many times. Eades (2010) draws parallels between sociolinguistics and the legal process. She refers to the term 'sociolegal' which places Forensic Linguistics in a sociological context (Eades, 2010:7). The complainant or witness's story undergoes a process in which it may be manipulated to meet the requirements of different social contexts in the legal sector.

Eades (2008:209) strongly relies on the notion of culture, specifically legal culture and the way in which legal conventions may influence the way thoughts and actions are portrayed. Drawing on this concept of culture, Eades supports the notion that narratives are adjusted for specific

https://uwcscholar.uwc.ac.za/home

contexts. She and others have shown how Forensic Linguistics has been usefully applied to police interviewing in Australia, where Aboriginal English features prominently and has to be accommodated in the legal domain.

Australia is a multilingual society, with different language varieties assuming the status of the social groups from which they emanate. The variety of English forms, coupled with prejudices that exists against certain social groups, creates plenty of room for injustice, misunderstanding and manipulation of narratives. The term 'Aboriginal English' refers to the different varieties of English spoken by the Aboriginal people (Eades, 2003:237). These different varieties need to be considered in the provision of justice and access to justice; in addition, there is the more fundamental need for the Aboriginal people to be viewed as equal before the law in the Australian context.

Research in Australia largely concerns how Aboriginal people, as both complainants and witnesses, perceive legal proceedings. In support of the work of Eades (1994, 2004), Gibbons (1995) and Powell (2000:186) state that Aboriginal people encounter many challenges when interacting with police official and lawyers. In addition to the work of these scholars, there has been significant research on the understanding of language cautions and the right to silence of Aboriginal suspects (Cooke, 2002). As elsewhere internationally, Forensic Linguistic research in Australia is concerned with miscommunication, which in Australia centres on the issue of Aboriginal English. Heydon (2004) points to the many challenges inherent in the interviewing process, in which the balance of power rests almost entirely with the police. Heydon's work investigates the link between power and discourse. Powell (2000:186) argues that an effective linguistic interaction such as that between a police officer and complainant requires '[…] the ability to communicate clearly, to understand the communicative ability of the interviewee and to accurately record the information that is provided by the interviewee'. There is a high likelihood of miscommunication when different language varieties are involved, where the one party holds most of the power and where there is inherent trust in the police officer and his or her abilities.

Eades (1994) states that police interviews are controlled events, in that the questions and answers are controlled by one party – the police officer. Control is also evident in the courtroom. Eades (2012:471) relies extensively on Gibbons (2003) to explain how witnesses

https://uwcscholar.uwc.ac.za/home

are guided by norms in which they are 'controlled, coerced and manipulated' to answer questions in a courtroom in a certain way. Eades refers to storytelling in her work on courtroom discourse. The sworn statement tells a story; depending on how that story is perceived in the judicial setting, further scrutiny will follow its telling, with the complainant strongly associated with the story. The structure and discourse of the legal process is viewed as 'rigid and asymmetrical' (Howes, 2015:151). This rigidity is evident in both police questioning and courtroom proceedings (Eades, 2012).

Heydon is also one of the prominent Forensic Linguistics researchers in Australia. She states that for cases to be built successfully, some analysis may be required of police interviewing techniques, along with their use of language (Heydon, 2004). Heydon (2007:6-7) states that the interviewing process is governed by 'specific conversational rules that are applied by participants to ensure that this [questioning and answering] is the only structure … allowed in the interview'. Although these conversational rules are supposed to be observed, one cannot assume that they are, or that suspects are duly informed of their right to maintain silence. Heydon states that *transpreter*s have a rare opportunity to gather what is typically regarded by the legal system as one of the most crucial pieces of evidence in a criminal case: the first-person narrative of the disputed events (see Heydon, 2012:101). The interviewing process and the construction of the statement therefore represent a crucial part of police work.

Wright and Powell (2006:319) focus on the questioning of child witnesses. The interviews of children adopt a 'think aloud' approach, in which the interviewer asks open-ended questions to elicit details about a criminal event from the child's perspective. Wright and Powell (2006) contend that the answers to open-ended questions are more comprehensive and precise than those given in response to 'closed questions' (see also Lipton, 1977). By relying on open-ended questions, interviewers enable children to speak freely and give fuller answers.

Rendle-Short and Moses (2010:417) state that culture and social values play a role in linguistic understanding. They focus on the Aboriginal child's point of view, examining miscommunications in the Aboriginal setting. Gibbons (1996; 2003) conducted extensive research on police questioning in Australia, investigating the relationship between spoken and written legal language. Police interrogation and questioning requires scrutiny, as it is open to mismanagement, miscommunication and manipulation, rendering the final statement

https://uwcscholar.uwc.ac.za/home

questionable. The credibility of the child's story should be met with caution and questions should be raised about whose story goes to court.

Grey and Smith-Khan (2020) acknowledge research done by Eades. They list three considerations to keep in mind when conducting Forensic Linguistics research: the judiciary, the executive and the legislature. Linguistic studies in the judiciary concern court proceedings and the ways in which miscommunication, misinterpretation and mistranslation impact access to and the miscarriage of, justice (Grey & Smith-Khan, 2020:67). To contextualise what is meant by the judiciary, reference is made to the #BlackLivesMatter movement in the United States of America and how witness testimony (given in African American Vernacular English, or AAVE) was not understood by the judges. Furthermore, owing to the use of AAVE, the meaning of words were questioned, resulting in a perceived lack of creditworthiness in evidence given. To bridge the linguistic gaps in such courtroom situations, scholars have advocated for more diversity and representation in courtrooms. Language-based misunderstandings are not exclusive to the courtroom: they also occur in pre-trial settings where they often reveal underlying power dynamics.

The following section reveals relevant insights on Forensic Linguistics from the Global South.

2.2.5 Forensic Linguistic research in Africa

In Africa, Forensic Linguistics is concerned largely with the challenges that emerge from multilingualism. Many African countries comprise multilingual societies; Mozambique, Kenya Nigeria and South Africa are cases in point. Examining Forensic Linguistic research in Africa lays a foundation for understanding FL research in South Africa, as there are commonalities in the challenges of multilingual societies.

Mozambique is home to 22 languages, yet Portuguese is the only official language in the justice system, used in police stations and courts (Mabaso, 2019:33). In light of the fact that Mozambique follows both customary law and written law in its judicial practices (Mabaso, 2019:38), the reliance on only one language can be problematic. From a legal standpoint, many communities follow a traditional approach in ensuring that justice prevails, in which complainants lean heavily on narration (Mabaso, 2019:39). Heydon and Mabaso (2018) have investigated the reporting of crimes in the multilingual context of Mozambique and the ways

https://uwcscholar.uwc.ac.za/home

in which this diverse linguistic environment shapes and influences the statement-taking process. Their research, based both in the capital city, Maputo and the broader Mozambique, reveals grievous miscarriages of justice, a finding supported by Gibbons (2003:211-221). The narrative approach to describing specific criminal events relies heavily on the testimony of family and friends, who, in Mozambique, are permitted to be present during police interviews of one suspect. These family members, summoned by the police, therefore act as witnesses before the court. Family members may support their relative by, for example, trying to persuade the police not to proceed with a case against their relative (Mabaso, 2019:39).

Ghana, too, is a multilingual society, boasting 81 languages, nine of which enjoy a 'position' in society (Ansah & Darko, 2019:115). This multilingualism complicates legal practices, in that there is a strong reliance on interpreters to make sense of intended meaning. Ansah and Darko (2019:113) conducted research to investigate whether there is consistency of language use and communication in the Ghanaian judiciary. They observe that this multicultural, multilingual and diverse society grapples with challenges in the execution of justice. Owing to the presence of so many languages, there is a strong reliance on interpreters as helpers in police and court proceedings in Ghana. The interpreter acts as a facilitator, bridging communicative barriers in judicial proceedings. These barriers create challenges when, for example, the *transpreter* needs to translate specific terms and concepts from one language to another; even where a *transpreter* speaks both the witness's language and the target language of the court, they may struggle to grasp certain terms or to convey them in the target language. Nevertheless, the interpreter's understanding carries much weight in the courtroom. Whether they have conveyed the intended meaning or an adaptation of the intended meaning, the interpreter is generally deemed to be correct (Ansah & Darko, 2019:115).

Nigeria is also characterised by multilingualism. The country is divided into three main areas, north, west and east, each having its own dominant languages. These are Hausa, Yoruba and Igbo, with the latter two being the most dominant languages. Yet English is still considered the *lingua franca* in the judiciary (Docrat, Kaschula & Ralarala, 2021:31, 40).

Kenya, too, is linguistically diverse, having exoglossic languages (mostly English) and endoglossic languages (mostly Kiswahili). Both English and Kiswahili are used in government, but English dominates (Docrat et al., 2021:20). According to Section 3, Chapter 2 of The

https://uwcscholar.uwc.ac.za/home

Criminal Procedure Act (2008) of Kenya, a statement may be given in Kiswahili, English or any other language, on condition that the statement is read to and understood by the witness (or complainant). Police officers assume the role of translators, often recording statements in languages other than their own, which requires that they be linguistically skilled and fluent in the required language (Docrat et al., 2021:28). The witness or complainant needs to be satisfied with his or her statement, as this is the text that will be used in court. As discussed earlier, a text may be manipulated, whether consciously or unconsciously, as is evident in Kenya's judiciary, where both speech and non-verbal cues may be used by the statement-taker to exert influence over the statement-giver, often with the intention of achieving a specific goal. This subtle manipulation may result in a change in the interviewee's behaviour, perceptions and intentions during the course of the communicative interaction (Njeri, Kiliku & Kiai, 2018:172).

An understanding of an overarching African perspective is of value in seeking to understand the practice of language in court and police proceedings in the four African countries of interest. At the same time, some of the issues that emerge are common to all countries. Multilingualism, for instance, is not unique to Africa or Southern Africa and the decision to grant some languages status in judicial processes while excluding others is also not an isolated characteristic. Temidayo (2017:228) comments that communication skills play a vital role in the police interviewing process, in whichever language is being used. The move to a greater inclusion of African languages in the justice system need not necessarily involve the wholesale replacement of English as a prominent language. It simply implies that all languages should have equal recognition in police and court proceedings and that steps need to be taken to meet the needs of all language speakers. To ensure that justice is practised, communication in the Africa legal domain demands investigation.

2.2.6 Forensic Linguistic research in Asia, with reference to China

China has a fairly robust research interest in Forensic Linguistics, with a strong focus on interactions between language and the law. Socio-political, economic and cultural factors affect how the language of law is used (Cheng, Zheng & Sha, 2009; Cheng & Sin, 2009; Wang, 2010). A Chinese researcher in the field of Forensic Linguistics, Wang (1999; 2010) has conducted significant research on the role and purpose of Forensic Linguistic education and how it manifests in the judiciary. Wang (2010; 2005) recognises that there is a need to train legal professionals so that they are equipped to perform their tasks, because legalese can

https://uwcscholar.uwc.ac.za/home

obscure explanations and influence the course of events. According to Gao (2010:128), Forensic Linguistic research in China centres on the use of legal language and an understanding of 'courtroom talk'. This concern is also evident in the work of He, Wang and Su (2013) and Wang (2010), whose research involves an adaptation of Forensic Linguistics to the Asian context. In addition, the two prominent judges, He and Feng (2016), explore how legal language is used in courtrooms in China and how the use of this highly technical legal language influences petitions and petitioners.

In China, the use of petition officers (or lawyers) in litigation-related matters has become common. The relationship between the petitioner and the petition officer has been examined, with research showing that there are inconsistencies in how information is presented and frequent incorrect interpretations of legal terms. Once these are uncovered, conflict between petitioners is sometimes eased (He & Feng, 2016:224, 228). Petition officers are held in high regard in China, despite the fact that there are frequent misunderstandings between the parties such as the petition officer and the petitioner, especially where each party uses a different language. Therefore, there is a push to address legal matters in other ways (He & Feng, 2016:230; Dissake, 2021).

2.2.7 Forensic Linguistic research in South Africa

Much Forensic Linguistic research in South Africa is concerned with issues that arise from the country's language diversity and language inequality (see Ndimande-Hlongwa & Ndebele, 2017). South Africa has been dubbed the 'rainbow nation', a misleading term in view of the persistence of inequalities and the ongoing struggle for access to justice and fair protocols in police questioning. De Vries and Docrat (2019) explored the multilingual nature of South Africa's legal system, noting that it does not meet the needs of a multicultural, diverse and multilingual South Africa and its people. The legal system caters to a specific group of individuals who are proficient in English and excludes those who are not able to communicate in English (De Vries & Docrat, 2019:89). It also effectively excludes those who have limited proficiency in English and lack the confidence to express themselves in English in formal settings, which can be intimidating.

Although Forensic Linguistic research in South Africa is still in its early stages, research in the field is gathering momentum. The socio-cultural setting of police interviews raises pertinent

https://uwcscholar.uwc.ac.za/home

questions such as ‘Whose story is being told?’ and ‘How accurately is this story being told?’ Ralarala, a Forensic Linguistics researchers in South Africa, has conducted research on sworn statements as narratives. His research takes the complainant’s point of view, exploring how meaning is lost in the process of transpreting (that is, translating and interpreting at the same time) from an African language into a sworn statement in English. Harding and Ralarala (2017) focused on isiXhosa speakers who gave their statements to police officers, who transcribed the statements into English. This process immediately opens the door to possible miscommunications of the original isiXhosa narrative. According to Demirkol and Nalla (2019), a police culture prevails, determining how police officers act and interact with others. Police interviewing and record construction in the multilingual South African context needs ongoing research, as there are questions with regard to police culture, multilingualism, translation, narratives, power and the law.

South Africa’s Constitution is filled with references to multilingualism and multiculturalism. While celebrating twelve official languages, South Africa can, ironically, be seen as linguistically handicapped. This may be seen in official domains such as police and court proceedings, where the dominant party often has the advantage of greater proficiency in English than the complainant, suspect or witness. Ralarala and Lesch (2022:17) suggest that ‘the inability to give due recognition to the linguistic diversity and the realities of a multilingual set up […] entrenches exclusionary practices in the criminal justice system’. The complexities of translation, especially in the judicial setting, are exacerbated in a multilingual and multicultural society such as South Africa (Leach, 2019:133).

Ralarala (2015) addresses the implications of the fact that police officers work as translators. Owing to South Africa’s complex socio-cultural history, the concept of legal literacy needs to be applied in the South African policing system. Ralarala maintains that in addition to acting as *transpreter*s and translators, police officers take on the role of a mediators, bridging the linguistic gap between the complainant and the language of record. Gibbons and Grabau (2005:229) refer to language mediators as people

> […] whose presence and participation allow an individual who does not speak or understand English to meaningfully participate in the judicial proceedings. An interpreter conveys the meaning of a word or a group of words from a source language into the target language.

https://uwcscholar.uwc.ac.za/home

Ralarala (2016) considers the idea of sworn statements as narratives and how translation of this narrative alters the story being told. Record construction plays an important role in the SAPS and the broader justice system, going hand in hand with the telling and retelling of a story, in that a translation is in fact a retelling of events. Eades (2008) also observes that 'retelling' affects the veracity of narratives. The retelling of a story is a regular practice in the SAPS. Eades (2008:212) (writing from outside South Africa), avers that the retelling of a story challenges the 'credibility, reliability and truthfulness' of a text. *Transpreter*s' voices and styles also have a broad impact on the way pre-statements are given (Ralarala, 2016:175), because even before the final statement is written down, the *transpreter* influences the way a complainant tells their story. In the taking down of the sworn statement, the voice of the *transpreter* dominates; this person becomes, in effect, the real author of the legal document (Ralarala, 2016:156).

The process of taking a statement is administered with reference to rules and norms. However, there are also a number of external factors such as culture, (il)literacy, power dynamics, that contribute to the manifestation of a statement, all of which play a role in the co-construction of the document (Kaschula & Ralarala, 2004). The role of the *transpreter* is by no means a simple one; on the contrary, it is complex, in that police officers need to be familiar with the language(s) used by the complainants/s and able to interpret the language in question. The crimes they deal with include domestic and sexual crimes (Ralarala, 2015:25), which implies that police officers need a linguistic repertoire that includes words related to various scenarios. There is a strong dependence on staff who are viewed as bilingual to listen to narratives and translate them into the language of record, English or, in some cases, Afrikaans (Marais & Delgado Luchner, 2018). In the multicultural and multilingual South African context, a sworn statement lays the foundation for further legal proceedings. Unfortunately, it is at this starting point that the story becomes contaminated, in that as soon as it is written down, it is a recontextualisation of a criminal event.

As the name suggests, Forensic Linguistics is interdisciplinary in nature, as it involves both language and the law. Docrat (2017:17) states that researching Forensic Linguistics in the South African context allows for scrutiny of language and the ways in which language influences access to justice. Furthermore, research in Forensic Linguistics creates a foundation

https://uwcscholar.uwc.ac.za/home

for a transformation of the legal setting. Ralarala (2014) furthers this goal by examining how police officers act as interpreters during the process of statement taking.

In a police interview, the police officer may be a skilful interviewer, but if the complainant lacks language competence the process may still result in a flawed sworn statement, as expressed by Lai and Mulayim (2014:308):

> […] the police officer's competence in investigative interviewing is critical in criminal investigation, [and] even the most skilful police officers have to depend on language interpreting when they are unable to communicate with an interviewee who does not understand, or has problems expressing himself/herself in the language the police officer uses.

According to Shuy (1993:8), there are at least five misconceptions about language that affect the practice of language in a variety of settings:

- Meaning is conveyed primarily in individual words.
- Listening to an audio recording once is enough to determine its content.
- Reading a transcript of a tape is as good as hearing the tape itself; transcripts are accurate and convey everything on the tape.
- All people in conversation understand the same things by certain words.
- People say what they mean and intend.

These misconceptions come into play throughout the judicial process, raising the possibilities of misunderstanding at every stage. Shuy, who identified these misconceptions, was writing of the situation in the US, but the observations are valid for every country and language. All individuals whose work requires speaking and listening need to develop listening and language skills and build up a strong linguistic repertoire that may be used and applied in different domains.

2.3 Closing remarks from a global standpoint

There has been little focus on the complainant when it comes to police questioning. Most Forensic Linguistic research refers to the accused and the way in which language influences legal proceedings from the accused's point of view. This study has been valuable, revealing aspects of police questioning, report construction and court proceedings that apply broadly to all parties involved in court cases. However, the pertinent question remains of how these factors affect the complainant, the extent to which their linguistic needs are met at the police station

https://uwcscholar.uwc.ac.za/home

and how the failure to meet these needs may influence their rights and their access to justice throughout courtroom proceedings. It is this area that forms the focus of the current study.

What is clear is that there is a common thread of multilingualism. This thread is evident in many domains in which Forensic Linguistics applies. The global literature has shown further commonalities to do with language that affect the implementation of justice, such as the challenges associated with listening, interpreting and translating at the same time and the role of power dynamics in the taking down of statements.

2.4 A thematic approach to the literature

2.4.1 The theme of the study

This study is positioned in the field of Forensic Linguistics, an interdisciplinary field involving both language and the law. This section of the literature review explores the branch of Forensic Linguistics related to the co-construction of sworn statements and how that process is justified in the judiciary. The study is interested in the statement-taking process and the role of police officers in that process, as it concerns the complainant, with a particular focus on how meaning is transferred or lost during this process. In researching this field with reference to the statement-taking process, one cannot ignore the ways in which bilingualism and multilingualism have influenced this process and how issues around multilingualism introduce serious challenges to the execution of justice.

A geographical view of Forensic Linguistics clearly shows that multilingualism is not unique to South Africa; therefore, some conclusions may be drawn from the experiences of other countries. Global research on Forensic Linguistics is not, of course, limited to statement-taking; it concerns all judicial practices, ultimately aiming to contribute to fairer judicial proceedings for all. In the broad field of Forensic Linguistics, I heavily rely on research by Ralarala, whose (2012, 2013, 2014, 2016) work has guided this research, allowing to take a solid thematic approach while introducing topics for further consideration. The thematic approach to the literature touched upon in Chapter One is expanded on in the following sections.

2.4.2 The politics of language in South Africa

The language debate in South Africa undoubtedly takes a political stance, as politics in the country is closely intertwined with issues to do with multilingualism. Multilingualism is often

https://uwcscholar.uwc.ac.za/home

held up as one of the great achievements of the country, something of which the designers of South Africa's Constitution and others pieces of legislation may be proud. In reality, though, the country's boasts of multilingualism are not always borne out in practice, because what is entrenched in the Constitution is not fully implemented. It is difficult to separate language and culture. Adonis, Raji and Abo-Al-Ez (2021:41) state that South Africa boasts twelve official languages, yet is one of the most unequal societies in the world. Theoretically, its twelve languages carry equal status and gravitas in the legal system, but this is not the case in practice. The Western Cape, the particular geographical context of this study, also prides itself on its multilingualism, being home to three of the official languages – English, Afrikaans and isiXhosa. Despite this diversity, only English and in some cases, Afrikaans, is recognised as the language of record.

The question of culture is also one that cannot be ignored (Kaschula & Ralarala, 2004). The linguistic landscape is an intercultural and interconnected structure that supposedly allows for a fair representation of all cultures and languages. According to Georgescu (2016:67), intercultural communication does not merely refer to language but encompasses 'managing a language'. The principle is entrenched in Sections 6(3)a, 6(3)b and 6(5) of the Constitution, which stress the seriousness of the equal rights of all eleven languages and all cultures in South Africa (Leach, 2019:137). The notion of uplifting previously suppressed languages is also entrenched in the Constitution, which promotes the use and celebration of all languages, not only in private settings but in the public domain, too. Section 30 of the Constitution supports the notion that individuals have the freedom to express themselves in their language of choice in any setting.

According to Docrat, Kaschula and Ralarala (2021:97), there needs to be a broader definition of the language of record. Gibbons (2003:202) states that a person who speaks a language other than one of the official court languages may be treated equally to those who are proficient in the official languages, if interpreting services are available. This procedure is deemed unfair, as interpreters are not always available and speakers of different languages cannot always understand court proceedings or present their own case. This applies not only to South African courts, but to the judiciary as a whole. The reality is that South Africa's history continues to prevent equal access to justice for speakers of languages other than English and Afrikaans.

https://uwcscholar.uwc.ac.za/home

2.4.3 The legalities of access to justice in South Africa

As mentioned, the Constitution of the Republic of South Africa (Republic of South Africa, 1996) is said to be inclusive and non-discriminatory. It promotes the rights of all individuals to express themselves in their language of choice. Section 30 expresses this, as do Sections 6(3)a, 6(3)b and 6(5). The Constitution speaks to linguistic identity and diversity, as well as linguistic equality and inclusion. It is important – and indeed necessary – to consider and reflect on Section 9 of the Constitution, which highlights the following:

- Everyone is equal before the law and has the right to equal protection and benefit of the law.
- Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons disadvantaged by unfair discrimination, may be taken.
- The State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of Subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination
- Discrimination on one or more of the grounds listed in Subsection (3) is unfair unless it is established that the discrimination is fair (Republic of South Africa, 1996).

The above paints a favourable picture. However, in the justice system, there are pressing concerns regarding fairness and in(equality); hence the subject of this study. The stipulations of the Constitution are fair, but what is penned in the Constitution needs to be fully put into practice.

2.4.4 Change is inevitable

South Africa prides itself on being a multilingual society boasting twelve official languages, if one counts South African Sign Language (or SASL), which was recently added to the list of official languages. The judiciary should respect and reflect what is stated in the Constitution. South Africa's justice system has made provision for English and Afrikaans, so these are well established in the

https://uwcscholar.uwc.ac.za/home

justice system (Ralarala, 2016:143). Formally, these two were regarded as the languages of record; however, in April 2017 the directive was instated that there has now been a shift away from this idea and English is now recognised as the sole language of record in the South African courtroom (Docrat, Kaschula & Ralarala, 2021:114). This change is detrimental, as monolingualism cannot provide for fair access to justice; it does not allow or encourage complainants to express themselves in their mother tongue. Because of this stipulation, there is now a stronger reliance on translators than ever before, especially when a trial goes to court. The instructions with regard to the monolingual language of record explicitly state that, in both criminal and civil matters, all documents submitted to court record must be written in English. The submission of a witness statement in a language other than English is only permitted only if the witness is not adequately fluent in English (Hlophe, 2004). However, as Hlophe (2004) points out, the above exception does not much benefit the individual; it merely creates a deeper reliance on translators in the courtroom who cannot account for linguistic gaps evident in statements.

This foregrounding of one language at the expense of all others means that linguistic justice is questionable and, what is more, the practice is at odds with Section 6 of the Constitution. The dominance of English is deeply rooted in the legal domain. This stance with regard to the privileged position of English allows for miscarriages of justice. Poyser and Milne (2011:65-66) note that to eliminate these miscarriages of justice, three pertinent aspects of the legal process need to be improved:

- Quality pre-trial investigations and questioning procedures need to be developed;
- Standards of questioning need to improve, which would allow witnesses or complainants to give their version of events as accurately as possible; and
- Police, defence lawyers and prosecutors need a greater understanding of how to interact and question vulnerable persons.

According to De Klerk (2003), English and Afrikaans have lost their positions of privilege under the new language policy of South Africa. Regardless of this observation and the promotion of multilingualism, English remains the preferred language of communication and the only language of record in courts.

Translation tries (often poorly) to fill the void in communication in the legal sphere. Despite the fact that ‘linguistic and cultural diversity […] exists in South Africa, Afrikaans and English

https://uwcscholar.uwc.ac.za/home

remain the main languages used in trials and the sole languages in the keeping of records' (Kaschula & Ralarala, 2004:255). Docrat, Kaschula and Ralarala (2021:177) further note that the use of English as the sole language of record places restrictions on the idea of celebrating linguistic diversity. The obvious disadvantage of excluding Afrikaans and other African languages from judicial processes is that this does not do justice to individuals and communities who speak these languages.

2.4.5 Telling stories: The sworn statement as a concept in Forensic Linguistics

A sworn statement is a complex text in terms of its construction, implementation and interpretation. A statement undergoes a process of metamorphosis, as it is a verbal account that is transformed into a written text (Komter, 2012:732). There are significant differences between the original talk and the way in which the statement ultimately presents itself on paper. These constitute the metamorphosis that takes place. The compilation of a statement is a joint effort, since the input of more than one individual is involved – meaning that it is co-constructed. Thus, the text is recontextualised as often as the story is told; and as it is retold, the details tend to change. This recontextualisation may involve the addition of certain information for certain audiences or the omission of certain information for others.

The statement constitutes a narrative and an interaction between at least two individuals. It is viewed as the truest account of the story when it reaches the courts. According to Rock (2001:46), the statement is:

> […] a certain type of text, a complete, true record of sensory input to a particular individual, (the witness), at a specific time or times (during an event defined as a crime or other related events), [which] dictates the way statements are taken-up and used within that process.

The above explanation shows that a sworn statement is supposed to be a precise reflection of a particular reality. Van der Houwen and Sneijder (2014:1) concur that a statement portrays a specific reality, in that it is a story told from a particular point of view. Rock's (2001) definition of a statement, given above, emphasises that a statement is a result of what happens when information is exchanged. Wolchover and Heaton-Armstrong (1992) state that statements are used to represent witnesses. The statement is a legal text, 'a complete, true record of sensory input' that has been co-constructed between the police officer and the witness (Rock, 2004:284). The statement is therefore a particular depiction of the way in which events took

https://uwcscholar.uwc.ac.za/home

place. Gibbons adds that understanding a legal text can be onerous: 'even for a legal audience, such texts can require work before they are understood in full' (Gibbons, 2003:70).

2.5 The complainant and the statement

2.5.1 Repeat, recap, reiterate: The telling and retelling of narratives

In the South African context, the idea of telling and retelling a story as part of statement-taking dates far back. The notion of retelling is evident throughout legal and court proceedings. It is clear that a 'statement in a deposition is authoritative in the courtroom precisely because it was made during a deposition, with all the evidential privileges presumed to be attached to the textual products of such an event' (Chu, 2019:125). This idea of retelling is also relevant in the police setting. By acknowledging that a statement involves a telling and retelling, one accepts that a voice or voices other than that of the complainant may appear in the statement. The pertinent question, however, is which version (or, rather, whose version) is given preference when this statement reaches the courtroom.

The co-construction of a sworn statement forms part of the interviewing process. Here, questions are asked as a means of gaining information about events and determining the truthfulness of the account (Ralarala & Rodrigues, 2019:16). The asking of questions is not necessarily conducted in a structured manner; instead it is a free-flowing process in which information is sought, so that the person who has to write down the statement has an idea of the overall picture of what happened. The process involves transference, interpretation and translation. Ralarala (2014) observes that this process makes a truthful representation of actual events unlikely. In his (2014) research, Ralarala observed that, in 'the process [of record construction], key elements in any translation activity such as accuracy and consistency are being compromised' (Ralarala, 2014:392). The pre-statement taking process is viewed as a means of facilitating communication between complainant and police officer. Ralarala (2014:391) suggests that the process of producing – or rather co-producing – a statement is a time-consuming task that involves an 'interaction against the "condensed" translation product, [and that] code-switching also seems to be one of the defining linguistic features that runs through the pre-statement-taking sessions'. This of course influences the quality of the statement as it appears on paper.

https://uwcscholar.uwc.ac.za/home

2.5.2 Translator + interpreter + police officer = *transpreter*

The police officer assumes a multifaceted role. South African law follows a structure in which police officials are the authority figures in the construction of sworn statements, as they assume the responsibility of physically writing statements for complainants. The complainants may be quite able to write for themselves, yet their abilities are undermined. The exchange that takes place involves more than just policing and taking a statement; the police officer assumes the role of interviewer, interpreter, 're-phraser' and sometimes interlingual translator. He or she oversees the entire process, having the power to ensure that justice is done at this stage of the lengthy legal process. In addition to translating, there is also interpreting, which goes hand in hand with the comprehension of meaning. According to Lee (2017:195), police officers who interrogate written texts refers to 'interpreting provided during police investigations including the interviewing of suspects, victims and witnesses'. Lee (ibid) states that the initial stage of criminal proceedings is what sets the police interview in motion; the police officer is the first point of response and the quality of his or her interpreting affects the outcome of cases, life, liberty and often the properties of the parties concerned. Therefore, according to Lee (2017), it is important that professional interpreters are employed.

The term *transpreter*, coined by Ralarala (2012), accurately describes the complex role of the police officer. Police officers are, first, officials of the State who happen to take up the role of linguists, despite not being trained in this regard (Berk-Seligson, 2002:221; 228). They are frequently interpreters and translators; hence the term *transpreter*. Many voices form part of the final statement, but it is the *transpreter*'s that is the loudest (Ralarala, 2016:143). It is here, during the statement-taking process, that the notion of translation and/or retelling is elevated as the statement is co-constructed by the complainant and the police officer. In South Africa, the practice of telling a story in the pre-statement benefits the complainant, since it gives him or her the opportunity to sort through chronology and other aspects of the narrative before the sworn statement is made. Interpreters may be introduced into the situation to tell stories on behalf of both minority and majority groups, a practice that goes against the principles of the Constitution, which emphasises the right of every person to use their own language. Linguistic and cultural parity before the law implies that all languages have equal value and deserve equal consideration and attention. This is where imbalances and inequalities become clear.

The police officer is at the frontline and the first person with whom the complainant engages; it is also with the police officer that the statement begins to be constructed (Haworth,

https://uwcscholar.uwc.ac.za/home

2010:170). From the onset of this process, the police officer's status is elevated, in that the verbal account, as given by the complainant, is recorded, but the original, spoken version is not used during legal proceedings. Rather, it is the written account, compiled by the police officer, that is relied upon. It has become customary for the police officer to act as interviewer, interpreter and scribe and so his or her written version becomes the dominant tale of events (Haworth, 2010:171). The notion of the police officer telling a story that is not his to tell again raises the pertinent question, 'Whose story is actually being told?'

In South Africa, it has become customary that individuals needing to give statements are assisted by *transpreter*s to co-construct their narratives. Most rely heavily on these *transpreter*s to tell their story (Ralarala & Rodrigues, 2019:16). During statement-taking, the words of the complainant may need to be translated, often from an African language into English and, from time to time, into Afrikaans (Ralarala, 2014:378). The duty of the *transpreter* is thus to create a written statement that is intelligible and useful in court. He or she must listen, interpret, rephrase and translate to another language at the same time. The role of the *transpreter* is therefore elevated above that of the complainant. The *transpreter*'s voice is clearer and often louder than that of the complainant (Ralarala & Rodrigues, 2019:27).

The compilation of the statement is thus a team effort. The challenge, however, is to determine the boundaries of the *transpreter*'s role in the process. *Transpreter*s should distance themselves from complainants, ensuring that their opinions do not intrude into the final statement. Hermans (2014:286) concurs, stating that interpreters detach themselves from the person they are representing, in order to remain impartial. While translating, they make use of the first person, but the words represent the client's voice, not their own. In terms of professional conduct, they try to remain impartial. However, in practice, in South African legal proceedings, the *transpreter*'s voice inevitably emerges in the sworn statement. The complainant's voice becomes silent, while the police officer's voice becomes louder and more prominent.

2.5.3 The significance of police interviewing

The police interviewing procedure should lay a solid foundation for legal proceedings (Haworth, 2006:740). The competency of the *transpreter* (both linguistic and in terms of knowledge of the subject matter) is brought into focus, as he or she needs to translate accurately while facilitating the interview process. This exchange of information introduces the possibility

https://uwcscholar.uwc.ac.za/home

of miscommunication. The questioning process proves that record construction is not merely black or white – as Harding and Ralarala (2017:161) appropriately state, 'the police interviewing process is a complex event'. The police officer assumes authority throughout the statement-taking process. There is thus an imbalance of power from the beginning, with police officers' accounts of events viewed in high regard by the judiciary.

Police interviewing follows a question-and-answer process (Shuy, 1993:174). Haworth (2010:174) echoes this, stating that the *transpreter* takes the role of interviewer, asking questions to which the complainant responds. This process subtly introduces a power dynamic between the *transpreter* and the complainant, as the police officer controls the exchange. The police officer also becomes the author of a story which is really not theirs to begin with. Komter (2012:741) identifies three ways in which police officers dominate the statement-taking process:

- The statement of the suspect is prompted and directed by the police officer's need to fill in and complete forms. This is the protocol and the correct procedure is followed.
- The suspect's (or complainant's) statement is framed by the police officer's ability to effectively comprehend the statement as given.
- Once written down, the statement has to be accepted by the suspect or complainant as authentic.

The above shows that the police officer is the dominant figure in the exchange. He or she has the upper hand, in that the construction of a statement rests on his or her ability and competence to perform this linguistic task. The dominance of the police officer raises questions about whose version of events appears on paper.

Police interviewing is an 'institutional and interactional manifestation', governed by the norms of social interaction that exist between a police officer and a complaint (Carter, 2011:5). Furthermore, this interaction is guided by beliefs held by both parties, which tend to elevate the police officer as an official of the state. It is noteworthy that the interview forms part of the initial interaction between the complainant and the *transpreter*, which adds to the complexity of the communicative exchange, as ordinary citizens have a degree of respect for men and women in uniform. In addition, the interview itself creates certain conditions in which the police officer asserts dominance, steering the process and controlling the form that the final statement takes. The questions that the police officer asks generate the kind of data that will be

https://uwcscholar.uwc.ac.za/home

given. Shuy (1998:12) underscores that the questioning begins with open-ended questions, followed by specific yes–no questions. However, this line of interviewing does not necessarily confine the complainant, as the complainant is free to give additional details about the event rather than leaving details for the *transpreter* to fill in.

Interview data forms an integral part of the justice process. Haworth (2013:45-46) suggests that the interaction in the interviewing room and the process of the interview itself raises areas of concern. She underscores that differences arise between the interviewer and the interviewee in terms of how they communicate in certain situations (ibid). These differences have the potential to lead to miscommunication and thus miscarriages of justice. The complainant or interviewee is guided by the police official as they do not know the protocols for questioning and statement-taking. The *transpreter* is, or should be, professionally trained and therefore should know which questions to ask in order to construct the sworn statement (Haworth, 2013:61). The complainant relies on their general knowledge or past experience in order participate in the police interview (ibid), but is mostly led by the police officer. Police interviewing is the beginning of the statement-taking process. It is followed by the co-construction of the sworn statement between the police officer and the complainant or suspect. The process of converting the interview into a written document such as a sworn statement is complex and there do not seem to be specific guidelines for police officers to follow during this process. There are also no clear rules about what should be included or left out from the statement in order to produce a useful account of the complainant's narrative (Coulthard & Johnson, 2007:132).

Three main challenges with the statement-taking process seem to emerge from the above discussion. The first is related language comprehension, since one cannot guarantee that both the complainant and the police officer have the ability to use words correctly or express themselves clearly; the second is related to document production, in that linguistic differences may appear between the source text or ST (the interview or interview transcript) and the target text or TT (the sworn statement); and the third relates to cultural differences that may become apparent during linguistic activities, since first- and second-language speakers do not apply the same grammatical rules and terms may need to be clarified. Coulthard and Johnson, 2007:137-142) also refer to challenges that emerge in interviews that test language ability for immigration purposes.

https://uwcscholar.uwc.ac.za/home

The type of questions asked is determined by the interviewing context. Despite the fact that some questions are regarded as 'silly', these tend to frame the interview (Haworth, 2013:49). It is worth noting that the questioning techniques applied by the police officer as a means to solicit information are governed by institutional conventions that the complainant may not be familiar with. The interviewing process may be viewed as a way to obtain information; however, the same can be said about interrogations. Both rely on questioning techniques in order to get the complainant or suspect to relate a story that may be used in the sworn statement (Shuy, 1998). The police interview is a process where information is obtained and it is thus a process where questions about specific events are asked.

2.6 Inter- and intralingual translation

2.6.1 It takes two to tango: The relationship between intra- and interlingual translation

Intralingual translation loosely refers to rewording within the same language. In contrast, interlingual translation means conveying a speaker's words in a different language, so that a reader or hearer can comprehend original meaning. These distinctions are made clear in Jakobson's 1959 classifications. Despite the distinctions between the two, there are striking similarities, which is why Zethsen's (2009) definition of translation is relevant. Zethsen (2009:799) states that in both forms of translation, '… transfer has taken place and the target text has been derived from the source text …' (see also Kajzer-Wietrzny, Whyatt & Stachowiak, 2016:239). Interlingual and intralingual translation may be viewed in isolation, or in combination. Peng's (2017) work suggests that retranslation (or rewording, as in the case of intralingual translation) allows for self-reflection.

The process of intralingual translation strongly relies on the concept of 'cultural transfer' that takes place within a language (Kajzer-Wietrzny et al., 2016:241). This means that cultures are shared and transmitted when intralingual translation takes place. Various strategies may be used to affect a text: 'Either intralingually or interlingually [these] are varied and affect the text on both the macrotextual content (the structure and organization of information) and the microtextual (morphosyntactic and lexical mechanisms) levels' (Muñoz-Miquel, 2012:189). In the following sections, I discuss interlingual and intralingual translation in relation to the taking of statements. This is followed by a conclusion.

https://uwcscholar.uwc.ac.za/home

2.6.2 Inter- and intralingual translations

2.6.2.1 Interlingual translation as a means of classification

Interlingual translation – or translation 'proper' – is regarded as the most obvious and easily understood type of translation. Interlingual translation is a manipulation from one language to another (see Harding & Ralarala, 2017). It is 'identified with rewriting between different varieties of the same language, e.g., dialectal (social and/or regional), temporal (i.e., between diachronic varieties) or functional (i.e., between different genres)' (Zethsen & Hill-Madsen, 2016:693). This definition of interlingual translation contextualises what is meant by translation proper.

In Jakobson's (1959) classification, interlingual translation (or translation proper) refers to the 'interpretation of verbal signs by means of some other [from one language to another] language'. He also states that interlingual translation is an activity that 'involves two equivalent messages in two different codes' (Jakobson, 1959:233). Harding and Ralarala (2017:171) make use of the concept of a re-enactment or 're-narration' of an original. Interlingual translation is, in most cases, the only type of translation considered, because it is easily understood. Zethsen (2007:797) states that this is because it is directly aligned with what is meant by the word 'translation'. She further recognises that research in translation is often confined to the space of interlingual translation, as most scholars find it a more straightforward field of research than intralingual or intersemiotic translation (see also Jakobson, 1959). Jakobson (1959:233) acknowledges that interlingual translation is the most common and easily recognisable form of translation, involving translation from one language to another. Translation from one language to another is always complicated; and this is no different in the case of Forensic Linguistics, as there are differences in terms of the source and target languages (Gotti, 2016:6). Harding and Ralarala note that interlingual translation allows for a text to be retold and 'reconfigured' (Harding & Ralarala, 2017:170).

Ciuk and James (2015:568) note that there are three pertinent issues in Forensic Linguistics with regard to interlingual translation that can become problematic if they are not acknowledged. First, there needs to be fair recognition that there are different meanings associated with words and texts. Second, there is more to interlingual translation than determining verbal counterparts (Ciuk & James, 2015:568). In other words, there needs to be an understanding by the translator of the cultural norms of the language used by the speaker in

https://uwcscholar.uwc.ac.za/home

order to close the gap between the translator and the speaker. Third, in the context of making sworn statements, interlingual translation is a 'decision-making' practice during which decisions need to be made until agreement is reached between the complainant and the translator about the understood meaning of the translated text.

2.6.2.2 The role of the translator in interlingual translation

The role of the translator is somewhat that of a middleman or mediator. In interlingual translation, the 'reported speech' received from the source (i.e., the complainant) is recorded and transmitted by the translator (the police officer). The role of the translator is pivotal to creating linguistic understanding; therefore, translators need a fairly high degree of linguistic competence (Blackledge, Creese & Hu, 2018:34). Lai and Mulayim (2014:315) also state that the translator's (or interpreter's) purpose in a bilingual event rests on whether language intervention is needed. In most cases, the interpreter is needed because without such a middleman, communication between two other parties would not be successful. In the statement-taking context, the police officer assumes the role of the translator simultaneously with the role of interviewer. The translator is assumed to be able to distinguish the differences between the source and the target components of the text and to discern what is crucial to translate and what may be omitted. This process of sifting through information is known as 'conceptual analysis' (Gotti, 2016:7). The translator engages in a cognitive process when acting in the multilingual space, employing a number of cross-linguistic strategies (Lai & Mulayim, 2014:307). In her 1991 work, Morris states that the attitude of the interpreter (or translator) is governed by norms and rules. The translator's adherence to these norms and rules may have an impact on how well the translation is carried out (Morris, 1999:6).

2.6.3 Intralingual translation

2.6.3.1 Defining intralingual translation

Intralingual translation is quite specific in that it comes into play only in certain situations. Intralingual translation is closely associated with culture and the different ways a language is understood by people of different cultures (Kajzer-Wietrzny et al., 2016:240). It is a form of translation that is descriptive, in that involves rewording or paraphrasing, as per Jakobson's (1959) classifications. As mentioned earlier, intralingual translation is almost a foreign concept to some, as it is not a common form of translation.

https://uwcscholar.uwc.ac.za/home

Jakobson's (1959) classification is helpful for translators working in the context of sworn statements and legal texts. He states that in intralingual translation, verbal signs are either converted from one sign to another (in either the same language) or converted into non-verbal sign systems, such as music (1959:233). Jakobson assumes that, in the case of intralingual translation, the translator, working within one language, seeks to replace words or phrases with other words or phrases for clarity, seeking synonymity, or resorts to circumlocution. Synonymity in intralingual translation is not set in stone, as words chosen do not have to demonstrate complete equivalence.

The literature and current research in the field of intralingual translation is sparse, with the concept having received little attention from translation scholars. Relying on Jakobson's (1959) definition, I aim to shed light on the concept of intralingual translation in the context of statement taking, acknowledging that the term bears some ambiguity. The South African policing system, however, demands literature to support the claim that intralingual translation influences the manner in which a statement is constructed. Despite being the least common form of translation, intralingual is listed first in Jakobsen's (1959) classifications. Here, he uses the term 'retranslation', stating that 'retranslation is generated within the same languages … but in different genres or forms …' (Peng, 2017:111).

2.6.3.2 The role of culture and intelligibility in intralingual translation

Researchers in Forensic Linguistics acknowledge that the way language is used is shaped by many factors. It is therefore unsurprising that translation itself may be influenced by a number of factors. The culture and the intelligibility of the translator (in this case, the police officer) play an important role in all translation and are particularly relevant to intralingual translation, along with other sociocultural factors. The process of intralingual translation strongly relies on the concept of 'cultural transfer', which takes place within a language (Kajzer-Wietrzny et al., 2016:241). Another observation emerging from analysis is that intralingual translation requires a high level of skill and a degree of empowerment in the *transpreter* as a professional translator (Ralarala, 2014:392). Intelligibility is an important factor as it influences the relationship between different varieties of a language (Karas, 2020:29). Despite the fact that English is the language of record (with Afrikaans used in some cases), one needs to be cognisant that there are different varieties of English (and Afrikaans) and that their use by the complainant and/or the *transpreter* can influence how the sworn statement is constructed and how it appears on

https://uwcscholar.uwc.ac.za/home

paper. Misunderstandings or misinterpretations of different varieties of English can ultimately influence the complainant's access to justice. According to Berk Albachten (2013:267), the concept of intralingual translation is a 'selective process', by which he means that some parts of the text may be viewed as unintelligible in relation to the 'target culture'.

2.6.3.3 The role of the translator in intralingual translation

The role of the intralingual translator is demanding, as he or she is required to internalise the narrative conveyed by the complainant in order to deeply comprehend what is being said; then to sift through the words used, decide on the best way of rephrasing them (where necessary) and produce a statement that is intelligible, coherent and consistent. Listening forms an important part of the process. Two fundamental factors need to be considered: first, the listener has to make sense of what has been said; and second, the attitude of the listener sets the tone for the translation activity (Karas, 2020:29-30). In the South African policing space, the police official is viewed as the authority figure. In the statement-taking process, the police officer who is translating needs to listen attentively. His or her familiarity (or otherwise) with the subject matter may influence how he or she responds in the statement-taking process and during the entire translation activity. The translator's attitude and expectations are contributing factors, affecting how the interview proceeds. Karas (2020:29) contends that the person who has the authority leads the process and must be intelligible.

The presence of a qualified translator would be ideal in situations where intralingual translation is required. However, this is usually not possible when sworn statements are being put together. Considering the high demands placed on the person leading the interview and engaged in simultaneous intralingual translation, it is essential that this person be of reasonable intelligence and that he or she has the necessary skill to construct the sworn statement properly. Generally, translators need to be cognisant of different varieties, dialects and historical components associated with a specific language (Karas, 2020:26). In her research, Karas (2020) elaborates on the cultural and societal dynamics that affect different forms of language, noting that there needs to be an understanding of the relationship between language and culture in order to engage in effective intralingual translation or transfer (Karas, 2020:26). Thus, the translator in intralingual translation or 'retranslation' needs to be fully attentive. The translator puts himself or herself in a position of ownership and needs to be cognisant of the many factors that can influence the translation (Peng, 2017:111). While adhering to the conventions and ethics of

https://uwcscholar.uwc.ac.za/home

translation, the translator needs to be someone who is flexible and a 'non-conformist', as Geçmen (2018:37) puts it, so that they may overcome the many challenges they will encounter while translating. The role of the *transpreter* includes being aware of the factors that influence a speaker's words and shape the final text, adapting to the environment and acting in accordance with the demands of that environment.

2.7 Conclusion

The discussion in this chapter lays a foundation for the rest of study, since it gives an overview of the work of other researchers in the field of Forensic Linguistics and sheds light on the many factors that need to be considered when sworn statements are taken. For example, thematic discussion in this chapter considered the role police officers play in constructing complainants' sworn statements. Police officers taking statements act as *transpreter*s, performing many roles simultaneously, as discussed – they are interviewers, translators and interpreters. These roles demand a high level of skill and awareness in the individual police officer.

Based on the literature, there is a high potential for miscommunication and misunderstanding in the telling and retelling of a story, particularly in multilingual, multicultural situations. The discussion has covered the differences between and the many challenges of, interlingual and intralingual translation, both of which need to be understood in the context of statement-taking, since both may be required in such situations. The literature review has also covered the topics of police speak, multilingualism, (mis)interpretation and translation in the legal setting, first viewing Forensic Linguistics from a global perspective and then narrowing the discussion to specific themes in Forensic Linguistics. There are common threads that run though the field of FL, no matter what form it takes; issues such as multilingualism, the influence of culture, the presence of many forms of a language and the close relationship between language and the law are all relevant to the field in general. By enabling me to identify 'mutual ground' between different applications of FL, the literature review provided a guide for this research. The global perspective provides insight into pertinent research conducted by scholars in the field of Forensic Linguistics. The broad sweep of countries included in the discussion provides a comprehensive overview of the field and adds depth to the discussion, illustrating the interdisciplinary nature of Forensic Linguistics. In a nutshell, the literature review has revealed the need for more interdisciplinary research on the nature of the statement-taking process, especially as it concerns complainants' access to justice.

https://uwcscholar.uwc.ac.za/home

CHAPTER THREE: THEORETICAL FRAMEWORK

3.1 Introduction

This chapter introduces and discusses the theoretical frameworks used in the study. The study draws on three theories: Critical Discourse Analysis or CDA, Narrative Theory and Conversational Analysis (CA). CDA assists in analysing sworn statements as expressions of a social reality and underlying power relationships (Fairclough, 1995, 2000; Van Dijk, 1995; Wodak, 2001). Narrative Theory is useful for a deep analysis of texts that fulfil the criteria for narratives (Harding, 2012:290). CA is useful for understanding utterances which take place in a sequential manner and how these sequences are formed (Goldkuhl 2003: 57). I discuss these three theoretical approaches in general and then expand on each with reference to the fields of Forensic Linguistics, translation and the statement-taking process. As stated in Chapter One, the study of Forensic Linguistics is interdisciplinary, which makes the adoption of three theoretical frameworks apt for this study, as each has a different focus in terms of language use. Having considered all three theoretical constructs, I conclude the chapter by identifying commonalities between the three and showing their relevance to the current study, with its focus on police and complainant co-construction of sworn statements.

3.2 Critical Discourse Analysis (CDA)

3.2.1 Why CDA?

As a point of departure, it is prudent to delve into why I considered and ultimately adopted CDA as one of three theoretical approaches for understanding the construction of sworn statements. CDA is concerned with an analysis of language as a societal construct and an expression of power, which is so often abused (Zappettini, 2020:1). Chapter One alluded to the issue of power as expressed in language, showing how power dynamics apply in the taking of sworn statements. CDA as a tool for critique is rooted in social analysis, as it investigates the interactions between discourse and the social environment (Fairclough & Fairclough 2018: 169). CDA may take three forms; normative analysis, explanatory analysis and dialectical reasoning. This study is grounded in the latter. Here I explore CDA at the macro level and therefore consider both normative and explanatory critiques before moving to the micro level to examine dialectical reasoning.

CDA as a theory and an approach is aligned with the aims of this study. CDA addresses how power is unequally distributed and the ways in which inequality manifests in communicative

https://uwcscholar.uwc.ac.za/home

exchanges. This study takes a similar focus regarding the interactions that take place between complainants and *transpreter*s. *Transpreter*s assume an authoritative role in the statement-taking process and therefore it is appropriate to view this relationship and interaction through the lens of CDA.

Fairclough and Wodak (1997) identify eight focus areas of CDA, as follows:

- social problems;
- discursive power relationships;
- discourse founded on the grounds of society and culture;
- discourse as an ideological action;
- discourse as historical;
- discourse analysis that is descriptive;
- discourse as a form of social action
- the connection between text and society.

These focus areas convey the core concerns of CDA. Broadly, CDA looks at discourse and how this discourse is explored and explained in society (Fairclough, 2017:14). It is concerned not only with language itself, but the contextual meaning of language; that is, language as practised in various social settings. In addition, it considers fairness and well-being (Fairclough 2013:178; Fairclough & Fairclough 2018:169). Normative analysis is a form of CDA concerned with the ethical aspects of texts; it examines and explains what is truthful and ethically correct (Fairclough 2013:169). Although not all normative analysis is based on ethics, ethics do form part of the normative principle. Ethical critique focuses exclusively on actions within society and how society governs certain behaviours (Fairclough & Fairclough 2018: 169).

CDA plays a role that is both constructive and deconstructive, as may be seen in the kinds of questions it asks. The term 'deconstructive' here refers to the problems it reveals in the power relationship that may exist between talk and text (Eguavoen & Eniola, 2016:96). In its constructive role, it examines texts with a view to uncovering what is emphasised and deemed important; what gets attention. In this way, CDA enables one to recognise whose voice is more prominent or whose version of events is being told in a particular text – in the case of this study,

https://uwcscholar.uwc.ac.za/home

the sworn statement. CDA may be seen as a way of ascertaining what is important to the author through what is emphasised in various ways in the text. It is thus also a way to examine power relationships and how they are established and reinforced in a text. CDA is therefore a means of interrogating a text with regard to its social context, the circumstances of its production and the values of the author. CDA is ultimately used in service to 'the value of social justice and the goal of a just society' (Fairclough, 2018:16).

Wodak (2001) recognises that dominant social structures may be conveyed through language, which CDA brings to light. Without the benefit of CDA, these social structures, often founded on unjust ideologies, might go unnoticed and thus be perpetuated indefinitely. Van Dijk (1995:23) states that language is influenced by society, acknowledging that there is 'a link between discourse and society'. He goes on to note that discourses often reflect social inequalities, embedded in ideologies. This implies that:

- Ideologies are characteristically social and not restricted to the individual.
- Ideologies are commonalities shared by people of a certain group.

These implications support the understanding that language is a social construct used in the hope of effectively communicating (Van Dijk, 1995:26).

3.2.2 CDA and its historical background

CDA is widely applied in textual linguistics and sociolinguistics, having roots in language and discourse studies produced by critical linguists in the UK and Australia in the 1970s (Fowler et al., 1979). CDA is concerned with the misuse of power, (in)equality and supremacy, regarding language as a social practice closely related to the society in which it is embedded.

As a theoretical approach, CDA is concerned with 'dominance, discrimination, power and control manifested in language' (Wodak, 2001:2). However, CDA does not focus solely on texts. Fairclough, a critical figure in discourse studies, refers to CDA as a 'form of critical social analysis' (Fairclough, 2018:13). Dialectical reasoning being one of three forms of CDA allows for a logical analysis of society as it expresses itself through language, welcoming multiple views. According to Fairclough (2018:16), CDA is an approach that may be applied practically in terms of critique, explanation and action. CDA therefore gives an account of the relationship between society and discourse. An understanding of this relationship has

https://uwcscholar.uwc.ac.za/home

implications for the practice of dialectical reasoning. Fairclough (2018:14) states three implications:

- Objects of critical social analysis are simultaneously material and semiotic and analysis needs to focus on the relationships between the two;
- This type of analysis is interdisciplinary, bringing together different fields and having an interest in social and cultural norms;
- CDA is criticism based on standards as well as critique based on causal and dialectical reasoning.

These implications are relevant to the fields of Forensic Linguistics and Translation Studies, as social and cultural factors clearly influence how the communicative act takes place in various contexts.

CDA reveals language use in social organisations, highlighting the links between language, power and ideology, thus providing critical social insights into linguistics. Wodak (1995) termed this aspect of linguistics 'critical linguistics' (Blommaert & Bulcaen, 2000:453). Wodak and Meyer (2001:5) suggest that the CDA approach to analysing discourse and texts first came into effect in the 1970s. Prior to this, the focus was on 'formal' schools of thought '… which constituted the linguistic competence of speakers and which could be theoretically isolated from specific instances of language use' (ibid.). Many scholars advocate for the use of CDA (otherwise referred to as 'critical linguistics' or 'CL'). Among these are Fairclough and Wodak (1997), Mazid (2014), Tollefson (2006) and Van Dijk (1995, 1993, 2005). Their views are useful when one is seeking to understand CDA in depth. Fairclough's 1989 *Language and Power* is a prime text for a full understanding of CDA. In the book, Fairclough discusses the relationship between discourse and power and how expressions of power and authority have seeped into every aspect of society, including language. The notion that specific social groups are more dominant than others is thus expressed and perpetuated in and through language. Van Dijk (1995:19) states that CDA focuses on power. It can thus be said that power is:

> … reproduced and resisted by text and talk in the social and political context. [CDA] examines structures and strategies of discourses of dominant groups and their cognitive and social conditions and consequences as well as the discourses of resistance against such domination.

https://uwcscholar.uwc.ac.za/home

The above reiterates the point that social inequalities are prevalent between talk and text. CDA enables one to systematically explore discrimination as expressed in certain social and cultural structures; for example, in the relationship between police officers and complainants from different socio-cultural backgrounds. Since CDA is concerned with texts and how they are created, manipulated and shaped to speak to certain contexts, it is relevant to the co-construction of a legal document such as a sworn statement. CDA is critical linguistics, which also sees language as a 'social act' (see Halliday, 1978). CDA allows for an analysis of texts as expressions of social environments and is ultimately concerned with revealing unjust ideologies and changing the nature of social interactions.

3.2.3 CDA and power relations

CDA raises questions of what is important, delving into notions of power and how it is exercised. Power relations are often obscured in daily interactions and occurrences. They can be revealed in texts through a consideration of what is deemed important to the author. In the current study, CDA reveals the nature and implications of the power exercised in the context of police interviewing.

The struggle for power is prominent in almost all social settings, although usually not obvious. It is highly relevant in the legal setting and in the relationship between a complainant and police officer. In such settings, the power dynamic is clearly evident in the space between talk and text, in which the police officer may exercise their power to subtly alter a message conveyed by a complainant. Even without such an intrusion, the relationship between complainant and police officer is marked by a high level of power inequality, in that the police officer holds the power and the complainant does not. This foundational difference between power can in itself colour and shape the final sworn statement. There is an inherent supposition that CDA aims to investigate the power dynamics and the imbalance of power between people (Methven, 2017:273). The struggle for power is evident in different applications of language, which reflect and perpetuate a particular status quo. Language conveys 'situations, objects of knowledge and the social identities of and relationships between people and groups of people' (Wodak, 2001:8).

Fairclough (2018:13) states that CDA 'emphasises the relationship between critique, explanation and action'. In their 2001 work, Wodak and Meyer (2001:2) note that language expresses 'opaque as well as transparent structural relationships of dominance, discrimination,

https://uwcscholar.uwc.ac.za/home

power and control'. CDA reveals the dominant group or individual, showing how texts may express minimal regard for less powerful grouping in society. Fairclough (1999:79) explains how discourse forms part of a network of social practices, supporting and being supported by other elements in the network thus:

> […] social life can be seen as constituted by networks of social practices, each of which consists of various elements including discourse (as well as material activities, institutional rituals, social relations, beliefs and values) articulated together in a dialectical relationship, such that each element internalises all others without being reducible to them—each element has its own distinctive logic and generative power.

The abovementioned clearly articulates the correlations between social interaction and language.

3.2.4 CDA and its relevance in police discourse/police interviewing

The police interviewing process is a situation embedded in a power relationship. The *transpreter* has the upper hand, as he or she controls the interview. CDA enables one to examine the power dynamics at play in this relationship and its effects on the sworn statement. In the first instance, CDA directs one's attention to what is stressed in the statement, indicating what is deemed important by the writer and what is played down and viewed as less important. In this case, the complainant is the ostensible writer but, as has been shown, the writing is done by the police officer, whose own priorities may colour the final statement.

The interaction between a police officer and a complainant during the construction of a sworn statement involves power, language, status (both socio-economic and educational) and the law. It would be difficult to tease out the roles and implications of each of these elements without the benefit of CDA, which sheds light on language as an expression of culture and society. Each of these sociolinguistic components – language, culture and society – play an integral part in the formulation of sworn statement in the South African context. These sociolinguistic factors vary from setting to setting, which is why it is important to consider them in relation to the context of statement-taking in a South African police station.

https://uwcscholar.uwc.ac.za/home

3.2.5 CDA and the representation of power in police record construction

CDA is interdisciplinary, as reflected in any attempt to understand record construction in the SAPS. One of the most notable aspects of compiling a sworn statement is that it is predicated on a power imbalance. The police officer is the authority figure, holding most of the power. Haworth (2006:740) concurs that the police officer is dominant, exercising their authority over the interviewee and having the power to influence the course of events. At the same time, Haworth (2006: 760) recognises that the complainant controls the essence of the message being relayed. The interviewer, in this case the police officer, needs to get information from the interviewee and to that extent is dependent on the interviewee. Thus, while the police officer may be the authority figure, they are still heavily dependent on the complainant in the process of record construction. The process of constructing the statement is influenced by culture, with the role of the police officer driven by what is considered conventional social practice.

Although a sworn statement is the product of interactions between a police officer and a complainant and therefore vulnerable to errors, it is during the interviewing phase that problems may first emerge. Haworth (2021:146) identifies three areas of concern: firstly, for interviews to be a useful part of the construction of the statement, there needs to be congruence between what is said and what is transferred at a later stage; secondly, the interview and the trial should correlate, in that the events captured on paper will be reiterated in the courtroom and should therefore present an honest and accurate rendition of the story; thirdly and lastly, the police officer assumes the role of the interviewer, in that he or she asks the questions and the complainant then answers. This affords the police officer a great deal of power, which can be abused in one way or another.

The roles assigned to the two parties to the statement-taking process – the interviewer and the interviewee – introduce a disconnect in terms of power, as the interviewer, being tasked with asking questions, is placed on a pedestal, while the interviewee, being the complainant, is merely tasked with responding to the questions. This disconnect and power inequality is again evident in the courtroom, where questions are posed by a lawyer and the complainant is again (or still) in the position of interviewee. Societal hegemony determines the role of the police officer, as language (in)equality is not addressed, but rather power is given to the police officer based on societal convention.

https://uwcscholar.uwc.ac.za/home

3.3 Narrative Theory

> Even when it is tragic, storytelling is always beautiful. It tells us that all fates can be ours. It wraps up our lives with the magic which we only see long afterwards. Storytelling connects us to the great sea of human destiny, human suffering and human transcendence (Okri, 1997).

3.3.1 Why Narrative Theory?

The research makes use of Narrative Theory, an analytical construct closely associated with Translation Studies. Narrative Theory has been applied to an understanding of translations by Baker (2006), Bal (2009), Chatman (1978), Hermans (1996), Millán-Varela (2004) and O'Sullivan (2003), among others. Also known as narratology, Narrative Theory includes different focus areas, such as 'narratives, narrative texts, images, spectacles, events and cultural artefacts', all of which assist in understanding, analysing and evaluating narratives or stories (Bal, 2009:3).

Bal (2009) identified three features that should be present for a text to be classified as a narrative text: first, there should be two speakers present who communicate the signs that make up the text; second, there should be a clear distinction between the text, story and *fabula*; and third, the meaning conveyed by the narrative text should be a series of events (Bal, 2009:10-11). Narrative Theory therefore sets itself apart from discourse studies in that researchers assume the analysis to be the narrative itself (Baker, 2007:159). Furthermore, Baker (ibid) states that interpreters and translators alike intercede in the process of narrative analysis, regardless of who is the more dominant party. Stories are constantly changing and cannot be confined to a particular space. According to Baker (2006:3), Narrative Theory sheds light on three aspects of narratives; first, it shows how people's experiences are linked to their stories; second, narratives are dynamic and cannot be confined to a particular predetermined space; and third, Narrative Theory addresses the complexities of the everchanging dynamic of a story.

Narrative Theory is strongly linked to Translation Studies. A complainant's statement is a story that undergoes a process of change, or translation. There is an author and intended listener or audience. Van Charldorp (2014:8) likens a narrative to a flow of events; a statement, too, has a logical flow that ultimately allows for a story to be told. Furthermore, Van Charldorp (2014) suggests that stories are not always constructed by one person but may be the result of a collaboration. In the case of this research, the main storyteller is the complainant but the police official also makes a significant contribution while co-constructing and retelling the story

https://uwcscholar.uwc.ac.za/home

(ibid). All participants involved in the construction of a statement have an important role to play.

Narrative Theory has a strong contribution to make to Forensic Linguistics and Translation Studies. Di Donato (2020:3) states that Narrative Theory helps to uncover how legal meanings are conveyed, the role players in the story and which actions may be assigned to particular characters in the story. The main aim is thus to establish how the facts of an event have been reconstructed as a narrative. By relying on narratology as a theory, this study aims to understand the elements that contribute to record construction and translation. Narrative Theory and Translation Studies were introduced through Baker's 2006 work, which sheds light on the roles of psychology and social and communication theory in the construction of narratives. Harding (2012:287) explained that narratives are not only representative of events, but serve a larger purpose in communicating a sequence of events in a logical and pleasing whole. Viewing Forensic Linguistics, Translation Studies and Narrative Theory in combination allows for an easier understanding of both, showing parallels between an original narrative and the translated version of the narrative which is therefore linked to the current

Baker (2007:154) lists five strengths of Narrative Theory; firstly, Narrative Theory does not favour one group above another, as it does not single out or focus exclusively on race, gender, ethnicity or religious beliefs; rather, it recognises the social, cultural and political realm but looks beyond these factors; secondly, Narrative Theory allows for the actor or participants of a story to be viewed as individuals and not as theoretical abstractions; thirdly, the theory describes actors (those involved in a described context) in dynamic terms, recognising that what the actors do is constantly changing across time and space and that the narrative of each actor is affected by the narratives of the other actors; fourthly, Narrative Theory recognises that there are social ideologies at play, influenced by dominant groups, in which there are possibilities for resistance at an individual or group level; fifthly and lastly, narratology is usefully applied to both language and translation in ways that are helpful, both at the broader level of translation choices at the macro (political and social) level and at the micro (individual) level of a text and its context.

https://uwcscholar.uwc.ac.za/home

3.3.2 Narrative Theory and its relevance in police interviewing

Statements are stories told from the complainant's perspective. Narratives depict a certain reality that may be quite different from another person's reality (or experience of an event). They are therefore not objective, but present a version of events. Like any other narrative, a statement depicts a series of events from one person's point of view. This observation raises two important questions: Is the statement credible and should an authority figure who was not involved in the events be narrating the story? The probable answer to both is no. A narrative in the context of sworn statements should be supported by evidence, which may be requested in an effort to understand the narrative as best as possible, given the available information and the intelligence and general knowledge of the author (Harding, 2002:58). The complainant is the official, accepted author, although in reality, the police officer has a strong hand in shaping the narrative. The translator (in this case, the police officer) is the person retelling the complainant's story. The police officer is a key figure in the story-telling process as he or she acts as a translator. This immediately removes the neutrality from the role of the police officer, as he or she is deeply engaged in choosing the words to commit to paper. The role of the police officer/translator in constructing the narrative is therefore heightened (Harding, 2021:60). The police officer assumes the role of the translator and, in that role, becomes a focal figure (O'Sullivan, 2003:198).

Chatman proposed and developed the notion of narratology (1978). Chatman's model identifies six key role players in a narrative situation. These role players are: the real author, the implied author, the narrator, the narratee, the implied reader and the real reader. Chatman's model accounts for the process of translation that takes place in construction of the story. Ralarala (2016:147) has adapted and extended Chatman's model, proposing that transpretation forms part of the process of narrative communication from the source text (ST) to the target text (TT). This proposition sheds light on the process of constructing complainants' statements, in that the complainant gives his or her version of events in English or Afrikaans (or an African language); it is this version of the narrative to which the *transpreter* then begins to add his or her own contributions.

Figure 3.1 shows Ralarala's (2016) adaptation of Chatman's (1978) model of the process of narrative construction, showing the various components or stages of the statement-taking process.

https://uwcscholar.uwc.ac.za/home

Source text			Target Text	
Real author/narrator	*Transpreter*	Implied *transpreter*	Implied reader …	
Implied author/narrator (collaborative narration)	as framer	of the source text	of the translation	Real reader

Figure 3.1 A narratological representation of the process of producing a translated narrative text
Source: Ralarala (2016) as adapted from Chatman (1978)

Language cannot be regarded as merely discourse, talk or text. It is made up of factors that influence the subject which together shape a narrative. Di Donato (2020:24) states that

> […] language mediates in the relationship of knowledge between the subject and the object, between the subject and the world, organising experience in a narrative form, structuring it and creating a nexus between occurrences.

A narrative creates the illusion of recreating events. Although a narrative portrays a certain version or a certain reality, as if it represents that reality objectively, both language and culture mediate between the events and the mind of the listener or reader. The cultural aspect implies that narratives are constructions of unique meanings (Di Donato, 2020:24). Narrative Theory generally focusses on one text at a time; first the written text and then the oral text. In terms of the current study, these two aspects equate to the written statement and the oral interview. Together, they allow one to construct a fuller story of particular events (Baker, 2006:4). As the translator, the police officer plays a central role. Narratology allows for the identification of the narrator's voice, which may be discerned in 'speech or other overt means through which events are communicated to the audience' (Chatman, 1978). In examining a text, one may find that the police officer's voice is the loudest and most prominent. This discursive presence of the police officer has great implications for the narrative that is presented to the court.

3.3.3 Sworn statements as storytelling

A statement is a story. In the legal context, a statement is a representation of a certain reality. It involves an author (the complainant), a police officer (the *transpreter*) and a reader (the judge). The statement is the result of an exchange between the *transpreter* and the complainant. An oral exchange produces an oral narrative; when that narrative is put down on paper, it become the written form of the narrative. Narrative Theory is cognisant of the role of translation

https://uwcscholar.uwc.ac.za/home

and how it is depicted on paper. Harding and Ralarala (2017) have explored the notion of telling stories and the ways in which the sworn statement as narrative is co-constructed. A narrative text is 'a text in which a narrative agent tells a story' (Bal, 2009:15). Schegloff (1997:97) adds that 'storytelling is '… a co-construction, an interactional achievement, a joint production, a collaboration …'. This is exactly what a statement is.

3.4 Conversational Analysis

3.4.1 Why Conversational Analysis?

CA is rooted in the work of the sociologist and prominent researcher in the field, Sacks, whose work dates back to 1992, with foundational work also done by two other sociologists, Goffman (1981) and Garfinkel (1967). It is an approach that considers social interactions and how these are depicted in communicative exchanges. It is also a means of exploring an individual's ability to produce and interpret a social communicative exchange (Goldkuhl, 2003:55).

CA is useful to researchers looking into the characteristics of both interlingual and intralingual translations and how these characteristics manifest in sworn statements. CA typically involves the analysis of a spoken dialogue; in the case of this study, the spoken dialogue or conversation is the interaction between the police officer and the complainant. CA '… offers a way of looking at talk in a detailed way and also offers the possibility to make connections to the larger tasks that participants observably accomplish' (Jol, 2020:22-23). It is relevant to this study, as the communicative exchange between the police officer (or *transpreter*) and the complainant ultimately serves a greater purpose; that of presenting a claimant's case before a judge and, the complainant hopes, of winning the case. CA is a tool relevant to both language studies and the broader society (Goldkuhl, 2003:57). The fundamental purpose of CA is to look into utterances; thus, CA looks for coherence and is guided by an understanding of exchanges deemed 'socially acceptable' (Goldkuhl, 2003:67).

While CA is a theoretical construct concerned with conversation, it has relevance to all interactions. As in ethnomethodology, CA depends on common knowledge shared amongst people in order make sense of what has happened in a specific event, to uncover who is responsible for the occurrence and to draw conclusions (Komter, 2019:9). The notion of fact-finding and the quest for the truth relies on common sense, social awareness and the physical

https://uwcscholar.uwc.ac.za/home

and social space (Komter, 2019:9-10). Therefore, CA studies the process of social interactions among people and usually follows a qualitative approach (Peräkylä & Ruusuvuori, 2012:287).

A primary concept in CA is turn-taking. This means that one participant talks and then stops and another participant then talks and stops and so on. This concept is prevalent in police interviewing when sworn statements are co-constructed. CA is concerned with 'sequential analysis', with the concept of a sequence enhancing the inclusivity of the interview (Tipton, 2021:1066). The police officer poses questions to which the complainant responds. CA explains how turn-taking in communication creates a framework in which the complainant and police officer understand what is expected of them: the police officer asks the questions and the complainant responds to them (Jol, 2020:21).The logical sequence of questioning and answering is not unique to police interviewing; it does show, however, that police interviews conform to a general pattern established for conversations.

There may be some contention as to why one would include CA in a study already under the theoretical microscope of CDA and Narrative Theory. CA was included to avoid vagueness and enhance clarity. The study looks at complainant statements; while Critical Discourse Theory highlights the power, relations embedded in sworn statements and Narrative Analysis highlights the story-telling aspects of sworn statements, CA sheds light on the interviewing process that leads to the construction of the sworn statement. This is an important area of consideration, since the interview forms the foundation of the final text produced. CA allows one to analyse interviews as social interactions between police officers and complainants, showing the subjective nature of the process and the role played by perceptions, attitudes and the rapport established between the two parties. CA sheds light on the personal and particular aspects of these exchanges, allowing one to view them in light of the patterns that apply to all conversations. This enables one to construct the meaning of a text through an understanding of what produced it in a unique and particular instance.

3.4.2 CA and police interviews

CA is often used as an analytical tool in police interviewing. The police interviewing process is an interaction that is essentially a conversation taking place between a police officer and a complainant. The complainant aims to tell a story and it is during the exchange between the complainant and the police officer that the police officer elicits information and gets a detailed

https://uwcscholar.uwc.ac.za/home

account of events (Heydon, 2019:45). Conventions and norms govern conversations and form the basis of successful exchanges (Heydon, 2019:45). Similarly, institutional conventions and rules govern the way an interview is conducted as part of statement-taking.

For the interview process and co-construction of a sworn statement to be successful, at least five aspects or stages of a successful exchange require consideration: planning and preparation; engaging and explaining; the account, obtained through questioning of the complainant; closure; and evaluation. Planning and preparation concerns the initial engagement. During this stage, information is gathered informally, with the questioner taking notes. Engaging and explaining is an extension of this introductory phase, in which the police officer explains the interview process and what each party may expect of the other. Questioning in order to form an account is the main phase of the interview, with the police officer reliant on the notes made during the planning and preparation phase. Closure is the stage of the interview when the police officer explains the legal process and what the next steps will be, as the interview is informally ended. Lastly, evaluation refers to the police officers' ability to engage critically with the text and make recommendations regarding further investigation (Rock, 2021:113).

CA examines how stories are told and how conversations manifest. Sacks (1992) explores how people follow certain rules and norms to successfully engage in conversations. In investigating interviews, Goldkuhl (2003:56) advises recording and transcribing utterances. Observing conversational interactions as sequential, with each part closely related to all other parts, facilitates an in-depth and comprehensive understanding of the make-up of a conversation. The idea of a sequence applies to the police interview that forms the basis of the co-construction of the statement; therefore, what needs to be investigated in the interview is not merely a single utterance, but the entire communicative exchange. To review this communicative exchange in a digestible manner, the transcript of the conversation (based on the audio-recording) may be broken down into segments or sequences, as this facilitates analysis. This is not common practice but for the purpose of this study the interviews were recorded and transcribed. The transcript reveals the turn-taking nature of the typical conversation, showing that the question-and-answer exchange that forms part of the interviews is a form of conversation. The police officer asks questions to which the complainant responds. In this process, it is expected that either one of the two is quiet while the other speaks. Although turn-taking is one facet of CA, on its own, it may be insufficient to explain the processes involved in communicative

https://uwcscholar.uwc.ac.za/home

exchanges. To address challenges in turn taking, the notion of 'adjacency pairs' was introduced by Sacks (1992). The term refers to an 'ordered pair of utterances … produced by different speakers' Goldkuhl (2003:57). An example of adjacency pairs may be seen in greetings, questions and answers and complaints and excuses (ibid).

The police interviewing session is governed by institutional rules that dictate the role of each party; the police officer acts as the interviewer and the complainant acts as the interviewee or participant. The police officer has a 'defined role' (Jol, 2020:24) in administering processes within the policing system. This role is heightened in the conversation that precedes statement taking, in that the communicative act is dependent on the illative frame of reference.

Five facets of talk explain why certain institutions follow this turn-taking exchange to create meaning. These facets are: first, some institutional interactions are guided by systems of turn-taking. In this process, should a participant not make use of their turn to talk, either party may hold the other responsible for this. Second, the organisational structure may be fixed, depending on the type of talk. In ordinary conversation, the structure of the opening and closing are fixed, while in an official interaction there are different stages and activities that form part of specific tasks; for example, an underlying 'script' may govern the procedure followed by the police officer and the complainant in producing the statement. Third, the sequence of events is dependent on certain actions that elicit a particular response in the communicative event. Fourth, a 'turn-taking' design is used to create responses, which allows each participant a chance talk in the communicative exchange; and lastly, word choices are selected to fit the particular context and express concepts that the participant(s) can relate to (Jol, 2020:24-28).

In in the application of CA to police interviewing, the PEACE model of interviewing is helpful. The PEACE model is a framework developed for interviewing that gives police officers the necessary skills to interview complainants, witnesses and suspects ethically (Milne & Powell, 2010:210). The acronym refers to the different stages of the interview, as described above: Planning (which includes preparation for the interview); Engaging (which involves explaining the interview process), obtaining the Account; the Closure of the interview; and the Evaluation of the interview, in order to determine what was gained from the interview (Clarke, Milne & Bull, 2011:150).

https://uwcscholar.uwc.ac.za/home

3.5 Conclusion

CDA, Narrative Theory and CA have been explained and a rationale has been given for why each was found useful for understanding police interviewing and statement-taking. There are clear areas of overlap among these theories, yet each has something unique to offer to a comprehensive analysis of the communicative exchange that takes place between a police officer and a complainant. CDA enables one to examine a statement from a social and cultural perspective and in light of the power relations at play during the co-construction of the statement. The police officer, the authority figure, is a crucial part in the storytelling. As the *transpreter*, his or her voice is louder and more prominent than that of the complainant because of the prominence of the *transpreter* from a social and cultural perspective. Narrative Theory reveals aspects of the statement that apply to all narratives, showing that a sworn statement is a story told by an author aimed at a specific audience. The narrative draws on the lived experience of a complainant, who relates their story from their unique perspective and as influenced by their culture and understanding. The police officer relies on the story of the complainant in order to gain understanding into their reality and then attempts to construct the story as closely as possible to the original story told. Conversation Analysis focuses on the interviewing phase of statement-taking, showing how an interview is a form of conversation governed by the broad conventions of conversations well as the protocols of the institution and setting wherein they take place. An understanding of CA enables one to position any given interview within the framework of the conversation and to analyse it in terms of turn taking, the roles played by each party and the extent to which the interview meets it broader goals.

https://uwcscholar.uwc.ac.za/home

CHAPTER FOUR: METHODOLOGY

4.1 Introduction

This chapter explains the methodology adopted in the current study on translated sworn statements. These statements were translated, either interlingually from Afrikaans into English, or intralingually from English into English, or from Afrikaans into Afrikaans. This chapter also discusses the sampling strategy employed.

4.2 Data collection and analysis

4.2.1 Methodology

The study obtained information in the form of audio-recordings of interviews and the written sworn statements that were the product of these interveiws. In focusing on this kind of data, the study adopted a qualitative approach as well as some qualitative data.

4.2.2 Data collection and sampling

Data was collected from 30 participants randomly selected from the three designated police stations in the Western Cape. These participants were identified as either first- or second-language speakers of English or Afrikaans, which enabled a comparison of texts on the basis of language proficiency and an understanding of the relationship between talk and text in the two languages of record. The first set of data comprised statements translated intralingually, whether from English to English or Afrikaans to Afrikaans and the second set of data comprised statements translated interlingually, from English to Afrikaans.

4.2.3 Analysis of data

The data was analysed in terms of talk and text in order to understand the complainants' narratives of their subjective experiences and the extent to which the sworn statements provided an accurate record of events. The sworn statements were analysed as talk-in-action. The data is analysed in terms of qualitative text analysis which considers the different social and cultural factors relevant to the data (Peräkylä & Ruusuvuori, 2012:277–278). In addition, some quantitative data is also considered in section 7.2.3.

4.3 The data

The data used for analysis consists of audio-recorded interviews and textual narratives; thus, both oral and written data. The audio-recorded interviews were of the conversations that took

https://uwcscholar.uwc.ac.za/home

place between the *transpreter* and the complainant, while the written textual narratives were the actual sworn statements that resulted from these interviews. An additional source of data in the study was the reworded versions of the sworn statements constructed by the researcher in collaboration with a sworn translator.

Data was collected from three pre-selected police stations in the Western Cape between November 2021 and January 2022. To comply with the POPI Act (Protection of Personal Information Act) and to protect all participants, the exact dates and times of the interviews were not identified and the names of the complainants were anonymised. The three forms of data selected for analysis were, first, the transcribed pre-statement or police interviews; second, the sworn statements constructed intralingually or interlingually by the police officer as the *transpreter*; and, third, the reworded versions of the sworn statement produced by the researcher in collaboration with a sworn translator.

The analysis concerned two types of translation, namely interlingual translation and intralingual translation. In each instance, five analytical categories were identified, with most cases presented under each category. These categories constituted the basis of analysis for each case. These were: discrepancies; errors; the first-person pronoun, 'I'; omissions; and additions. The last two, omissions and additions, refer to information that considerably skewed the target text or TT (the sworn statement) in relation to the source text or ST (the interview transcript).

4.3.1 Obtaining the data

Upon obtaining the data, I applied for ethical approval from both the University of the Western Cape and the SAPS (see appendices). Permission was granted to collect and subsequently analyse data. Upon obtaining consent to conduct the research, I handed out information sheets and consent forms to the complainants and police officers.

4.3.2 Description of the data sets

The data set for this study comprised 30 audio-recorded oral interviews and their transcripts which were transcribed by a professional transcriber and textual sworn statements. The conversations between the police officers, mostly of the rank of constable and the complainant were recorded with the use of a Dictaphone and/or handwritten notes, as required. In this way, information was preserved as a historical record and for purposes of comparison during the

https://uwcscholar.uwc.ac.za/home

analysis of the data. Copies of the sworn statements were requested after each recording had been made.

4.4 Sampling

The 30 participants who made up the sample were randomly selected from the three police stations. The participants were identified as either first- or second-language speakers of English or Afrikaans, to account for discrepancies in the translation of text and to illustrate the relationship between talk and text between two languages of record. The study relies on a scrutiny of the statements and the transcripts of the interviews that took place as part of the statement-taking process.

4.5 Ethical issues

4.5.1 Informed consent and archival data

The participants were informed about the study. Both police officers and complainants were asked to provide informed consent for the researcher to be present during the statement-taking sessions and for the interviews to be recorded using a Dictaphone. Each participant was given an information sheet explaining the research and how their participation would assist in the collection of data. Owing to the sensitive nature of this research, participants were assured that names and other identifying details would not be revealed during data analysis or in the research write-up. Only I, as the researcher, had access to the personal information of the participants. This was merely for the purpose of co-ordination and classification of the data.

4.5.2 Data storage and transparency

The data was stored in a folder on my hard drive. The files saved in the folder indicate the date on which the data was collected, in DDMMYYYY format. To organise the data, I used named folders, into which I placed the relevant files. The responses of the participants are kept in a locked drawer. During the process of conducting the research, I continually scanned and backed up my notes electronically for safekeeping, using OneDrive. Upon completion of the study, I undertook to keep all the data for future reference, including the anonymised transcripts of all interviews; however, the original audio-recordings will be discarded.

https://uwcscholar.uwc.ac.za/home

4.6 Limitations

Two main limitations emerged during this study. The Covid-19 pandemic delayed progress, because the designated police stations were often closed for ten days or two weeks at a time when staff members tested positive. Subsequent to this, I, as researcher, also needed to isolate and could not conduct research at another police station during the two-week isolation period.

The other limitation was the strict implementation of the POPI Act 4 of 2013. According to Section 2, the main aim of the Act is to:

(a) Give effect to the constitutional right to privacy, by safeguarding personal information when processing personal information when processed by a responsible party subject to justifiable limitations that are aimed at –

- balancing the right to privacy against other rights, particularly the right to of access to information; and
- protecting important interests, including the free flow of information within the Republic and across international borders;

(b) Regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information;

(c) Provide persons with rights and remedies to protect their personal information from processing that is not in accordance with this Act; and

(d) Establish voluntary and compulsory measures, including the establishment of an Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by this Act.

The POPI (Protection of Personal Information) Act, in its entirety, is of significance as it speaks to the protection of citizens; however, although this is important, it made gaining access to the sworn statements quite a challenge.

4.7 Conclusion

This chapter has discussed the tools used for data collection, namely the audio-recordings of interviews and the sworn statements themselves. The participants for this study were identified as English or/and Afrikaans speakers, which was the only criterion for selection. This chapter also dealt with the ethical considerations associated with this study and limitations which arose. The following two chapters present and analyse the data.

https://uwcscholar.uwc.ac.za/home

CHAPTER FIVE: PRESENTATION AND ANALYSIS OF DATA: INTRALINGUAL TRANSLATIONS

5.1 Introduction

This chapter presents and analyses the intralingual translations of sworn statements from English into English, as well as from Afrikaans into Afrikaans. I identified 15 cases in which intralingual translation occurred. The data comprised audio-recorded and written textual narratives (the latter being the sworn statements) collected from three designated polices stations between November 2021 and January 2022. In order for the data to be deemed viable for selection, the police interviews were spearheaded by a police officer and a complainant, both of whom relied on either English or Afrikaans as a common language of communication to successfully co-construct a sworn statement.

The analysis of each case drew on three sources: first, the transcripts of the interview; second, the sworn statement constructed intralingually by the police officer as the *transpreter*; and third, the intralingual, reworded version of the sworn statement, as rewritten by the researcher and a sworn translator. Cases were analysed with reference to errors, discrepancies, the use of the first-person pronoun, 'I,' omissions and additions. In cases where a particular characteristic is not present in a case, that case is not presented under the particular category. The analysis draws on extracts from pre-statement interviews and the actual statements, both of which contained similar linguistics errors, such as spelling errors, omissions and additions. Errors were prevalent and equally distributed among intralingual and interlingual translations, especially in the sworn statements.

The extracts shown in this chapter were derived from the pre-statements, the original sworn statements compiled by the *transpreter* and the retold versions compiled by the researcher and a sworn translator. The linguistic errors and their corrections in the corrected versions are indicated in bold type. As may be seen in the transcripts shown in Tables 5.16 to 5.68, there were many linguistic errors and structural changes in the sworn statements, which can compromise the outcomes of cases. To give clear and detailed descriptions of the interactions between the complaint and police officer, I show extracts from the data. In the tables, the police officer or *transpreter* is identified as T, while the complainant is identified as C.

https://uwcscholar.uwc.ac.za/home

Discrepancies are one of the most significant features of intralingual translation. In this study, the term refers to word count differences between the source text (i.e., the transcription of the pre-statement interview) and the target text (i.e. the written sworn statement).

The use of the first-person pronoun, 'I', is common in sworn statements, where their effect is to bind the complainant to the statement. Ralarala and Lesch (2022:28) have identified three pertinent aspects of the use of the first-person pronoun in intralingual translations.

Omissions are also common in sworn statements. Omissions refer both to information that is inadvertently left out and to information that has been misrepresented. The omission or replacement of a word or phrase contributes to the distortion of the text. Ralarala (2016:159) maintains that 'omissions and distortions that are far-fetched are common in *transpreter*s' translated narratives, to the point of compromising the authentic content of the original narrative.'

Additions refer to new text included in the statement that did not appear during the pre-statement or interview phase.

In order to comply with the ethical requirements of research, I have anonymised names and dates, using an asterisk (*) to indicate where names and dates have been changed. I use the same method of analysis in Chapter 6: Presentation and Analysis of Data: Interlingual Translation.

5.2 Synopsis of intralingual cases

Below follows a synopsis of each intralingual case.

5.2.1 Case 1

On a specific date in 2021 (stated in the original text), the personal property of the complainant (female, aged 32, name stated in the original text) was stolen by a man (name stated in the original text) who was supposed to deliver items to the complainant's address via an e-hailing taxi service. Once the complainant had laid a charge, a police officer opened a case of theft against the alleged perpetrator.

https://uwcscholar.uwc.ac.za/home

5.2.2 Case 2

On a specific date in 2022 (stated in the original text), the personal property (a cellphone) of the complainant (male, aged 47, name stated in the original text) was stolen by an unknown man in a parking area. Once the complainant had laid a charge, the police officer opened a case of theft.

5.2.3 Case 3

On a specific date in 2021 (stated in the original text), the moveable property (vehicle) of the complainant (male, aged 29, name stated in the original text) was damaged by a woman known as the complainant's girlfriend. Once the complainant had laid a charge, the police officer opened a case of malicious damage to property against the alleged perpetrator.

5.2.4 Case 4

On a specific date in 2021 (stated in the original text), the complainant (female, aged 45, name stated in the original text) purchased items from an online store (name of the store stated in the original text) which were never delivered. Once the complainant had laid a charge, the police officer opened a case of fraud against the alleged perpetrator.

5.2.5 Case 5

On a specific date in 2022 (stated in the original text), the complainant (male, aged 23, name stated in the original text) had his moveable property (vehicle) damaged by an unknown person while the vehicle was parked in a parking lot. Once the complainant had laid a charge, the police officer opened a break-in case.

5.2.6 Case 6

On a specific date in 2022 (stated in the original text), the complainant (female, aged 32, name stated in the original text) had her moveable property (a cellphone) stolen from her handbag by an unknown person. Once the complainant had laid a charge, the police officer opened a case of theft.

5.2.7 Case 7

On a specific date in 2022 (stated in the original text), the complainant (female, aged 55, name stated in the original text) had her moveable property (a laptop) stolen from her

https://uwcscholar.uwc.ac.za/home

workstation by an unknown person. Once the complainant had laid a charge, the police officer opened a case of theft.

5.2.8 Case 8

On a specific date in 2021 (stated in the original text), the complainant (female, aged 58, name stated in the original text) was verbally and physically intimidated by a man (name stated in full in the original text). Once the complainant had laid a charge, the police officer opened a case of public violence against the alleged perpetrator.

5.2.9 Case 9

On a specific date in 2022 (stated in the original text), the moveable property (a vehicle) of the complainant (female, aged 30, name stated in the original text) was damaged by an unknown man. Once the complainant had laid a charge, the police officer opened a case of malicious damage to property for insurance purposes.

5.2.10 Case 10

On a specific date in 2022 (stated in the original text), the complainant (male, aged 49, name stated in the original text) reported a case of cable theft. Once the complainant had laid a charge, the police officer opened a case of theft for insurance purposes.

5.2.11 Case 11

On a specific date in 2022 (stated in the original text), the complainant (male, aged 32, name stated in the original text) had his moveable property (a suitcase) stolen from a rental vehicle. Once the complainant had laid a charge, the police officer opened a case of theft for insurance purposes.

5.2.12 Case 12

On a specific date in 2021 (stated in the original text), the complainant (female, aged 16, name stated in the original text) was physically assaulted by a man (name stated in the original text). Once the complainant had laid a charge, the police officer opened a case of assault for further investigation.

https://uwcscholar.uwc.ac.za/home

5.2.13 Case 13

On a specific date in 2021 (stated in the original text), the complainant (male, aged 50, name stated in the original text) had his moveable property (steel poles) stolen from his property by an unknown person. Once the complainant had laid a charge, the police officer opened a case of theft for further investigation.

5.2.14 Case 14

On a specific date in 2021 (stated in the original text), the complainant (female, aged 71, name stated in the original text) was verbally assaulted by a man (name stated in full in the original text) in the street. Once the complainant had laid a charge, the police officer opened a case of assault against the alleged perpetrator.

5.2.15 Case 15

On a specific date (stated in the original text) in 2021, the complainant (female, aged 51, name stated in the original text) was physically assaulted by a man (name stated in full in the original text). Once the complainant had laid a charge, the police officer opened a case of assault against the alleged perpetrator.

5.3 Discrepancies

This section reports on the discrepancies found between the ST (the interview transcripts) and the TT (the sworn statements) for 15 intralingually translated sworn statements.

Tables 5.1 to 5.15 show the discrepancies of each case in relation to the word counts of the interview transcripts and the actual statements.

Table 5.1: Case 1: Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	1,401	390

https://uwcscholar.uwc.ac.za/home

Table 5.2: Case 2: Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	1,597	418

Table 5.3: Case 3 Word count: An illustrative example based on a malicious damage to property case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Malicious damage to property	1,976	355

Table 5.4: Case 4 Word count: An illustrative example based on a fraud case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Fraud	1,198	289

Table 5.5: Case 5 Word count: An illustrative example based on a break in

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Break in	1,174	230

Table 5.6: Case 6 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	1,292	250

https://uwcscholar.uwc.ac.za/home

Table 5.7: Case 7 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	671	212

Table 5.8: Case 8 Word count: An illustrative example based on a case of public violence

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Public violence	2,662	351

Table 5.9: Case 9 Word count: An illustrative example based on a case of malicious damage to property

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Malicious damage to property	355	145

Table 5.10: Case 10 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	1,121	138

Table 5.11: Case 11 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	2,424	404

https://uwcscholar.uwc.ac.za/home

Table 5.12: Case 12 Word count: An illustrative example based on an assault case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Assault	1,140	268

Table 5.13: Case 13 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	1,114	153

Table 5.14: Case 14 Word count: An illustrative example based on an assault case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Assault	1,907	177

Table 5.15: Case 15 Word count: An illustrative example based on an assault case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Assault	2,067	298

In Tables 5.1 to 5.15 above, the differences in word counts between the pre-statement interviews and the sworn statements are clear, with all of the sworn statements being significantly shorter than the pre-statement interviews. Harding and Ralarala (2017:171) point to the danger of omissions which may:

> […] skew the focalisation of the written statement so that potential witnesses and the degree and nature of the violence reported, including accurate descriptions of weapons and previous offences, are all lost from the record.

Also, among the discrepancies are structural changes to the output text. These changes are classified as omissions and additions and include issues to do with semantics, syntax and word order. Such structural changes introduce the potential for meaning to be distorted.

https://uwcscholar.uwc.ac.za/home

5.4 Errors

Tables 5.16 to 5.30 show the specific linguistic errors made in each sworn statement, with the words of the interview shown in the left-hand column, the sworn statement shown in the middle column and a corrected version of the sworn statement shown in the right-hand column.

Table 5.16: Case 1

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
43 T Thank you very much. Okay, so the trip that you booked was it Uber, Bolt, InDriver? **44 C** InDriver. **45 T** Was InDriver, hey? And you said roundabout what time did you book that trip?	*On Wednesday (exact date stated in the original text) at 16:45 I booked an **In Drive** from the **App** to **co** and pick-up a parcel for my work products. The **In-Drive** App showed me on the App that the parcel was picked up at *13 6th Road Milnerton and being transported to my residence. The total amount due for the trip was R100-00 only in cash on arrival with my work products.*	*On Wednesday, (exact date stated in the original text) at 16:45 I booked an **InDriver** from the **app** to go and pick up a parcel with my work products. The **InDriver** app showed me on the app that the parcel had been picked up at *13 6th Road Milnerton and was being transported to my residence. The total amount due for the trip was R100,00 only in cash on delivery of my work products.*
100 T So you said it's navy and yellow Corona towels, hey? **101 C** Yes. **102 T** Body towels. hey? **103 C** Yes.	*I lost 10 (ten) boxes containing navy and yellow Corona Beer body **tools** valued at ±R3000-00, which I was **suppose to** use for a promotion event I was supposed to be doing.*	*I lost 10 (ten) boxes containing navy and yellow Corona body **towels** valued at ± R3 000,00, which I was **supposed to** use for a promotion event I was supposed to be doing.*

https://uwcscholar.uwc.ac.za/home

Researcher's commentary
Fundamentally, the linguistic errors in the TT can skew the intended meaning of the message in the ST. The errors shown above illustrate the possibility of misinterpretation in intralingual translation. The interchangeable use of the words 'tools' and 'towels', as well as the misspelling of the name of the e-hailing service, incorrectly stated as 'In-Drive' and not 'InDriver', as it appears in the pre-statement adds to the linguistic errors presented in the sworn statement.

Table 5.17: Case 2

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
10 T Now you say that your phone was taken out of your pocket? **11 C** Yes. **12 T** That was in McDonalds [indistinct] area? **123 T** Which phone was it? **124 C** Huawei. **125 T** Huawei P- Smart 2021. Black in colour?	*On the same day Wednesday (exact date stated in the original text) at 12:00 I wanted to check my messages on my cell phone and I could not find my phone on my left pocket **were** it was but I could not find it. We looked around the house and the car still could **no** find the phone. My cell phone was **Huaewei** P smart 2021 black in colour with blue cover on it. The phone value ±R4823. The value of the cell phone blue cover ±R280. At that moment when I could not find my phone I then **thinked** of the male that bumped me at **Macdonald** Kuilsriver that was the time my phone must've been taken from my*	*On the same day, Wednesday, (exact date stated in the original text) at 12:00, I wanted to check my messages on my cellphone and I could not find my phone **in** my left **shorts** pocket, where it was **supposed to** be. We looked around the house and the car and still could not find the phone. My cell phone was **a Huawei** P **Smart** 2021, black in colour with a blue cover on it. The value of the phone is ± R4 823. The value of the **blue cell-**phone cover is ± R280. At that moment, when I could not find my phone, I thought of the male who had bumped me at **McDonalds** Kuilsriver and **realised that** that was the time my phone must have been taken from the **left pocket of** my grey shorts where I **had** placed it last.*

https://uwcscholar.uwc.ac.za/home

	grey shorts left pocket where I placed it last.	
Researcher's commentary The linguistic errors in the TT can skew the intended meaning of the ST. The words in bold have been spelled incorrectly in the statement for example the name of the restaurant is spelled as 'Macdonald' instead of 'McDonalds'.		

Table 5.18: Case 3

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
29 C Yes. I put messages in your phone [indistinct] and then I again asked her what was going on and then she started like [indistinct]. And then I asked to go drop me at my sister's place, I'm going to sleep there. Then I will go home, I will sleep, I'm going to wake up [indistinct] finish. I will come and discuss [indistinct] later when she's not intoxicated anymore. But then she refused and then she clearly think we're not going to reach where we wants to go. [Indistinct] then she did what she did. **30 T** So you're going to drop her at her place? **31 C** Sorry?	*I then asked her that instead of us fighting I will rather drop her at her **sisters** place and then go home because she was intoxicated the fighting got worse. She did not want me to drop her at her **sisters** place and she said you **gonna** see we will not reach where we are headed.*	*I then told her that instead of us fighting I would rather drop her at her **sister's** place and then go home. Because she was intoxicated, the fighting got worse. She did not want me to drop her at her sister's place and she said I **would see**, we **would** not reach where we were headed.*

https://uwcscholar.uwc.ac.za/home

32 T Were you going to drop her at her place? **33 C** No. **34 T** At her sister's place? **35 C** At her sister's place, ja.		
Researcher's commentary The transcript is at times completely incoherent. The complainant was Zimbabwean and the police officer was South African. In the interview transcript, the complainant speaks of wanting to be dropped off at his sister's place and later return to discuss matters with his girlfriend. In the statement, this fact is substantially altered, since it reports that the complainant wanted to drop his girlfriend off at her sister's place. Not only is the issue of who was to be dropped off were confused, but the implied driver in the interview is the girlfriend, whereas the implied driver in the sworn statement is the complainant. An error of this nature could serious affect the outcome of a case.		

Table 5.19: Case 4

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
18 T What is the company? **19 C** *Kipppies on *Kippies [indistinct]. **20 T** What – is it [indistinct] are they selling clothes? **21 C** Yes, they're selling clothes.	*I saw an advertisement on **facebook** about ***Kiepie's** Online (company selling clothing). I went on to their site to see their catalogue. I saw a few things I liked on their website.*	*I saw an advertisement on **Facebook** about ***Kippie's** Online (company selling clothing). I went onto their website to see their catalogue. I saw a few things I liked on their website.*
Researcher's commentary The name of company the is Kippie's Online in the transcript and Kiepie's Online in the statement. An error of this nature can compromise a complainant's case.		

https://uwcscholar.uwc.ac.za/home

Table 5.20: Case 5

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
42 T But nothing was missing? **43 C** There was no valuables in the car so I think they were disappointed. **44 T** There was no valuables in the car. How do you spell valuables now? V U A V L? **45 C** Valuables? It's V A L U A B **46 T** V? **47 C** V A L **48 T** V-A-L **49 C** U-A. **50 T** U-A **51 C** B- E-S. **52 T** B-E-S, valuables. I didn't eat the whole day [indistinct] sir, I can't think now anymore.	*On the **sameday** at about 15:00 I return back to my vehicle. When I press the unlock button the alarm went off. As I got to my **vehicle** I notice that my right drivers front side window is broken. I then notice that the towel that was on the front left passenger side seat was **laying** on the **drivers** seat. There **was** no valuables in my vehicle so nothing was taken out of my vehicle. The value to repair my window is ±R3000,00. I suspect nobody in particular and I gave nobody the right or permission to damage my window and try to steal out of it. This is all that I can declare at this moment.*	*On the **same day** at about 15:00, I **returned** to my vehicle. When I **pressed** the unlock button the alarm went off. As I **reached** my vehicle, I noticed that my driver's front side window was broken. I then noticed that the towel that **had been** on the front left passenger-side seat was **lying** on the **driver's** seat. There **were** no valuables in my vehicle so nothing was taken out of my vehicle. The cost of repairing my window is ± R3 000,00. I suspect nobody in particular and I gave nobody the right or permission to damage my window and try to steal anything out of my car. This is all that I can declare at this moment.*
Researcher's commentary The linguistic errors in the TT can skew the intended meaning of the ST. The errors shown above illustrate the possibility of misinterpretation in intralingual translations; for example "sameday" in the actual sworn statement between the C and the T and " same day" in the sworn translated version.		

https://uwcscholar.uwc.ac.za/home

Table 5.21: Case 6

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
73 C Okay, on Monday, ne, at about ten to two, I was in Long Street outside a club in Cape Town. **135 T** What's the value of the cell phone? **136 C** Oh, I think probably 800 pounds. **137 T** How much is that in Rands? **138 C** In Rand? Let me check. Around R17 000.	*On the **sameday** at about 02:30 just before the **uber** arrived I wanted to get my **cellphone** out of my handbag and I **realize** that it is gone. I tried to phone to my **cellphone** from another phone and it was off. I received messages that **seems** to be from Apple at about 09:00 but I phoned Apple and they said it is not from them.*	*On the **same day** at about 02:30, just before the **Uber** arrived, I wanted to get my cell phone out of my handbag and I **realised** that it **was** gone. I tried to phone my cell phone from another phone and **my phone** was off. I received messages that **seemed** to be from Apple at about 09:00, but I phoned Apple and they said it **was** not from them.*
Researcher's commentary The complainant is a UK citizen and the *transpreter* is South African. The details given about the value of the currencies can introduce inconsistencies, as the amount given by the complainant is merely a guess. It is also worth noting that the time varies considerably; in the pre-statement interview it is 'ten to two' and in the final statement it is 2:30 am. Such inconsistencies have the potential to bungle the complainant's case.		

Table 5.22: Case 7

Pre-statement interview between C and T	**Actual sworn statement by the police officer**	**Sworn translated version**
33 T You left your working station.	*On Thursday *2022-01-11 I was on duty **since** 08:00 **till***	*On Thursday**,** *2022-01-11 I was on duty **from** 08:00 **to** 12:00 and at about*

https://uwcscholar.uwc.ac.za/home

14 C Left the working station for not longer than five minutes **15 T** Mmm. **16 C** In that five minutes obviously he was standing across the road for – for, watching us but he's a car guard, he knows the moves.	*12:00 and at about 10:50 I left my **work station** for about **10 minutes** or so and went to check something in the office and as I come back to my desk at about 11:00 I **notice** that my work **lap-top** is missing.*	*10:50 I left my **workstation** for about five minutes or so and went to check something in the office. As I **came** back to my desk at about 11:00 I **noticed** that my work laptop **was** missing.*
Researcher's commentary The transcript reflects that the C left her workstation for five minutes. The statement indicates that she left her workstation for ten minutes. A further error is that the day and date do not correspond: 11 January 2022 was not a Thursday but a Tuesday.		

Table 5.23: Case 8

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
184 C Yes, I said to him, 'So what is your naam? Jy will mos nou 'n vrou slaan, wat is jou naam? Ek is *Janie de Villers.' **185 T** *Janie? **186 C** Yes. **187 T** *de Villers? **188 C** *de Villers, yes, madam.	The wife asked me what happened, I explained to her. For the second time he wanted to beat me **infront** of her**,** He went to his car. I followed him. I asked him **what is your name** he told me he is ***Jannie** De Villiers his car registration CF (stated in original) Silver Audi	The wife asked me what had happened and I explained to her. For the second time he threatened to beat me **in front** of her. He went to his car. I followed him. I asked him **what his name was**. He told me he was *Janie de Villiers. His car registration was CF (stated in original). It was a silver Audi.

https://uwcscholar.uwc.ac.za/home

Researcher's commentary
The transcript indicates that the name of the accused is *Janie de Klerk, whereas the statement gives it as *Jannie de Klerk.

Table 5.24: Case 9

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
2 C Uhm and it happened at two different places so in the middle of the screen and on the left-hand side. Like, like on the side of the passenger. **3 T** Okay, so the windscreen side and the? **4 C** And like – er, it was more or less the middle [indistinct]. **5 T** The middle and left on the windscreen? **6 C** Yes. **7 T** So windscreen, [indistinct].	*Due to shock we did not **stopped** and when we got home I checked and saw that there **was** (2) two **scractches** and **crackes** in the windscreen. The **estimate value** to replace the window will be ±R1500 – R2500. I am ensured **at** Santam. I **reports** for **ensurance** purposes.*	*Due to shock we did not stop and when we got home I checked and saw that there **were** two (2) **scratches on** and cracks in the windscreen. The **estimated cost** to replace the window will be ± R1 500–R2 500. I am insured **with** Santam. I **report** the incident for **insurance** purposes.*
Researcher's commentary The sworn statement is riddled with linguistics errors which include spelling mistakes such as "ensurance" and "cracks".		

https://uwcscholar.uwc.ac.za/home

Table 5.25: Case 10

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
45 T Chopped with an axe. Okay you say it's *Sethel School? **46 C** Yes. **47 T *Sethel** School premises **48 C** Ja, it's the - it's a cable that feeds the school. **49 T** A cable that feeds the school but it's also on the premises of ***Sethel**? **50 C** No, it's just outside the premises of ***Sethel**. You see the overhead line - put it this way, sorry man, the overhead line stops like it here.	*On Friday (exact date stated in the original text) at about 04:00 we received a complaint from radio **Control** about an electrical cable problem. Our members went out on site and inspected the situation at ***Setel** School Wynberg. The Electrical feed that supplies ***Setel** School got **tapered** with and **cable** to the value of **Fifteen- Thousand Rand was** stolen. (R15000 – 00).*	*On Friday (exact date stated in the original text) at about 04:00 we received a complaint from radio **control** about an electric cable problem. Our members went out on site and inspected the situation at Sethel School, Wynberg. The **electrical** feed that supplies Sethel School had been **tampered** with and **cables** to the value of **fifteen thousand rands (R15 000,00) had been** stolen.*
Researcher's commentary The transcript gives the name of the school as Sethel, while the statement incorrectly noted the name as Setel.		

Table 5.26: Case 11

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
117 T We actually went to **MediClinic** [talking together]. I had a medical problem.	*On the next day (exact date stated in the original text) at 13:00 I parked my vehicle in **alexander** street and went to Eikestad mall. On the same*	*On the next day, (exact date stated in the original text), at 13:00 I parked my vehicle in **Alexander** Street and went to the Eikestad Mall. After that, on the same day, I drove to **Stellenbosch***

https://uwcscholar.uwc.ac.za/home

118 C Stellenbosch, was this on the same day? **119 T** No, this is – so it's the next day.	*day after I drove to* ***Stellenbosch Hospital*** *on the R44 at 15:00 and properly locked my vehicle and left back to my private residence.*	***Mediclinic*** *on the R44 at 15:00 and properly locked my vehicle.*
Researcher's commentary The transcript indicated that the interviewee went to Stellenbosch MediClinic in Elsie du Toit Drive, whereas the statement indicates that he went to Stellenbosch Hospital.		

Table 5.27 Case 12

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
17 C Eerste toe my ma die deur oopgesluit het, het *Aidan vir my ma ge-choke en toe sê hy, ja, my ma moet [onduidelik]. Toe is *Michelle, die meisie [onduidelik] uitgegaan het, toe sit almal, en *Kegan [onduidelik] toe sit ek op die bank, toe staan ek op en toe sit hy ook op die bank. Toe haal… **18 T** Is daai nou *Kegan of *Aidan? **119 C** *Aidan. [Onduidelik] toe sit hy iets in sy sak in. Toe sê ek vir my ma, maar hy het [onduidelik] nou uitgehaal en	**Adriaan het daarna met die* ***huis sleutel*** *uit die huis geloop. My ma het nie gesien dat *Adriaan die sleutel uit die deur gehaal het nie. Ek het vir my ma daarvan gesê en *Aidan het die sleutel in die huis terug gegooi. *Adriaan het toe kwaad geraak en verby my ma gekom om vir my in die huis te kom klap. *Adriaan het vir my 2 keer in die gesig geklap. Ek het nie vir *Adriaan rede gegee om vir my te klap nie. My ma se naam is* ****Christeline*** *Jacobs.*	**Adriaan het daarna met die* ***huissleutel*** *uit die huis geloop. My ma het nie gesien dat *Aidan die sleutel uit die deur gehaal het nie. Ek het vir my ma daarvan gesê en *Aidan het die sleutel in die huis teruggegooi. *Aidan het toe kwaad geraak en verby my ma gekom om my in die huis te kom klap. *Aidan het my twee keer in die gesig geklap. Ek het nie vir *Aidan rede gegee om my te klap nie. My ma se naam is* ****Christelene*** *Jacobs.*

https://uwcscholar.uwc.ac.za/home

in sy sak ingesit en toe sê hy vir my ek moet [onduidelik]. Toe sê ek maar dit is in sy sak in. Toe sê my ma … toe kom my ma [onduidelik…..].		
Researcher's commentary The name of the alleged perpetrator is given as *Aidan in the transcript but in the statement the name is given as *Adriaan. The spelling of the name of the complainant's mother in the statement also differs from the pre-statement interview.		

Table 5.28: Case 13

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
5 T Hoe laat was daai wat ek gesien het dat alles nog fine was? **6 C** Ons vat maar van die 10de af. **7 T** Ons skat maar … **8 C** Ag, sê nou maar so 12-uur [onduidelik]. **23 T** So al wat … wat ons nou net kan sê dat die omheining nou Vrydag gesien het, toe was dit reg, en dat u opgemerk het die … [praat oormekaar] … gister, die 11de, dat die [praat oormekaar] … staalpale? En	*Die draad het op die grond gelé maar die staal **palle** was weg. Daar **was** ±15 palle gesteel. Die geskatte waarde van die palle is ±R4000. Ek weet nie wie die staal palle gesteel het nie. Daar is ook geen video opnames nie, want daar is nie kameras op **daar** plek nie. Dit is al wat ek verklaar.*	*Die draad het op die grond gelê maar die **staalpale** was weg. Daar **is** ± 15 pale gesteel. Die geskatte waarde van die pale is ± R4 000. Ek weet nie wie die staalpale gesteel het nie. Daar is ook geen video-opnames nie, want daar is nie kameras op **daardie** plek nie. Dit is al wat ek verklaar.*

https://uwcscholar.uwc.ac.za/home

die omheining is 'n draad, of wat is dit? **24 C** Ja. **25 T** Maar die draad is nie weg nie, net die pale? **26** Net die pale.		
Researcher's commentary The linguistic errors in the TT can skew the intended meaning of the ST. The errors shown above illustrate the possibility of misinterpretation in intralingual translations for example the spelling error of "palle" in actual sworn statement.		

Table 5.29: Case 14

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
117 T Hoe oud is antie nou? **118 C** Ek is 74.	*Ek is 'n volwasse vrou, **71** jaar oud en tans 'n pensoenaris.* *[...] was ek oppad huistoe vanaf die winkel. *Johan Mostert woonagtig te *No,12 **Moute Carlo** woonstel het op die sypaadjie gesit. Toe hy na my kyk, het hy gesê 'Kyk daar loop die **Nai**. Ek vra toe vir hom wie is jou **nai**. Hy sê toe weer dat ek 'n groot **Nai** is, soos my dogter.*	*Ek is 'n volwasse vrou, **74** jaar oud en tans 'n pensoenaris.* *[...] was ek op pad huis toe vanaf die winkel. *Johan Mostert, woonagtig te *No. 12, **Monte Carlo** Woonstel, het op die sypaadjie gesit. Toe hy na my kyk, het hy gesê 'Kyk daar loop die **naai**'. Ek vra toe vir hom wie is jou **naai**. Hy sê toe weer dat ek 'n groot **naai** is, soos my dogter.*

https://uwcscholar.uwc.ac.za/home

Researcher's commentary
According to the pre-statement interview transcript, the complainant is 74 years old while in the statement her age is noted as 71.

Table 5.30: Case 15

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
78 T Luister gou wat ek vra, luister gou wat ek vra. Is dit 'n eetvurk? **79 C** Nee. Is nie … **80 T** 'n Tuinvurk of 'n eetvurk? **81 C** Nee, ek weet nie wat soorte vurk is daai nie, maar dis nie 'n eetvurk daai nie. [Onduidelik].	**Simon Morkel gebruik dwelms. Hy is **Aggresief En** het my al voorheen aangerand. Waar hy my met 'n hamer op my kop geslaan het; Ek het Mediese behandeling **ontvan** en was in vir 'n tyd opgeneem in die **hospital** *Simon is altyd agggresief teenoor my en hy skel en vloek, en rand my aan. Ek het voort sake geopen teen *Simon nie,*	**Simon Morkel gebruik dwelms. Hy is aggressief en het my al voorheen aangerand toe hy my met 'n hamer op my kop geslaan het. Ek het mediese behandeling ontvang en was vir 'n tyd in die hospitaal opgeneem. *Simon is altyd aggressief teenoor my en hy skel en vloek, en rand my aan. Ek het voorheen sake geopen teen *Simon.*
Researcher's commentary According to the pre-statement interview, the C is unable to identify the type of fork she was stabbed with; however, in the statement, reference is made to a fork used in the kitchen.		

The irregularities demonstrated in Table 5.16 to 5.30 above show that missing information and linguistic errors influence the manner in which sworn statements are constructed. The inconsistencies, indicated in bold, when added to the errors and linguistic errors, raise concerns about the police officers' competence and the accuracy of the statements (see Ralarala & Lesch, 2022:27). It is evident that linguistic errors have the potential to obscure intended meaning. They also introduce challenges of misrepresentation, since names spelled incorrectly, along with inconsistently reported times and other details, can alter a judge's perception about a case. Ralarala (2016:158) concurs with this observation, stating that these linguistic errors could

https://uwcscholar.uwc.ac.za/home

introduce ‘adversarial consequences for concerned witnesses as the real readership only has access to the TT at the time when important legal decisions are made’.

5.5 First-person pronoun

The first-person pronoun, ‘I’, is commonly used in sworn statements. The extracts from the sworn statements that follow are illustrative of the use of the first-person pronoun, ‘I’.

Table 5.31: Case 1 Extract 1

I *Lindelwa states under oath in English
I did not give anyone the permission to take my personal items from me. **I** do desire further police investigation in this matter.
I know and understand the contents of the above statement.
I have no objection in taking the prescribed oath.

Table 5.32: Case 2 Extract 2

I *Trevor states under oath in English
I did not give anyone the permission to take my personal items from me. I do desire further police investigation in this matter.
I know and understand the contents of the above statement.
I have no objection in taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience. So help me God.

Table 5.33: Case 3 Extract 3

I *Martin states under oath in English
I then asked her that instead of us fighting I will rather drop her at her sisters place and then go home because she was intoxicated the fighting got worse.
I hit the road pavement and the whole front part of the vehicle is damaged.
I would like further investigation to this matter as I did not know why she did that.

https://uwcscholar.uwc.ac.za/home

I did not give anyone permission to damage my car.
I know and understand the contents of this statement.
I have no objection to taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience.

Table 5.34: Case 4 Extract 4

I *Janet state under oath in English
I emailed […] several times about my order and I have not received anything from them.
I would like further investigation to this matter as they stole my money and I did not give anyone permission to take my money.
I did not give anyone the permission to take my personal items from me. I do desire further police investigation in this matter.
I know and understand the contents of the above statement.
I have no objection in taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience.

Table 5.35: Case 5 Extract 5

I parked my vehicle
I left my vehicle
I got to my vehicle I notice that my right drivers front side window is broken.
I then notice that the towel that was on the front left passenger side seat was laying on the drivers seat.
I know and understand the content of this statement.
I have no objection of taken the prescribed oath.
I consider the prescribed oath to be binding on my conscience

https://uwcscholar.uwc.ac.za/home

Table 5.36: Case 6 Extract 6

I *San-Marie states under oath in English **I** suspect that the people that talked to me was just a destraction so that someone can take my cellphone out of my handbag. **I** will not be able to identify the people I talk to. This is all I can declare.

Table 5.37: Case 7 Extract 7

I know and understand the content of this statement. **I** have no objection of taken the prescribed oath. **I** consider the prescribed oath to be binding on my conscience.

Table 5.38: Case 8 Extract 8

I took his picture and his vehicle registration picture. **I** didnt give any one permission to swear, threatening me.

Table 5.39 Case 9 Extract 9

I *Lauren state under oath in English **I** just heard a bang sound on the windscreen and saw that our vehicle had been stoned by unknown persons. **I** checked and saw that there were two (2) scratches on and cracks in the windscreen. **I** know and understand the contents of this statement. **I** have no objection to taking the prescribed oath. **I** consider the prescribed oath to be binding on my conscience.

Table 5.40: Case 10 Extract 10

I *Brian States under oath … **I** know and understand the contents of this statement.

https://uwcscholar.uwc.ac.za/home

I have no objection in taking the prescribed oath. **I** consider the prescribed oath to be binding on my conscience.

Table 5.41: Case 11 Extract 11

…**I** placed my belonings into the vehicle and **I** discovered that the suitcase that **I** left in the boot of my vehicle as no longer there. **I** consider the prescribed oath to be binding on my conscience.

Table 5.42: Case 12 Extract 12

Ek het ’n geskel in die voorhuis gehoor. **Ek** het na die voorhuis gegaan, waar my ma toe vir *Kegan en *Aidan gesê het om uit die huis te gaan want sy wil nie moeilikheid hê nie. **Ek** het nie vir *Aidan rede gegee om vir my te klap nie. **Ek** is vetroud met die inhoud van die verklaring en begrip dat ek het geen beswaar teen die aflé van voorgeskrewe eed nie. **Ek** beskou die voorgeskrewe eed as bindend vir my gewete.

Table 5.43: Case 13 Extract 13

Ek *Dawid verklaar onder eed in Afrikaans. **Ek** weet nie wie die staal palle gesteel het nie. **Ek** is vetroud met die inhoud van die verklaring en begryp dit. **Ek** het geen beswaar teen die aflé van die voorgeskrewe eed nie. **Ek** beskou die voorgeskrewe eed as bindend vir my gewete.

Table 5.44: Case 14 Extract 14

Ek *Sarah verklaar onder eed in Afrikaans. **Ek** het aan hom gesê dat ek nie manne ken nie, en dat ek ’n groot vrou is. **Ek** het geen een die reggegee om vir my te vloek en skel nie.

https://uwcscholar.uwc.ac.za/home

Table 5.45: Case 15 Extract 15

Ek het aan hom gesê dat ek nie manne ken nie, en dat ek 'n groot vrou is.
Ek het geen een die reggegee om vir my te vloek en skel nie.
Ek verlang verdere ondersoek van die polisie.

In record construction of sworn statements, the use of the first-person pronoun carries much weight. In using this pronoun, the complainant takes ownership of and accepts responsibility for the final sworn statement. The use of the first-person pronoun shows that:

> … the text is formulated as a first-person narrative, which creates the impression that the [complainant] has volunteered this story, and that the interrogator has faithfully written it down (Komter, 2003:204).

The use of the first-person pronoun in sworn statements potentially has grave implications. Ralarala and Lesch (2022:28) identified three pertinent aspects of the use of the first-person pronoun in intralingual translations: Firstly, the facts of the case are simplified in order for a target text to be produced; secondly, in using the first-person pronoun, the rules and norms of the South African policing system are followed, whereby the complainant assumes ownership of the text; thirdly and finally, the *transpreter* has a high responsibility in acting as both an intralingual translator and an agent for compiling the sworn statement.

5.6 Omissions

Omissions are a crucial error in intralingual translations. The extracts from pre-statement interviews and sworn statements show in Tables 46 to 57 below show a number of omissions.

Table 5.46: Case 1

Pre-statement interview	Written statement	Researcher's commentary
49 T Not a problem. Can you tell me perhaps what was it that he was supposed to go and pick up?	*I lost 10 (ten) boxes containing navy and yellow Corona Beer body* ***tools*** *valued at ±R3000-00, which I was suppose to use for a*	The word 'towels' has been omitted and replaced with 'tools' in the sworn statement.

https://uwcscholar.uwc.ac.za/home

50 C It was **towels**.	*promotion event I was supposed to be doing.*	

Table 5.47: Case 2

Pre-statement interview	Written statement	Researcher's commentary
94 T Ja. And [indistinct] *Monte Carlo 1. **95 C** Monte Carlo 1?	*... we drove to his house number *1 Eikendal, Mont Carlo 2 Elsiesriver*	The address is compromised in the statement in that the name of the complex, 'Monte Carlo', is omitted and replaced with 'Mont Carlo' in the sworn statement.

Table 5.48: Case 3

Pre-statement interview	Written statement	Researcher's commentary
29 C Yes. I put messages in your phone [indistinct] and then I again asked her what was going on and then she started like [indistinct]. And then I asked to go drop me at my sister's place, I'm going to sleep there. Then I will go home, I will sleep, I'm going to wake up [indistinct] finish. I will come and discuss [indistinct] later when she's not intoxicated anymore.	*I then told her that instead of us fighting I would rather drop her at her sister's place and then go home.*	The complainant says that he asked to be dropped at his sister's place while in the sworn statement he indicates he wanted to drop her off at her sister's place and go home himself. The implied driver is also different in both cases – in the interview, the implied driver is the girlfriend, but in the statement, the implied driver is the complainant.

https://uwcscholar.uwc.ac.za/home

But then she refused and then she clearly think we're not going to reach where we wants to go. [Indistinct] then she did what she did. **30 T** So you're going to drop her at her place? **31 C** Sorry? **32 T** Were you going to drop her at her place? **33 C** No.		

Table 5.49: Case 4

Pre-statement interview	**Written statement**	**Researcher's commentary**
35 T So it amounted to this money? **36 C** Yes, R2206.70 – [indistinct], this account cannot receive your message because they don't allow their messages [indistinct].	*I then ordered three (3) jumpsuits, jeans and a sweater which amounted to R2206.79 (Two thousand two hundred and six rand and seventy nine cents).*	The amount refers to R2 206,70 in the pre-statement interview while the sworn statement reflects an amount of R2 206.79

Table **5.50: Case 6**

Pre-statement interview	**Written statement**	**Researcher's commentary**
9 T Okay. And you are? *Sannemarie? **10 C** Ja.	*I *San-Marie states under oath in English.*	the name of the complainant, '*Sannemarie', is omitted from the sworn statement

https://uwcscholar.uwc.ac.za/home

		and replaced with 'San-Marie'.

Table 5.51: Case 7

Pre-statement interview	Written statement	Researcher's commentary
13 T You left your working station. **14 C** Left the working station for not longer than five minutes.	*On Tuesday *2022-01-11 I was on duty since 08:00 till 12:00 and at about 10:50 I left my work station for about 10 minutes or so…*	Considering the pre-statement, it is clear that the complainant left her work station for five minutes, yet this has been omitted from the sworn statement and replaced with ten minutes.

Table 5.52: Case 8

Pre-statement interview	Written statement	Researcher's commentary
31 T Work address? **32 C** I beg your pardon? **33 T** Work? **34 C** *William Street. **35 T** Twelve? **36 C** Work address? **37 T** Hmm. **38 C** *William Street, Constantia –	*I am an adult female ID number [stated in the original] 58 years old. Residing at [stated in the original]. Contact no [stated in the original] working at (exact name in original text) *12 Constantia Cape Town work telephone no [stated in the original]*	In considering both pre-statement and sworn statement, the complainant's work address has been omitted from the statement and subsequently replaced with '*12 Constantia Cape Town'.*

https://uwcscholar.uwc.ac.za/home

Table 5.53: Case 10

Pre-statement interview	Written statement	Researcher's commentary
79 T Tell me, Mr, Mr *Davids, what do you do for the City of Cape Town? **80 C** I'm an electrician. **45 T** Chopped with an axe. Okay you say it's Sethel School? **46 C Yes.** **47 T** Sethel School premises.	*I am an adult Male age 49 with ID [stated in original] residing at no. [stated in original] with cell [stated in original], working in Kruispad* *The Electrical feed that supplies *Setel School got tapered with and cable to the value of Fifteen-Thousand Rand was stolen. (R15000 – 00).*	The complainant's place of work is omitted from the sworn statement, while it is indicated correctly in the transcript. The transcript gives the name of the school as Sethel, while the statement calls it Setel.

Table 5.54: Case 11

Pre-statement interview	Written statement	Researcher's commentary
153 T Ja, so after that we went to this MediClinic – er, dah-dah-dah. This one, and it's on the Elsie du Toit Drive. **154 C** The Stellenbosch hospital? **155 T** Yes.	*After that, on the same day, I drove to Stellenbosch Mediclinic on the R44 at 15:00 and properly locked my vehicle.*	The name of the hospital has been omitted and subsequently replaced with another hospital name.

Table 5.55: Case 12

Pre-statement interview	Written statement	Researcher's commentary
24 T Wie het vir jou ma gewurg? **25 C** *Aidan	*Ek het na die voorhuis gegaan, waar my ma toe vir *Keagan en *Adriaan gesê het om uit die huis te gaan*	The name of the alleged perpetrator, given as 'Aidan', has been omitted and subsequently replaced

https://uwcscholar.uwc.ac.za/home

	want sy wil nie moeilikheid hê nie.	with '*Adriaan' in the sworn statement.

Table 5.56: Case 14

Pre-statement interview	Written statement	Researcher's commentary
2 T Hoe oud is antie nou? **3 C** Ek is 74.	*Ek is 'n volwasse vrou, 71 jaar oud en tans 'n pensoenaris.*	The age of the complainant (74) has been left out and subsequently replaced with 71 in the sworn statement.

Table 5:57: Case 15

Pre-statement interview	Written statement	Researcher's commentary
103 C Nou ons…ek en my man ons sou mos nou hier in… **104 T** Hu-uh, is nie eintlik [onduidelik]. Hulle bly saam. [Onduidelik]./ Oh.	*Ek en my ma woon al vir 12 jaa in n Die Trouma kamer*	According to the statement, the C lives with her mother, while the transcript indicates that she lives with her husband.

The omissions as indicated above could have been caused by a break in attention by the police officer and/or the fact that the police officer (the *transpreter*) was a second-language speaker of the language used. It is thus clear that the target text is influenced by the

> … the omission or de-selection of paralinguistic, extra-linguistic and situational factors and of key narrative elements and story aspects, including events, actions, actors, description, characterisation and weighting (Ralarala, 2017:171).

5.7 Additions

The extracts shown below show that in many cases, the *transpreter* adds details of their own, which introduces the likelihood of distortions in the TT (see also Tester, 2021:224).

https://uwcscholar.uwc.ac.za/home

Table 5.58: Case 1

Pre-statement interview	Written statement	Researcher's Commentary
	I do desire further police investigation in this matter.	This sentence does not appear in interview transcript. It is common practice that an investigation takes place once a case has been opened.

Table 5.59: Case 2

Pre-statement interview	Written statement	Researcher's Commentary
68 T Bumped you and then he said sorry? Who apologized first, him? **69 C** No, he just apologized I didn't even say a thing, he just said sorry and he was gone.	*Me and my brother (name stated in original text) as we were walking a male come infront of us while we were walking and talking this unknown male bumped on my left shoulder and he said sorry and* ***I said sorry*** *then we went to the car and the male went his direction.*	The transcript says the interviewee did not say anything to the person who bumped him. The statement says he apologised.

Table 5.60: Case 3

Pre-statement interview	Written statement	Researcher's Commentary
	I would like further investigation of this matter as I do not know why she did that. I did not give anyone permission to damage my car.	This sentence does not appear in the interview transcript. It is common practice that an investigation takes place once a case has been opened

https://uwcscholar.uwc.ac.za/home

Table 5.61: Case 4

Pre-statement interview	Written statement	Researcher's Commentary
	I do desire further police investigation in this matter.	This does not appear in the interview transcript. It is common practice that an investigation takes place once a case has been opened.

Table 5.62: Case 5

Pre-statement interview	Written statement	Researcher's Commentary
	This is all that I can declare at this moment.	This sentence does not appear in interview transcript.

Table 5.63: Case 6

Pre-statement interview	Written statement	Researcher's Commentary
	I will not be able to identify the people I talk too.	This sentence does not appear in the interview transcript, yet it appears in the statement.

Table 5.64: Case 7

Pre-statement interview	Written statement	Researcher's Commentary
	I know and understand the content of this statement.	The sentence does not appear in the interview transcript, yet it appears in the statement.

https://uwcscholar.uwc.ac.za/home

Table 5.65: Case 8

Pre-statement interview	Written statement	Researcher's Commentary
158 C Exactly what I've told you, ma'am. I said to him, 'What did you call me?' He said, 'I call you a crook.' So I'm bilingual [indistinct], he says, 'Ja, you wanted to steal my phone but I would have beat you' and he got out of the car. He said, 'Listen here, now I'm going to hit you' and all this kind of stuff and I didn't run. I stood firm because I was [indistinct]. Then his wife came out and stopped him. Ja, you are very right. They will all deny it. But I know who to go and call because I spoke to the – to the man of [indistinct] there. I said, 'You [indistinct] and if anything happens about this case, I will subpoena you to court because man, that is my intention.'	I told him he do not have a right to told me that I am a thief he is going to beat me.	The word 'crook' in the interview transcript has been replaced with the word 'thief' in the statement.

https://uwcscholar.uwc.ac.za/home

Table 5.66: Case 9

Pre-statement interview	Written statement	Researcher's Commentary
	I know and understand the contents of this statement.	This sentence does not appear in interview transcript.

Table 5.67: Case 11

Pre-statement interview	Written statement	Researcher's Commentary
174 T What was inside the suitcase? **208 T** What is it? What kind of games? **209 C** It's called the – and the other one is called Lost Cities, I think. The other – the other one I don't know anymore. Uhm [indistinct]. **216 C** The suitcase itself.	*I further investigated and did not find the suitcase that contained 2 giras pullover colour blue value at R288,00 Bird book valued at R540, Calahari Book valued R480 2 games one called lost cities and the other Honomikoji valued at R540 one coolerbox green in colour value at R270,00, one flusk valued at R380, one Black suitcase name unknown value R900,00; 2 Bike glasses Julbo valued at R1400,00 Blue & red in coulor; the Red glasses custome made valued at R3600,00; and one Gego Luggage locker valued R630,00 was in the suitcase.*	The statement is not very clear about the items that were in the suitcase. The pre-statement interview does not make mention of two books in the suitcase, yet two books have been included in the sworn statement.

https://uwcscholar.uwc.ac.za/home

Table 5.68: Case 12

Pre-statement interview	Written statement	Researcher's Commentary
	Voor my ma na die deur gegaan het om dit oop te sluit het *Keagan vir haar gewurg.	The sworn statement indicates that the mother was strangled by *Keagan, yet this is not indicated in the pre-statement. This has been added to the sworn statement.

Table 5.69: Case 15

Pre-statement interview	Written statement	Researcher's Commentary
	Ek het voort sake geopen teen Sebelo nie.	The statement is incomprehensible and cannot be confirmed with the transcription.

Although additions are common practice in translation activities, in the context of this study they carry the potential for misrepresentation of the intended meaning, which jeopardises the authenticity and credibility of the statement (Harding & Ralarala, 2017). The complainant's voice seems to fade while the *transpreter* becomes the narrator of the sworn statement in making these additions.

5.8 Conclusion

This chapter has presented data in respect of intralingual translations of pre-statement interviews, showing examples of texts with errors, discrepancies, the use of the first-person pronoun, 'I,' omissions and additions. By examining linguistic discrepancies between the pre-statement interview and the sworn statement through the lens of these five anomalies, one is able to discern how they subtly alter the meaning of the complainant's words, as reported in the interview transcripts. They effectively introduce inconsistencies between the ST and the TT, affecting how the TT is presented. The following chapter explores the same characteristics,

https://uwcscholar.uwc.ac.za/home

analysing co-constructed interview transcripts and sworn statements that were interlingually translated from Afrikaans to English.

https://uwcscholar.uwc.ac.za/home

CHAPTER SIX: PRESENTATION AND ANALYSIS OF DATA: INTERLINGUAL TRANSLATION

6.1 Introduction

This chapter presents and analyses sworn statements interlingually translated from Afrikaans to English. I identified 15 cases in which interlingual translations occurred. The purpose of translating the Afrikaans interviews into English sworn statements was to comply with institutional conventions and the directive as posed by Former Chief justice Mogoeng Mogoeng that English be considered the only language of record in the South African courtroom (see Docrat, Kaschula & Ralarala, 2021:117).

The data comprised audio-recordings of the interviews and their transcriptions and written textual narratives – the sworn statements – collected from three designated polices stations between November 2021 and January 2022. In order for the data to be deemed viable for selection, the police interviews had to be between a police officer and a complainant, both of whom used Afrikaans as a common language of communication to successfully co-construct the sworn statement. The analysis of each case draws on three sources: first, the transcribed pre-statement or police interview; second, the sworn statement constructed interlingually with the police officer acting as *transpreter*; and third, the reworded version of the statement, as constructed by the researcher and a sworn translator. Cases are analysed in terms of errors, discrepancies, the use of the first-person pronoun, 'I,' omissions and additions, as in the case of the intralingual translations. The pre-statement interviews reported in this chapter were conducted in Afrikaans. The English translations of each interview are shown in grey text.

6.2 Synopsis of interlingual cases

Below follows a synopsis of each interlingual case.

6.2.1 Case 1

On a specific date in 2021 (stated in the original text), the complainant (male, aged 58, name stated in the original text) was unknowingly involved in a fraudulent activity with a man (name and surname stated in the original text). The complainant laid a charge and the police officer opened a case of fraud against the alleged perpetrator.

https://uwcscholar.uwc.ac.za/home

6.2.2 Case 2

On a specific date in 2021 (stated in the original text), the complainant (female, aged 42, name stated in the original text) was physically harassed and threatened in her home. The complainant opened a case of harassment against her ex-boyfriend who allegedly sent people to harass her.

6.2.3 Case 3

On a specific date in 2021 (stated in the original text), the complainant (female, aged 35, name stated in the original text) was unknowingly involved in a fraudulent activity. She opened a case against the alleged perpetrator (name and surname stated in the original text) and requested further police investigation.

6.2.4 Case 4

On a specific date in 2021 (stated in the original text), a bin was stolen from the property of a complainant (male, aged 74, name stated in the original text). He opened a case of theft, as required by the municipality.

6.2.5 Case 5

On a specific date in 2022 (stated in the original text), personal property of the complainant (male, aged 45, name stated in the original text) was damaged. He opened a case against the alleged perpetrators (names stated in the original text) and requested further police investigation.

6.2.6 Case 6

On a specific date in 2021 (stated in the original text), personal property of the complainant (male, aged 60, name stated in the original text) was stolen. He opened a case of theft and requested further police investigation.

6.2.7 Case 7

On a specific date in 2021 (stated in the original text), the complainant (male, aged 29, name stated in the original text) was assaulted by a person known to him (full name stated in the original text). The complainant opened a case of assault against the alleged perpetrator and requested further police investigation.

https://uwcscholar.uwc.ac.za/home

6.2.8 Case 8

On a specific date in 2022 (stated in the original text), personal property (a cellphone) of the complainant (male, aged 20, name stated in the original text) was stolen. The complainant opened a case of theft and requested further police investigation.

6.2.9 Case 9

On a specific date in 2022 (stated in the original text), personal property of the complainant (male, aged 30, name stated in the original text) was stolen by a known person (full name stated in the original text). The complainant opened a case of theft against the alleged perpetrator (full name stated in the original text).

6.2.10 Case 10

On a specific date in 2022 (stated in the original text), personal property (a cellphone) of the complainant (female, aged 24, name stated in the original text) was stolen by an unknown person. The complainant opened a case of theft for insurance purposes.

6.2.11 Case 11

On a specific date in 2022 (stated in the original text), the complainant (male, aged 57, name stated in the original text) opened a case of theft while he was on duty as a security guard. The complainant opened a case of theft against the alleged perpetrator (full name stated in the original text).

6.2.12 Case 12

On a specific date in 2022 (stated in the original text), the complainant (male, aged 49, name stated in the original text) was physically assaulted by his friend with a pickaxe. He opened a case of assault against the alleged perpetrator (full name stated in the original text) and requested further police investigation.

6.2.13 Case 13

On a specific date in 2022 (stated in the original text), personal property of the complainant (female, aged 21, name stated in the original text) was stolen from her vehicle. The complainant opened a case of theft for insurance purposes.

https://uwcscholar.uwc.ac.za/home

6.2.14 Case 14

On a specific date in 2022 (stated in the original text), the complainant (female, aged 72, name stated in the original text) was unknowingly involved in fraudulent activity. She opened a case of fraud against the alleged perpetrator (full name stated in the original text).

6.2.15 Case 15

On a specific date in 2022 (stated in the original text), the complainant (female, aged 49, name stated in the original text) was unknowingly involved in a fraudulent activity. The complainant opened a case of fraud against the alleged perpetrator (full name stated in the original text).

6.3 Discrepancies

This section reports on the word count discrepancies found between the ST (the interview transcripts) and the TT (the sworn statements) for 15 interlingually translated sworn statements. Tables 6.1 to 6.15 show these discrepancies.

Table 6.1 Case 1: Word count: An illustrative example based on a fraud case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Fraud	4,346	341

Table 6.2 Case 2 Word count: An illustrative example based on a physical harassment case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Physical harassment	5,685	312

Table 6.3 Case 3 Word count: An illustrative example based on a fraud case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Fraud	2,655	312

https://uwcscholar.uwc.ac.za/home

Table 6.4 Case 4 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	1,833	111

Table 6.5 Case 5 Word count: An illustrative example based on a case of malicious damage to property

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Malicious damage to property	3,464	408

Table 6.6 Case 6 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	3,337	201

Table 6.7 Case 7 Word count: An illustrative example based on an assault case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Assault	1,837	269

Table 6.8 Case 8 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	1,871	217

https://uwcscholar.uwc.ac.za/home

Table 6.9 Case 9 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	711	198

Table 6.10 Case 10 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	1,316	156

Table 6.11 Case 11 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	1,055	197

Table 6.12 Case 12 Word count: An illustrative example based on an assault case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Assault	1,253	262

Table 6.13 Case 13 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Theft	1,290	176

Table 6.14 Case 14 Word count: An illustrative example based on a fraud case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Fraud	5,320	363

https://uwcscholar.uwc.ac.za/home

Table 6.15 Case 15 Word count: An illustrative example based on a theft case

Category of crime/case	Pre-statement (based on police interviewing)	Actual statement (official legal text)
Fraud	2,151	272

In Tables 6.1 to 6.15 above, the differences in word count between the pre-statements and the sworn statements are clear, similarly to intralingual translations of sworn statement, with all of the sworn statements being significantly shorter than the transcripts of the pre-statement interviews.

6.4 Errors

Tables 6.16 to 6.30 show the linguistic errors made in each sworn statement, with a corrected version of the sworn statement shown alongside it. Transcripts of the pre-statement interviews with their translations are shown in the left-hand column.

Table 6.16: Case 1

Pre-statement interview between C and T	Actual sworn statement by the *transpreter*	Sworn translated version
23 T Okay. *24. Waar's dit? *Okay. *24. Where's that?* **24 C** Stawood Estate. *Stawood Estate.* **25 C** Stawood Estate. *Stawood Estate.*	*I am an adult male, **age** 58 with ID: [stated in original text], residing at no. xx *Douglas Street, ***Stanwood,** Estate, Kuils River, 7580 cell: [stated in original text] working as a **Bus** driver at [stated in original text] with Tel: [stated in original text]*	*I am an adult male, **aged** 58, with ID: [stated in original text], residing at no. xx *Douglas Street, ***Stawood** Estate, cell: [stated in original], working as a **bus** driver at [stated in original text], with tel: [stated in original text]*
Researcher's commentary The transcript in this case was in Afrikaans and has been translated into English.		

https://uwcscholar.uwc.ac.za/home

The complainant's address is given as *Stawood Estate in the transcript and as *Stanwood Estate in the statement.

Table 6.17: Case 2

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
11 T Mmm. Okay, nou sê vir my waar woon hy nou? *Mmm. Okay, so tell me, where does he live now?* **12 C** Hy woon nou op [onduidelik / agtergrond gesprek]… *He now lives in [indistinct/background conversation] …* **13 T** Sê weer? *Say again?* **14 C** Hy is nou in Kamakaziestraat… *He is now in* Kamakazie *street …* **15 T** In Kamakazie … *In* Kamakazie…	*On [exact date stated in the original text] 2021, myself and my ex Jason Morkel residing at no. *15 Kamakazi street, Kalkfontein, Goodwood*	*On *12 September 2021, my ex, *Jason Morkel, residing at no. *15 Kamakazie Street, Kalkfontein, Goodwood*
Researcher's commentary The transcript in this case was in Afrikaans and has been translated into English. The address of the ex is given as Kamakazie Street in the transcript and as Kamakazi Street in the statement.		

https://uwcscholar.uwc.ac.za/home

Table 6.18: Case 3

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
41 T Naam? *Name?* **42 C** *Tom ***Tom*	*On Wednesday (exact date stated in original) at 18:40 I made **a** EFT from my ABSA banking **app** to the amount of R9000-00 to account Capitec (stated in original text) for **exstra** to my windows to *Tony account. Up to date nothing has been received on site. Total amount is R32105,50. I have contacted Mr. *Steve Pretorius several time via **wattsapp** and by means **cau's to know avail**.*	*On Wednesday, (exact date stated in original) at 18:40 I made a **further** EFT **transfer** from my ABSA banking app to the amount of R9 000,00 to *Tony's Capitec account (stated in original text) for **the correct glass**. To date, 29 December 2021, nothing has been received on site. **The total** amount paid is R32 105,50. I have contacted Mr *Steve Pretorius several times via **WhatsApp** and by other means, to no avail.*
Researcher's commentary The transcript in this case was in Afrikaans and has been translated into English. The name of the person against whom the complaint is being laid is given as *Tom in the transcript and as *Tony in the statement.		

Table 6.19: Case 4

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
67 T Op 'n Donderdag. Nou kom ons kyk. Kom ons kyk. Desember 2021. November 2021. Op watter dag is dit?	*On *2021-11-24 at about 07:30 I put out my dirt **I'm an** SA Citizen, ID: [stated in original text], residing at *Mia Casa Farm*	*On *2021-11-24 at about 07:30 I put out my dirt **I am a South African citizen**, ID [stated in original text], residing at *Mia Casa Farm, Steenberg Drive,*

https://uwcscholar.uwc.ac.za/home

On a Thursday. Now let's see. Let's see. December 2021. November 2021. On which day is it? **68 C** Donderdag. Die laaste week Donderdag, in November gewees het. *Thursday. The last week Thursday, in November.* **69 T** Yes, yes, die 24ste. *Yes, yes, the 24th.* 70 **C** Daar's hy. *There it is.*	*Steenberg Drive **Devon Vale**, Somerset West, cell. [stated in original text],*	***Devonvale**, Somerset West, cell. [stated in original text].*
Researcher's commentary The date of the criminal activity in the transcript is given as the last Thursday in November 2021 which according to the calendar is the 25th whereas it is given as 24 November in the statement.		

Table 6.20: Case 5

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
72 T O. … the dog from … daai's my eie polies Engels, knoring nou. En toe is dit dat jy na die kombuis toe gaan? *Oh … the dog from … that's my own police English, growling now. And then it was when you went to the kitchen?* **72 C** Ja. So stadig en kyk deur die venster so liggies.	*On Saturday (exact date stated in original) at about 23:30 I just heard the dog '**knoring**'. I then went to the kitchen and looked through the window. I then same that 'Sallie' and *Jase Bosman busy at the front of my vehicle. My vehicle is a white in colour **VolksWagen Jette** Reg. NR. Unknown. I do not know what the **intension** was*	*On Saturday, (exact date stated in original) at about 23:30 I heard the dog **growling**. I went to the kitchen and looked through the window. I then **saw** that '***Salie'** and *Jase Bosman **were** busy at the front of my vehicle. My vehicle is a white **Volkswagen Jetta**, reg. no. unknown. I do not know what the **intention** was – why they were busy at **the bonnet of** my vehicle. I then went to the other window in the kitchen and saw 'Hondjie' standing in*

https://uwcscholar.uwc.ac.za/home

Yes. So, slowly and looked carefully through the window **73 T** … kitchen and looked through the window. En toe jy nou by die venster … by die kombuis deur die venster kyk? *…kitchen and looked through the window. And then when you were at the window now … in the kitchen looking through the window?* **74 C** Toe sien ek hier kruip mense rond. *Then I saw people crawling around here.*	*why **they was** busy at my vehicles bonnet. I then went to the other window at the kitchen and saw 'hodjie' standing **infront** of the window near the house on the corner and I also could see. *Niecie standing there outside my yard by the fence.*	*front of the window, near the house, on the corner and I also could see *Niecie standing there outside my yard at the fence.*
Researcher's commentary This interview transcript is garbled and incomprehensible in some places. The statement is also very poorly written. The misspelling of the names of the accused, in particular, could lead to a great deal of confusion.		

Table 6.21: Case 6

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
383 T Sê gou vir my, het jy insurance op die bicycle? *Tell me, do you have insurance on the bicycle?* **384 C** Nee, nee, nee. *No, no, no.*	*My bicycle was blue Giant **Avalance**. It is a thick wheel bicycle. It is a twelve speed and has a carrier at the back. There is also a white sticker on the carrier. On the sticker is my name: '*EAGLE WP 1'. There is also **reflecter** plate on the carrier. The value is*	*My bicycle was a blue Giant **Avalanche**. It is a thick-wheeled bicycle. It is a twelve speed and has a carrier at the back. There is also a white sticker on the carrier. On the sticker is my name in black: '*EAGLE WP 1'. There is also **reflector** plate on the carrier. The value is ± R1 000,00. I have no **insurance** on my bicycle.*

https://uwcscholar.uwc.ac.za/home

	±R1000,00. I have no ***assurance*** *on my bicycle.*	
Researcher's commentary The transcript in this case was in Afrikaans and has been translated into English. In the pre-statement interview, the correct word 'insurance' is used, while in the sworn statement, the incorrect word 'assurance' has been used.		

Table 6.22: Case 7

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
1 C … hy was oorkant my [onduidelik]. Toe wat ek nou … wat ons op mekaar skel, na daai toe ek sien hier toe kom sy pa. *Adam. *Adam is sy naam. Ons het ook woorde gewissel. Hier op die ent van die winkel [onduidelik], né, daar's waar die dinge nou handuitgeruk het, want die seun … ek het [onduidelik] en toe klap hy vir my. [Onduidelik] … en goed gesê en [onduidelik] hy het na sy kar toe gegaan. Sien. Hy't my geslaan aan my kop, my lyf. [Onduidelik]. En ek wou ingekom het, dis nou voordat ek ingegaan het, [onduidelik]. En toe hulle nou vir my kry, om my nou	*On [exact date stated in original] Friday at 18:15 I was at a team building with my* ***work employees*** *nature conservation. We went home and when I arrived at home a coloured male* ***that*** *is known to me as *Steve whom resides *38 Ferro street Eersteriver, started to argue with me and I argued back with him.* I calmed down and the brother whom also *resides at [exact address stated in original] said "As hy my kry gaan hy my in my poes maak*	*On Friday, (exact date stated in original) at 18:15 I was at a team building with my Nature Conservation work* ***colleagues****. We went home and when I arrived at home a coloured male* ***who*** *is known to me as *Steve Cloete and who resides at *38 Ferro street Eerste River, started to argue with me and I argued back with him.*

https://uwcscholar.uwc.ac.za/home

in die huis in te kry toe kom hy en sy oudste seun, sy naam is *Mike, toe trap hulle ons deur en ons hek af. Dis nou terwyl ons aan die binnekant was. Daai's nou wat gebeur het. *... he was opposite me [indistinct]. Then what I now ... while we are screaming at each other, after that I then saw here comes his dad. *Adam. His name is *Adam. We also had words. Here at the end of the shop [indistinct], right, that's where things got out of hand, because the son ... I did [indistinct] and then he slapped me. [Indistinct] ... and said things and [indistinct] he went to his car. See. He hit me on my head, my body. [Indistinct]. And I tried to come inside, that's before I went inside, [indistinct]. And then when they found me, to get me into the house, then him and his oldest son, his name is *Mike, came and they then kicked down our door and our gate. This now while we were on the inside. Now that's what happened.*		

https://uwcscholar.uwc.ac.za/home

2 T Yoh. Okay. Jy sê dit was einde Desember? *Yoh. Okay. You say that was at the end of December?* **3 C** Ja. *Yes.* **69 C** Dis nou hy, *Steve. *That's him, Steve.* **70 T** Is dit dieselfde ou wat ins heeltyd van gaan praat, ne? *Is it the same guy we are going to be talking about the whole time, neh?* **71 C** Ja. *Yes.* **72 T** *Steve wie? **Steve who?* **73 C** *Steve Cloete		

Researcher's comment

The surname of the attacker has been omitted from the sworn statement yet included in the transcript. Furthermore, the threat mentioned in the sworn statement is not reported in the transcript

https://uwcscholar.uwc.ac.za/home

Table 6.23: Case 8

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
8 T Okay. Gee my jou volle naam en van. *Okay. Give me your full name and surname.* **9 C** Shaun Coetzee. S_H_A_U_N … no, no, no, daai's Shane … **10 T** [Onduidelik]… **11 C** *S_H_A_U_N Coetzee. C_O … **12 T** Jou van? **13 C** Ja, my van is *Coetzee. **14 T** C_O… **15 C** C_O_E_T_Z_E_E **66 T** Okay. Sê gou hoe laat om en by het julle gegaan na Dor toe? *Okay. Tell me, at what time more or less did you go to Dor?* **67 C** Hoe laat het ons gegaan? *What time did we go?* **68 T** Ja. *Yes.* **69 C** Hoe laat ons gegaan het na Dor toe, dit was seker so … ek gaan vir jou sê so sewe-uur, agt-uur se kant. Ek gaan	*On Thursday [exact date stated in original] at about 21:00* ***me and my friends*** *went to* ***Dorp*** *pub and we chilled there.*	*On Thursday, [exact date stated in original] at about 21:00* ***my friends and I*** *went to* ***Dorp*** *Pub and we chilled there.*

https://uwcscholar.uwc.ac.za/home

nou nie vir jou mooi kan sê nie, maar daarrond ja. *What time did we go to Dor, it was probably like ... I am going to say around seven o'clock, eight o'clock. I will not be able to tell you exactly, but around then, yes.*		
Researcher's comment The name of the pub is given as Dor in the transcript, but as Dorp in the statement.		

Table 6.24: Case 9

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
19 T Nou waar is dit? *Now, where is it?* **20C**[Onhoorbaar]. *Amandelweg nommer 18 *[Inaudible].* **Amandel* *Way, number 18.* **21 T** Nommer 18, watse weg? *Number 18, what way?* **22 C** *Amandel. **Amandel.* **23 T** *Amandel. **Amandel.* **24. C** Yes.	*On [exact date stated in original] at about 16:15 I was at my workplace doing some work at No, *18* **Amadal *way*** *[text stated in original]. I discovered a few of my material missing. I work with brass and copper material. I confronted my worker, Anton Muller DOB 1995-05-28, residing at no 18* *Stare *street, Rouxvile, Brackenfell, 7580 and asked him: '*Anton did you take material out of my workplace?'* ***He then confessed that it is him***. *He*	*On [exact date stated in original] at about 16:15, I was at my workplace doing some work at No. *18* **Amandel *Way***, *[full address stated in original]. I discovered a few of my materials missing. I work with brass and copper material. I confronted my worker, *Anton Muller, DOB 1995-05-28, residing at no *18* Star *Street, Kalkfontein, Kuils River 7580 and asked him: '*Anton did you take material out of my workplace?'* ***He then confessed that he had done so***. *He confessed that he* ***had stolen*** *the brass and copper material.*

https://uwcscholar.uwc.ac.za/home

Yes.	*confessed that he **stole** the brass and copper material.*	
Researcher's comment The name of the premises where the theft took place is given as Amandel Way in the transcript and as Amadal Way in the sworn statement.		

Table 6.25: Case 10

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
98 T Sê gou vir my, hoe laat was jy klaar ge-gym gewees? *Quickly tell me, at what time were you done at the gym?* **99 C** Ek was omtrent so… *I was approximately …* **100 T** Toe jy nou by jou kassie kom, en jou kassie oopmaak toe's dit sommer nou…of hoe het jy uitgevind? *When you got to your locker, and you opened it, then it was now … or how did you find out?* **101 C** Ja. Ek het… *Yes. I did …* **102 T** Is dit? Okay, omtrent hoe laat?	***On above** mentioned day at about 17:30 after I was **finish** with **gyming** when I got the locker I notice that my **cellphone** was stolen. I did report it to the management of the gym. I did blacklist my **cellphone** at my service provider.*	*On **the above-mentioned** day at about 17:30, after I had finished **exercising**, when I got **to** the locker, I noticed that my **cell phone** had been stolen. I did report it to the management of the gym. I did blacklist my **cell phone** at my service provider.*

https://uwcscholar.uwc.ac.za/home

Is that so? Okay, at approximately what time? **103 C** Ek het so vyf dertig klaar ge-gym, dan is die sessie klaar. *I finished exercising at about five thirty, then the session is finished.* **104 T** Okay. 17:30 né? *Okay. 17:30 right?* **105 C** Ja. Sorry. 17:30. En toe het ek … dit was my karsleutel en my foon. Dit was al wat daarbinne was. En toe ek in die locker kyk toe's dit nou net my kar… *Yes. Sorry. 17:30. And then I … it was my car keys and my phone. That was all that was inside there. And then when I looked in the locker, then it was only my car …*		

Researcher's commentary

The linguistic errors above do not alter the meaning substantially, but errors in general have the potential to skew the intended meaning. The errors do show the possibility of misinterpretation in intralingual translations. In this case, the complainant was from Namibia while the police officer was South African.

Table 6.26 Case 11

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
27 T Maar wat is die plek se naam?	*On [exact date stated in original] at about 16:55 I*	*On [exact date stated in original] at about 16:55 I was on my way to work*

https://uwcscholar.uwc.ac.za/home

But what is the name of the place? **28 C** VPT. ***VPT.*** **29 T** VPT. Net VPT? ***VPT. Just VPT?*** **30 C** Ja. Hulle het 'n nuwe naam. ***Yes. They have a new name.*** **31 T** Okay. Okay, ek gaan hom hou VPT. ***Okay. Okay, I will keep it VPT.*** **32 C** Ja. Dis *VPT Workform Scaffolding. ***Yes. It's *VPT Workform Scaffolding.*** **33 T** Workform, né? ***Workform, right?*** **34 C** Ja, Workform Scaffolding. ***Yes, Workform Scaffolding.***	*was on my way to work when I **recieved** a call from our radio control that someone **is** busy stealing **allimenium** pipes from our **work place** at *VPT work force scaffolding, Samonsburg Park **Kuilsriver**.*	*when I **received** a call from our radio control that someone **was** stealing **aluminium** pipes from our **workplace** at VPT **Workform** Scaffolding, Saxon Park, **Kuils River**.*
Researcher's commentary The name of the security company for which the complainant works is incorrect in the sworn statement. The name of the company at whose premises the incident took place is also incorrect. It is given as VPT work force scaffolding instead of VPT Workform Scaffolding.		

Table 6.27: Case 12

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
35 T Wat is die persoon se naam?	*On Saturday [exact date stated in original] at about*	*On Saturday [exact date stated in original] at about 23:00 I went to my*

https://uwcscholar.uwc.ac.za/home

What is the name of the person? **36 C** *Ruan [onduidelik]. ** Ruan [indistinct].* **37 T** Hmm? *Hmm?* **38 C** *Ruan [onduidelik].. **Ruan [indistinct].* **39 T** Ryan…? *Ryan…?* **40 C** *Ruan. **Ruan.*	*23:00 I went to my friend *Ryan Adams residing at *2 NoordStreet, Extension, to drink. **I was driving** on my bicycle BMX to him. On arrival *Carlise Botha asked me **where is** his vehicle's keys and told him I don't know what **is** he talking about.*	*friend, ***Ruan** Adams, residing at *2 Noord Street, Extension, to drink**. I was riding** to him on my BMX bicycle. On **my** arrival, *Carlise Botha asked me where his vehicle's keys **were** and I told him I did not know what he **was** talking about.* .
Researcher's comment The name of the assailant is given as *Ryan in the transcript, but as *Ruan in the sworn statement.		

Table 6.28: Case 13

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
173 T Het hy 'n geraas gehoor, of wat het jy gehoor? *Did he hear a noise or what did he hear?* **174 C** Ja, hy't 'n geraas gehoor en toe kom hy uit toe sien hy hoe die ou wegstap met die rugsak. **Yes, he heard a noise and then he came out and saw the guy walk away.*	*On Sunday morning [exact date stated in original] about 06:15 a friend unknown, **tell** me that he heard a big noise, of my car, **some body** was **coming out of the complex** with a red back pack in his hand.*	*On Sunday morning [exact date stated in original] at about 06:15, a friend **(name unknown) told** me that he **had** heard a big noise and saw **somebody** was **running away from the complex** with a red backpack in his hand.* .

https://uwcscholar.uwc.ac.za/home

Researcher's comment
According to the pre-statement interview, the person with the backpack was walking away from the complex, but the statement indicates that he was coming from the complex.

Table 6.29: Case 14

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
8 T Bewering van die misdryf. Is dit nou fraud? *Allegation of the offence. Is it fraud now?* **9 C** Fraud ja. *Fraud, yes.* **10 T** Mevrou, u staan daar, nou wat is fraud in Afrikaans? Wat is fraud in Afrikaans? *Madam, you are standing there, now what is fraud in Afrikaans? What is fraud in Afrikaans?* **11 C** Ja, dit is misdryf, fraud is, bedrog. *Yes, it is offence, fraud is, bedrog.* **12 T** Bedrog? *Fraud?* **13 C** Ja. *Yes.* **14 T** Okay, die metode gebruik? Watse metode was daar gebruik? *Okay, the method used? Which method was used?*	*After a while, after the same story, she asked me to switch the phone **of** for 4 (four) hours, because the **technitians** must do their job. I then realised that it **is** a scam. I then **switch** on my **cellphone** after a while. I then saw R110021,85 **was** declined.*	*After a while, after the same story, she asked me to switch the phone **off** for 4 (four) hours, because the **technicians** had to do their job. I then realised that it **was** a scam. I then **switched** on my **cell phone** after a while. I saw **a transaction** of R110 021,85 **had been** declined.*

https://uwcscholar.uwc.ac.za/home

15 C 'n Telefoonoproep. *A telephone call.* **16 T** Uh-uh. *Uh-uh.* **17 C** 'n Scam. *A scam.* **18 T** Wat was daai internet, internet betaling of hoe? *What was that internet, internet payment or how?* **19 C** Online betaling. Online, internet. *Online payment. Online, internet.* **20 T** Aanlyn internet, né? *Online internet, right?*		
Researcher's comment The interview between the police and the participant is very confusing and gives the impression that the policeman was not really comprehending what was said by the C. The original statement is riddled with linguistic errors as seen with spelling mistakes such as "***technitians"*** and concord errors "*I then* ***switch*** *on…"*		

Table 6.30: Case 15

Pre-statement interview between C and T	**Actual sworn statement by the *transpreter***	**Sworn translated version**
72 C En sy naam is Jackey. J_A_C_K_E_Y. *And its name is Jackey. J_A_C_K_E_Y.*	*I went on* ***google*** *to search for a dog, a longhaired dachshund in particular, and I found one called Jackie*	*I went on* ***Google*** *to search for a dog, a long-haired dachshund in particular and I found one called Jackie.* *The dog belongs to *Jeff's Kennels and I made contact with *Jeff Ndlohvu*

https://uwcscholar.uwc.ac.za/home

73 T Is Jackey wat mevrou op die internet gekry het, né? *It's Jackey that you found on the internet, right madam?* **74 C** Ja. En Jackey is nog steeds daar onder die ander sites. *Yes. And Jackey is still there among the other sites.* **75 T** Jackey né? *Jackey, right?* 76 C Mmm. *Mmm.* **77 T** En hy's in *Kuruman, né? *And he is in Kuruman, right?* **78 C** Ja. *Jeff Ndlovo. *Yes. *Jeff Ndlovo.* **79 T** Is *Jeff die eienaar? *Is *Jeff the owner?* **80 C** Ek het met hom gekontak. Hy's … dis *Jeff's Kennels. So ek neem aan hy's die eienaar. *I made contact with him. He's … it's *Jeff's Kennels. So, I assume that he is the owner.*	*The dog belongs to *Jeff's Kennels and I made contact with *Jeff Ndlohvu* *On the following day he informed me that the dog **is** ready to be **couried** by Get-away Pet Movers, contact no. [stated in original]. I spoke to *Paul and he informed me he **is** the head of animal authorities.*	*On the following day he informed me that the dog **was** ready to be **couriered** by Get-away Pet Movers, contact no. (exact date stated in original) . I spoke to *Paul and he informed me he **was** the head of Animal Authorities.* .

https://uwcscholar.uwc.ac.za/home

Researcher's comment

The name of the owner of the kennel is given as *Jeff Ndolvu in the transcript and as *Jeff Ndlohvu in the sworn statement. The name of the dog is spelled differently in the transcript and the statement; Jackey in the interview transcript and Jackie in the statement.

The transcript of this case is muddled and incomprehensible. The interview between the police and the complainant is confusing and leaves the impression that the policeman was not really comprehending what the participant was stating.

The sworn statement is equally muddled and incomprehensible, with no sense of sentence construction, tenses, spelling or other aspects of grammar.

The irregularities demonstrated in Tables 6.16 to 6.30 show that missing information and linguistic errors influence the manner in which sworn statements are constructed. The inconsistences, indicated in bold, added to the issue of linguistic errors and errors, raises concerns of the police officers' competence in these cases, as well as the accuracy of the statements (see Ralarala & Lesch, 2022:27). Similar to intralingual translation of sworn statements, linguistic errors have the potential to obscure intended meaning. They also introduce misrepresentations of facts, as may be seen in the incorrect names and addresses given in some of the cases. Ralarala (2016:158) argues that this could introduce 'adversarial consequences for concerned witnesses as the real readership only has access to the TT at the time when important legal decisions are made'. Flusk (2022:34) concurs that in interlingual translation linguistic errors are common as second languages users apply their knowledge of their first language in order to communicate. These anomalies are evident in both cases of intralingual and interlingual translations.

6.5 First-person pronoun

The first-person pronoun, 'I', is commonly used in sworn statements. The extracts from the sworn statements that follow illustrate the use of the first-person pronoun, 'I'.

Table 6.31: Case 2 Extract 2

I still have contact with them and they are trying to get me to pay them more money, but **I** refused to pay another cent.

https://uwcscholar.uwc.ac.za/home

Table 6.32: Case 2 Extract 2

I am very unhappy about these incidents because my 10-year-old daughter is traumatised by these occurrences. Every time she hears a 'bang' she gets jittery. **I** am also afraid for my life because he has no respect for the court – even less for me – **I** don't know what he is capable of doing to me. He has been arrested previously for assaulting me.

Table 6.33: Case 3 Extract 3

I gave nobody to defraud me. **I** would like further police investigation to take place.

Table 6.34: Case 4 Extract 4

I, *Edward Petersen, declare under oath in English **I** know and understand the contents of this statement. **I** have no objection to taking the prescribed oath. **I** consider the prescribed oath to be binding on my conscience.

Table 6.35: Case 5 Extract 5

I came out of my house and **I** saw *Kyle and *Jake running away from where they were standing outside my fence.

Table 6.36: Case 6 Extract 6

I know and understand the contents of this statement. **I** have no objection in taking the prescribed oath. **I** consider the prescribed oath to be binding on my conscience.

https://uwcscholar.uwc.ac.za/home

Table 6.37: Case 7 Extract 7

I got away and **I** ran to my yard and took an empty 750 ml bottle and threw it over the Vibracrete and it hit *Steve's Toyota Corolla. **I** consider the prescribed oath to be binding on my conscience.

Table 6.38: Case 8 Extract 3

I could not see a lot therefore **I** cannot give a description of the male, as it happened too fast as well.

Table 6.39 Case 9 Extract 9

I was very upset about this because the value of the items stolen was: copper – two thousand five hundred rands (R2 500), and brass – two thousand rands (R2 000). The total amount is four thousand five hundred rands (R4 500,00). **I** never gave him permission to take any of my property. **I** immediately brought him to SAPS to be arrested.

Table 6.40: Case 10 Extract 10

I know and understand the contents of this statement. **I** have no objection in taking the prescribed oath. **I** consider the prescribed oath to be binding on my conscience.

Table 6.41: Case 11 Extract 11

[…] **I** arrived at work when **I** saw a guy with a dark complexion dressed in blue jeans and a grey cap throw 3 x aluminium pipes to the outside over the fence and also jump over the fence. **I** rushed to where he was and caught him in the act. **I** apprehended the suspect and on the advice of management **I** took him down to SAPS

https://uwcscholar.uwc.ac.za/home

Table 6.42: Case 12 Extract 12

I am a adult male of 49 years with ID number [stated in the original] residing at [stated in the original]. **I** am self- employed.

Table 6.43: Case 13 Extract 13

I, *Sandra Strauss, declares under oath in English: … **I** know and understand the content of this statement. **I** have no objection to taking the prescribed oath. **I** consider the prescribed oath to be binding on my conscience.

Table 6.44: Case 14 Extract 14

I do not know if there is any other amount that went off my account. **I** also stopped both cards – my cheque card and my credit card. **I** also reported the incident to the FNB Fraud Unit, with ref. no [stated in the original text]. **I** know **I** made a mistake by approving the notification and giving the OTP, as instructed by her. **I** was sure the lady was from FNB Bank because she knew my age more or less (70 years) and my …

Table 6.45: Case 15 Extract 15

I, *Sandra Strauss, declares under oath in English: **I** went on google to search for a dog, a longhaired dachshund in particular, and **I** found one called Jacky in Kuruman.

Similar to intralingual translation of sworn statements, the use of the first-person pronoun is also evident in interlingual translations. The first-person pronoun "I" or "ek" in Afrikaans indicates that the complainant has coerced the story (Komter, 2003:204). By so doing, the *transpreter* takes the backseat and the complainant takes the onus of the construction of the sworn statement (Ralarala, 2016:162).

The use of the first-person pronoun in sworn statements can have grave implications. Ralarala and Lesch (2022:28) identified three pertinent aspects of the use of the first-person pronoun in

https://uwcscholar.uwc.ac.za/home

intralingual translations: Firstly, the facts of the case are simplified in order for a target text to be produced; secondly, in using the first-person pronoun, the rules and norms of the South African policing system are followed, whereby the complainant assumes ownership of the text; thirdly and lastly, the *transpreter* takes on a great deal of responsibility in acting as both an intralingual translator and an agent for compiling the sworn statement.

6.6 Omissions

Omissions can cause serious problems in a judge's ability to comprehend the facts of a case. The extracts below illustrate omissions in the interlingual translations.

Table 6.46: Case 1

Pre-statement interview	**Written statement**	**Researcher's commentary**
146 T Okay. Ek gaan nou gou vinnig vir u lees, né. Ek het mos nou in die begin al die vrae gevra… *Okay. I am just going to read to you quickly neh. I asked you all the questions in the beginning.* **147 C** Ja. *Yes.* **148 T** Ek het nie een nog weer gevra nie, want ek het…want ek het net geskryf. *I didn't ask you again because I was just writing.*	*I was in discussion with someone by the name of '*Ntando Dlamini' who asked for cell number and we continued conversation via WhatsApp on cell nr. [stated in original text]*	The name of the alleged perpetrator, '*Ntando Dlomo' has been omitted and replaced with '*Ntando Dlamini' in the sworn statement. The pre-statement interview in lines 154 are reflected in English as the statement is being read back to the complainant for verification.

https://uwcscholar.uwc.ac.za/home

149 C Ja. *Yes.* **150 T** Ek het net die nodiges geskryf… *I only wrote down the necessary…* **151 C** Ja. *Yes.* **152 T** Aan die einde van die dag gaan dit eintlik maar net oor die saaknommer… *At the end of the day it is actually just about the case number…* **153 C** Saaknommer vir die insurance… Case number for the insurance… **154 T** Vir die insurance, né. Okay. 'I, Charles Bezzle Bouwers, states under oath in English, I'm an adult male, age 58 with ID [stated in original text] residing number no. xx Douglas Street, Stawood**,** Estate and cell phone [stated in original text],		

https://uwcscholar.uwc.ac.za/home

working as a bus driver at [stated in original text], telephone [stated in original text]. On 2021-12-16 at about 17:15 I was using my cell phone to Facebook, I came across a group called *Quick Coins Group where we discussed different types of coins and prices that we sell it for. I was in discussion with someone by the name of *Ntando Dlomo who asked for my cell phone number and we continued our conversation via Whatsapp on cell phone number [stated in original text]. On the same day the person asked me to deposit R600 into account Nedbank, account number [stated in original text] to serve as an insurance cost that is refundable as soon as they get the coins that I'm selling.'		

https://uwcscholar.uwc.ac.za/home

Table 6.47: Case 2

Pre-statement interview	Written statement	Researcher's commentary
111 T Okay. *Tanya Marie Florence. Is daai jou naam? **112 C** Dis my naam ja.	*I *Tania Marie Florence states under oath in English*	The name of the complainant as given in the transcript is *Tanya Marie Florence, but in the sworn statement it is given as *Tania Marie Florence.

Table 6.48: Case 3

Pre-statement interview	Written statement	Researcher's commentary
29 T [Onduidelik]. Wat's die adres [onduidelik]? Het jy gesê *Sydneystraat nommer? *[Indistinct]. What's the address [indistinct]? Did you say *Sydney street, number?* **30 C** [Onduidelik / agtergrond gesprek]. * Sydney Street… *[Indistinct/background conversation]. * Sydney street…* **31 T** *Soneike né? **Soneike, right?* **32 C** *Soneike. **Soneike.*	*I am a adult female of 35 years old with ID number [stated in original text] residing at *45 Sicilly Street, Eerste River.*	The complainant's address, *Sydney Street, is omitted from the sworn and replaced with *14 Sicilly Street, Eerste River.

https://uwcscholar.uwc.ac.za/home

Table 6.49: Case 4

Pre-statement interview	Written statement	Researcher's commentary
68 T Donderdag. Die laaste week Donderdag, in November gewees het. *On a Thursday. Now let's see. Let's see. December 2021. November 2021. On which day is it?* **69 C** Yes, yes, die 26ste. *Yes, yes, the 26th.* **70 T** Daar's hy. *There it is.* **71 T** Daai's die Donderdag. Nee, nee, nee. Die 25ste. *That's the Thursday. No, no, no. The 25th.* **72 C Okay.** *Okay.*	*On *2021-11-26 at about 07:30 I put out my dirt at Bloomberg Drive with three (3) wheeli bins.*	The date of the event is first given as 26 November and then corrected to 25 November 2021 in the transcript. However the sworn statement records the incorrect date of 25 November.

Table 6.50: Case 6

Pre-statement interview	Written statement	Researcher's commentary
405 T Okay. So jy sal hom nie weer kan uitken nie? *Okay. So, you would not be able to identify him again?* **406** C Nee, ek sal hom nie uitken nie.	Note: The fact that the C would not be able to identify the alleged perpetrator was not included in the sworn statement.	It is important to state in the statement that the complainant would not be able to identify the person who took his

https://uwcscholar.uwc.ac.za/home

No, I would not be able to identify him.		bicycle, as stated in the interview.

Table 6.51: Case 7

Pre-statement interview	**Written statement**	**Researcher's commentary**
72 T *Steve wie? **Steve who?* **73 C** *Cloete **Cloete* **74 T** *Cloete. Hy's jou kollega, né? *Cloete. He is your colleague, right? ***75 C*** Nee. *No.* **76** T Wie's *Steve? *Who is Steve?* **77 C** Hy's die een wie my geklap het. Die een wie se pa afgekom het. *He is the one who slapped me. The one whose dad came down.*	We went home and when I arrived at home a coloured male that is known to me as *Steve whom resides *38 Ferro street Eerste River started to argue with me and I argued back with him.	The surname of the first attacker, *Cloete, is omitted in the sworn statement.

https://uwcscholar.uwc.ac.za/home

Table 6.52: Case 12

Pre-statement interview	Written statement	Researcher's commentary
27 T Hoe het hy vir u aangerand? *How did he assault you?* **28 C** [Onduidelik]. *[Indistinct].* **29 T** Piksteel? *Pickaxe handle* **30** Piksteel. Die handvandsel *Pickaxe, the handle.*	*Ryan had a pickaxe in his hand also and started to hit me all over my body with his friends also taking turns hitting me with the pickaxe.	The weapon is identified as a pickaxe handle in the transcript, while in the sworn statement it is identified as a pickaxe. An assault with the sharp end of a pickaxe is likely to be far more serious than an assault with a pickaxe handle.

Table 6.53: Case 13

Pre-statement interview	Written statement	Researcher's commentary
175 T Toe wat was gebreek, die ruit? *Then what was broken, the window?* **176 C** Die ruit. *The window.*	*On Sunday morning [date stated in original text] about 06:15 a friend unknown, tell me that he heard a big noise, of my car, some body was coming out of the complex with a red back pack in his hand.*	In the statement, the fact that the window was broken is omitted even though it is presented and confirmed in the pre-statement interview.

The omissions above could have been caused by a break in the attention of the police officer and/or by the fact that the *transpreter* was a second-language speaker of the language. As in the intralingual translations, the credibility of sworn statements can be compromised by the omission of events, actions and aspects of a story (Ralarala, 2017:171). Additionally, omissions also have the potential to influence the authenticity of the original story (Ralarala, 2016:159). In addition, the omission between the transcript and the actual written statement are a representative of spoken discourse which influences the communicative situation, thus having the potential to influence skew the TT (Deamer, Richardson, Basu & Haworth, 2022: 43-44).

https://uwcscholar.uwc.ac.za/home

6.7 Additions

The extracts below show that in many cases, the *transpreter* adds details of their own, which introduces the likelihood of distortions in the TT (see also Tester, 2021:224). suggest

Table 6.54: Case 1

Pre-statement interview	Written statement	Researcher's commentary
	I am very unhappy about this incident because I never gave anyone permission to drag me into fraudulent activity.	This does not come across in pre-statement interview. It is common practice that an investigation takes place once a case has been opened.

Table 6.55 Case 2

Pre-statement interview	Written statement	Researcher's Commentary
	I need urgent police investigation.	This does not come across in pre-statement interview. It is common practice that an investigation takes place once a case has been opened.

Table 6.56: Case 3

Pre-statement interview	Written statement	Researcher's Commentary
	I would like further police investigation to take place.	This does not come across in pre-statement interview. It is common practice that an investigation takes place once a case has been opened.

https://uwcscholar.uwc.ac.za/home

Table 6.57: Case 4

Pre-statement interview	Written statement	Researcher's Commentary
	All was in order.	This does not come across in pre-statement interview.

Table 6.58: Case 5

Pre-statement interview	Written statement	Researcher's Commentary
	I gave nobody the right or permission to come into my yard and to try and break into my wendy house and vehicle.	There is the assumption that these words were said by the complainant.

Table 6.59: Case 6

Pre-statement interview	Written statement	Researcher's Commentary
	I know and understand the contents of this statement.	As in the above examples, the sentence in the statement creates the impression that these words were said by the complainant, whereas they were not, as ascertained through scrutiny of the interview transcript.

Table 6.60: Case 7

Pre-statement interview	Written statement	Researcher's Commentary
	As hy my kry gaan hy my in my poes maak.	The threat mentioned in sworn statement is not present in the transcript.

https://uwcscholar.uwc.ac.za/home

Table 6.61: Case 8

Pre-statement interview	Written statement	Researcher's Commentary
	I could not see a lot therefore I cannot give a description of the male, as it happened too fast as well.	The sentence does not appear in the transcript, which creates the impression that these words were said by the complainant.

Table 6.62: Case 9

Pre-statement interview	Written statement	Researcher's Commentary
	I never gave him permission to take any of my property.	Although this extract forms part of the sworn statement, a scrutiny of the interview transcript shows that these words were not uttered by the complainant.

Table 6.63: Case 11

Pre-statement interview	Written statement	Researcher's Commentary
	I know and understand the contents of this statement. I have no objection to taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.	Although this extract forms part of the sworn statement, a scrutiny of the interview transcript shows that these words were not uttered by the complainant.

https://uwcscholar.uwc.ac.za/home

Table 6.64: Case 12

Pre-statement interview	Written statement	Researcher's Commentary
	I gave nobody the right to assault me. I would like further police investigation to take place.	Although this extract forms part of the sworn statement, a scrutiny of the interview transcript shows that these words were not uttered by the complainant.

Although additions are common practice in translations, they have the potential to misrepresent the words of the complainant, which throws into question the authenticity and credibility of the statement (Harding & Ralarala, 2017). By including text that does not appear in the ST yet in the TT influences how meaning can be distorted in the process of translation (see, Ralarala, 2016:159).

6.8 Conclusion

This chapter has presented data in respect of the interlingual translations of the pre-statement interviews, showing that in the sworn statements a number of alterations of facts occur; namely, errors, discrepancies, the use of the first-person pronoun, 'I,' omissions and additions. By examining linguistic discrepancies between the pre-statement interview and the sworn statement through the lens of these five characteristics, one is able to discern how they subtly alter the meaning of the complainants' words, as reported in the interview transcripts. They effectively introduce inconsistencies between the ST and the TT, affecting how the TT is presented. These shortcomings potentially have a negative impact on the execution of justice in the associated cases. The poorly worded and often confusingly written statements are also likely to cause confusion to the person required to read them and make a judgement on the basis of them.

https://uwcscholar.uwc.ac.za/home

CHAPTER SEVEN: SUMMARY OF FINDINGS

7.1 Introduction

The study identified three objectives, as stated in Section 1.3 of Chapter One. These objectives were: first, to establish how sworn statements are co-constructed and whether the validity of a sworn statement constitutes an accurate, credible legal text; second, to establish the role of the police officer as translator, interpreter and official of the state in the execution of the language event; and third, to consider the way in which sworn statements are translated from talk to legal texts and how they represent the complainants' intended meaning from the source text–ST– (the interview or interview transcript) into the target text–TT– (the sworn statement) and to inform a judgement about whether accuracy of the translation activity.

The purpose of this chapter is to present a summary of the findings in relation to the objectives. Further to this, the chapter also aims to answer the research questions, as posed in Section 1.4 of Chapter one. These research questions are:

- How are complainants' narratives co-constructed during police interviews and to what extent does the process of record construction give rise to a legal text?
- To what extent do police officers and the justice system embrace the (un)equal status of languages and how does the inequalities of languages affect the notion of access to justice?
- To what extent do interlingual and intralingual translations contribute to the veracity, accuracy and quality of sworn statements?

7.2 Findings

The findings of this study are concerned with the statement-taking process (police interviewing) and the relationship between sworn statements (the target texts) and interviews transcripts (the source texts). The problems that prompted this study, as identified in Section 1.2, were first, the level of (il)literacy; second, the challenge of multilingualism in the SAPS; and third, the many issues that arise in police interviewing and the construction of legal texts. The findings reported in Chapters Five and Six concern both interlingual and intralingual translations of sworn statements. Findings have been presented in three main areas: police officers' levels of (il)literacy; the challenges of monolingual statement-taking in a multilingual

https://uwcscholar.uwc.ac.za/home

setting; and the many discrepancies and inconsistencies in the written sworn statements and the extent to which the current model of statement writing affect the notion of access to justice.

7.2.1 First finding: Police officers' levels of (il)literacy

As revealed in the study, when statements have to be made and recorded, the role of the police officer extends to that of interviewer, translator and one could add, editor. These are tasks for which their training ill prepares them. Ralarala (2012) uses the term *transpreter* to describe what police officers do in relation to their role and responsibilities when it comes to the quality of record construction as their core function in the statement-taking process involves both interpreting and translating, amongst other tasks. The assumption that the police officer's role is merely to receive and record a statement is a simplification of the process. In fact, they are forced to assume the role of language practitioner which is more complex than we can possibly imagine. Critical Discourse Analysis (CDA) sheds light on the power dynamics that exist in all societal structures, including the SAPS. As an official of the state, the police officer undeniably has the authority to use their status to wield power. In co-constructing a complainant's statement, the police officer, as *transpreter*, leads the communicative event by dictating the discourses and anticipating certain responses. The complainant merely seems to tell a story and then hand it over to the police officer, who takes it down in ways commensurate with their individual level of (il)literacy.

Although the complainant's story is being told, the *transpreter*, assuming a role of authority, has a hand in the formulation of the story as it appears in the legal document. In this process, power dynamics are strongly evident (Eades, 2010:152). Further to this, it is questionable whether the *transpreter* should be assuming such an authoritative role, as the linguistic training of the police offer may be limited or non-existent. In order for individuals to be employed as police officers, the minimum requirements are a 6-month training, a matric certificate and a driver's license (see Ralarala, 2014:379). In terms of linguistic training the Basic Police Development Learning Programme (BPDLP) of 2023, states that a 21-month programme and a proficiency in English and at least any other official language is required (SAPS, n/d: 2). Eades contends that '… someone with pertinent educational and social experiences […] might help […] to equip [the interviewee] with linguistic resources' (Eades, 2010:152). This is the role of a trained translator rather than that of a police officer.

https://uwcscholar.uwc.ac.za/home

Narrative Theory sheds light on sworn statements as narratives, with their origins in a story related verbally by a complainant. As shown in Sections 5.3 and 6.3, the original stories are far longer than the final product, the target text or sworn statement. In attempting to condense the story to the essential facts, police officers should be able to exercise a high degree of comprehension and literacy, but such levels are not evident. The study makes a significant contribution to the limited body of research in the field of interlingual complainant statements. Interlingual translation, or 'translation proper', was under the magnifying glass in Chapter Six, to uncover whether this form of translation is, in fact, carried out efficiently in the construction of sworn statements. The findings show that the errors made in interlingual translations are very similar in number and kind to the errors made in intralingual translations. One might have expected the results to be different, in that it would be reasonable to assume that more errors might be evident in interlingual translations than in intralingual translations. This is not the case. The finding does not speak to the high quality of interlingual translations, but merely highlights the very low quality of intralingual translations.

This study has contributed to the field of Forensic Linguistics, highlighting the power dynamics at play in the statement-taking process (as informed by CDA), the mechanisms of transferring an oral story to a sworn statement (as informed by Narrative Theory) and the often confusing and flawed verbal exchanges that take place in interviews (as informed by CA). The unequal power relations between the complainant and the police officer suggest that the complainant may not feel entitled to question any misrepresentation of their narrative as it is presented in the police officer's version in the sworn statement. Although complainants are given the opportunity to either read the statement themselves or have it read by the police officer before appending a signature, a power relationship is further heightened in that the complainant feels further constrained in challenging that which has already been written. Police officers are not trained as translators, which is onerous even in ideal conditions. Police officers work in settings where there are many distractions and pressures and need to produce translations on the spot, which immediately increases the risk of errors being introduced (Coulthard & Johnson, 2007:138).

7.2.2 Second finding: Monolingual statement-taking in a multilingual society

South Africa is a multilingual country boasting twelve official languages, if one includes the recently-added South African Sign Language (SASL). The purpose of multilingualism is to

https://uwcscholar.uwc.ac.za/home

include rather than exclude. Section 6 of the Constitution of the Republic of South Africa makes provision not only for multilingualism but it also caters to the rights of a language and the right to a language. Clearly, however, this presents challenges for the judiciary and so the decision was made to make one language, English, the language of record. This may work for highly educated lawyers, judges and other role players in the legal system, but it clearly does not work for complainants and police officers, many of whom struggle to express themselves in the language of record.

The study revealed that relying on only English or Afrikaans in a multilingual South Africa is problematic when it comes to the constructing of legal documents such as sworn statements. Docrat, Kaschula and Ralarala (2021: xii) acknowledge that English is the lingua franca and that it carries great power in positioning South Africa in the global context; however, they concur with the notion that it is also problematic, stating that with a monolingual approach, 'language planning and legislative drafting becomes exclusionary'. Many South Africans cannot read, write or comprehend English and a reliance on interpreting services has become the norm in judicial settings. The SAPS does not employ translators, so police officers are forced to take on this role themselves. This is unfortunate, as the records they construct are foundational legal documents on the basis of which entire cases may be decided in one way or another. In performing tasks for which they are ill suited, police officers may produce documents that are substandard, confusing and factually incorrect, as this study has shown. This suggests that trained translators may be needed in the SAPS to perform language practice related responsibilities.

The radical bilingual nature of South Africa's legal landscape is detrimental to African-language speakers, as, first, it disregards their language rights and second, it is an indication that what is stated in the Constitution is not reflected in practice. All official languages should enjoy equal status and representation before the law, but this is not the case. The monolingual (and in some cases bilingual) language of record betrays the high ideals of the Constitution, in the SA context since it is a clear example and a prominent one, of a complete lack of fairness in the legal system. The monolingual language of record is detrimental not only in record construction but in court proceedings. Record construction lays the foundation for further legal processes, with courts exacerbating the injustice by hearing cases in English, with the assistance of interpreters. Honourable Justice Hartle echoed these sentiments, noting that individuals who identify as first-language speakers of an African language are left destitute in

https://uwcscholar.uwc.ac.za/home

their petitions for justice. In addition, she acknowledges that the Constitution makes provision for language rights and that the official languages should be elevated in terms of both their status and use (Hartle, cited in Docrat, Kaschula & Ralarala, 2021: xvi).

7.2.3 Third finding: Discrepancies and inconsistencies in the sworn statements

It emerged from the findings that the written sworn statements are significantly shorter in terms of word count than the transcribed pre-statement conversations. This difference in word count shows that the statement is a summary of the actual conversation that has taken place. A statement has to be a condensed and summarised version of events, but the act of summarising takes skill. The examples given in Chapters Five and Six suggest that police officers do not have the necessary skills to perform this task, as they frequently leave out words, misspell names and addresses, make errors about events, times and amounts of money and obscure the statements with punctuation and grammatical errors. There may be many reasons for these errors, including breaks in concentration due to localised distractions; whatever the reasons are, the fact remains that the sworn statements they produce are not always reliable. In most cases, the sworn statement is only a partial representation of the interview that originally took place, yet it is said to be a verbatim account of events (Coulthard 1996:168).

The findings demonstrate continuing disparities in the administration of justice and the supremacy of English or Afrikaans over other languages. These findings point strongly to the lack of justice that may be prevalent in the judicial system. In support of this observation, Figure 7.1 and Figure 7.2 presents the word count discrepancies between the pre-statement interviews and the actual statements for the intralingual and interlingual translations, respectively. In both figures, the blue line indicates the numbers of words in each of the pre-statement interviews, the red line indicates the number of words in the sworn statements and the green line indicates the percentage of difference between the two. Although the pre-statement interview includes words spoken by the police officer have the potential to skew the results, the complainant's words are in response the police officer's questions.

https://uwcscholar.uwc.ac.za/home

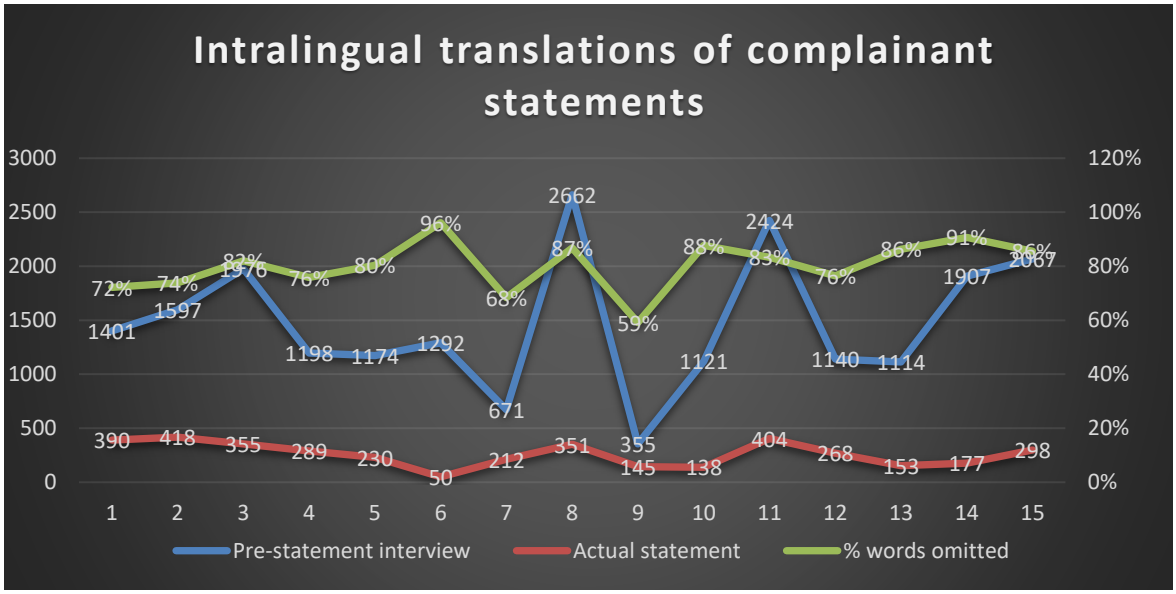


Figure 7.1 Intralingual translations: Discrepancies between the pre-statement interview and the actual sworn statement

Figure 7.1 indicates results for all 15 intralingual translations of the statements, giving an overview of the number of words comprising each data set. These cases comprise intralingual translations from English to English, as well as from Afrikaans to Afrikaans. On average, 80% of the words have been omitted in the sworn statements. This raises a pertinent question as to whether the interview data was accurately condensed, or whether some essential meaning may have been lost in the process.

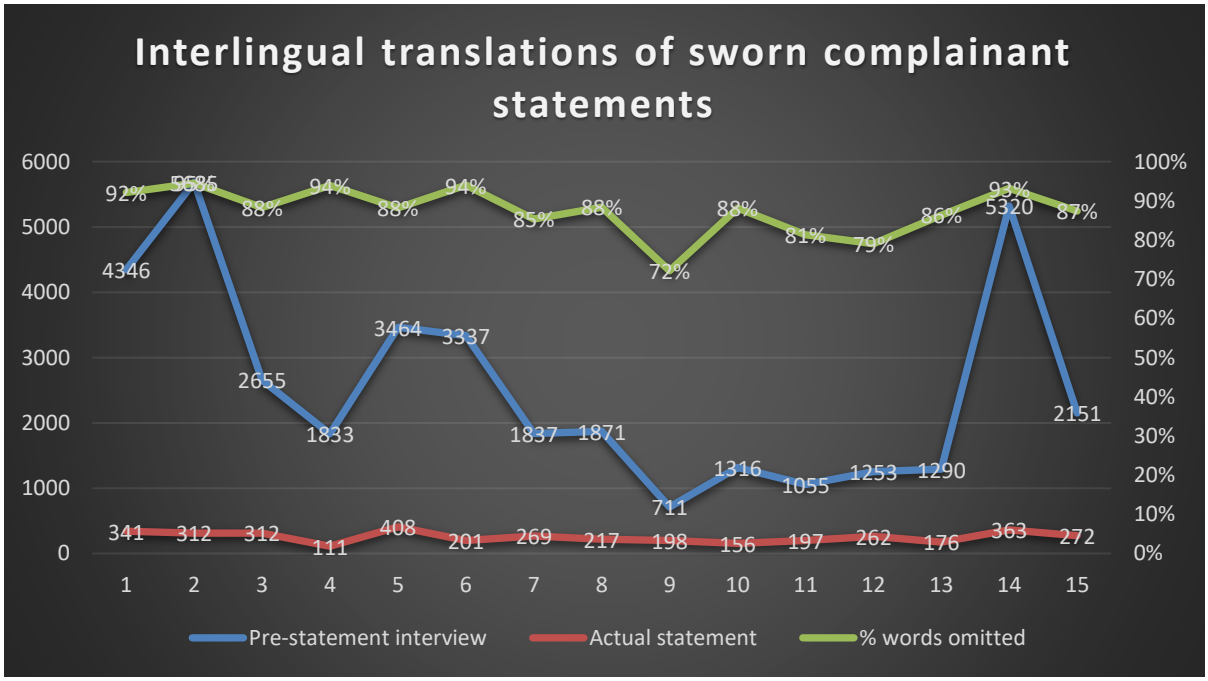


Figure 7.2 Interlingual translations: Discrepancies between the pre-statement and actual sworn statement

https://uwcscholar.uwc.ac.za/home

Figure 7.2 provides the same data for the 15 interlingual translations from Afrikaans into English. On average, 87% of the words have been omitted in the TT. This is slightly higher than the percentage omitted in the intralingual translations (80%). The high number of words omitted is concerning. It is worth noting that both the complainants and *transpreter*s in these interviews were first-language speakers of Afrikaans and therefore the interviews took place between two parties, the police officer and the complainant, who were likely to have understood each other. In the act of translating from Afrikaans to English, an exceptionally high number of omissions were detected. This suggests that data may not have been well captured, opening up the possibility that the sworn statements were flawed and not a fit basis for court proceedings. More importantly, at a micro level evidence could have been omitted from the statement which could have grave implications.

7.3 General observations

I closely considered different forms of translation – interlingual and intralingual – and how these linguistic practices manifest in sworn statements. This study has shown the characteristics common to both forms of translation and how numerous errors, omission and additions manifest in sworn statements in the South African context. Five characteristics were identified: discrepancies and structural changes, linguistic errors, the use of the first-person pronoun, 'I' ('ek' in Afrikaans), omissions and additions. These characteristics constitute anomalies and they are evident in both the pre-statement interview transcripts and the actual sworn statements. These anomalies tend to affect the quality of the TTs in various degrees, opening up the possibility that serious error of judgement in cases may be committed.

Highlighting two of these anomalies: firstly the use of the first-person pronoun, 'I', for example, is common during record construction. This anomaly is an institutional practice to present a statement from the complainant's point of view, irrespective of the fact that the police officer writes it. The oath that appears at the end of the statement has also become a compulsory part of it, although the complainants may not have uttered these words. Secondly, in this study it is apparent that linguistic errors are common in translation activities, whether being interlingual or intralingual. A recent study by Flusk states that "…errors of competence are considered systematic errors, while mistakes are non-systematic errors of performance" (Flusk, 2023:6). The linguistic errors which appear in sworn statements are thus indicative of the faults which come from the *transpreter* in the translation process — be it intralingual or interlingual translation.

https://uwcscholar.uwc.ac.za/home

7.5 A reflection on the research theories

This study was underpinned by three theories that together provided a macro and micro framework for analysis of the data. The reliance on three theories was appropriate, given the interdisciplinary nature of the study.

As per Ralarala's (2012:56) definition, I have relied on the term *transpreter* to describe the police officer. The term indicates the dual nature of the police officer's role as they lead the conversation. In my analysis, I have demonstrated that the *transpreter* holds the reins, as this person initiates the conversation and steers the interview, allowing for a sequential unfolding of events so that the statement may be constructed. The micro analysis of translations was given equal emphasis in the inter- and intralingual translations. From a macro standpoint, the analysis was guided by both Narrative Theory and CDA. CDA allows for an informed critique of the process that takes place between the construction of a ST and a TT, showing that the passage from the one to the other is affected by social mores, socially embedded expectations and power dynamics. The overall social structure in which a discourse takes place also largely shapes the nature of that discourse. It is clear that in police stations, interviews, as a form of discourse, are steered and guided by the institutional conventions within SAPS, which dictate that the police officer is the authority figure in the discourse. As presented in the data, some complainants use different languages, being from the UK, Zimbabwe or Namibia. Any exchange between two people from different socio-cultural backgrounds is bound to be affected to some degree by misunderstandings, however subtle. These can influence the construction of the sworn statement.

Narrative Theory is led by scholars such as Bal (2009) and Baker (2006). Narrative Theory is an analytical construct that recognises the centrality of stories to human beings' comprehension of life. It highlights the role of the storyteller. In the case of record construction, the storyteller is the complainant, who presents his or her version of a particular sequence of events. Narrative Theory shows that stories and the way they are presented, are embedded in culture, which may affect the way stories are received and interpreted. This is amply evident in the way statements are constructed, suggesting that some of the errors and omission may arise from misunderstandings because of terminology used and the way the story is interpreted or comprehended.

https://uwcscholar.uwc.ac.za/home

CA highlighted the notion that interviews are a form of conversation, having an established pattern and sequence. In Chapters Five and Six, the interview transcripts showed how a sequence is implemented in police interviewing. The police officer poses questions, to which the complainant responds. This interviewing procedure allows for a systematic gathering of information and the establishment of some degree of rapport between the police officer and the complainant. However, as the transcripts show, the interviews rarely ran smoothly, with the police officers frequently interrupting complainants for assistance with spelling and clarification of facts. Where clarification was provided, many still noted down incorrect facts.

The first research question posed in this study was: How are complainants' narratives co-constructed during police interviews and to what extent does the process of record construction give rise to a legal text? This is a twofold question, in that it concerns how sworn statements are co-constructed and how this co-construction gives rise to a legal text. The sworn statements and the transcribed interviews in both data sets show that the statements are written by police officers on the basis of interviews characterised by misunderstanding. Partly as a result of these misunderstandings in the interviews and partly as a result of the complainants' and police officers' lack of linguistic skills, the statements are flawed. They display omissions, additions, errors and linguistic discrepancies, whether they are the result of interlingual or intralingual translation. The use of the first-person pronoun, 'I', in the TT (the sworn statement), suggests that the complainant wrote it, whereas the police officer is the actual author of the statement. This brings to question the validity of the statement. None of the cases analysed was a complainant offered the opportunity to write their own statement. This may be to the advantage of some complainants but not necessarily all as the statement is not in their own language. In response to the first question, the data has shown that constructing a statement begins with engagement between the police officer and the complainant in the form of an interview. In the interview, a full description of events is provided; thereafter, the police officer, having engaged with material to the best of their ability, condenses the story to present a summarised version of events. Gabbert, Hope, Carter, Boon and Fisher (2015) note that the pre-statement interview is where information is obtained. The information obtained concerns both the complainant and the criminal event, with the interview itself guided by institutional norms in order to constitute the sworn statement as a legal text.

As it can be seen from the analysis of the data, the transference of interview data into a legal document and the necessity of summarising the interview data, opens the statement up to errors.

https://uwcscholar.uwc.ac.za/home

Some of these errors demonstrate inequalities in terms of language use and status, since the statements have to be in English, which is often not the first language of either party involved. In addition, the power imbalance between the police officer and the complainant affects the construction of the statement, in so many ways for example the police officer is in control of the process and leads them with a question to obtain a certain answer. The many areas of weakness in the co-construction of the statements highlight the inequalities associated with the process of record construction and police interviewing. Harding and Ralarala (2017:160) note that the statement should be coherent and a true reflection of the narrative, but because of the many issues that affect its construction, this is rarely the case. As has been shown, these issues include the power imbalance, institutional conventions, the flawed nature of the interview and police officers' and complainants' linguistic abilities. What emerges from these findings is that the police officer shoulders the bulk of the responsibility for the quality of the sworn statement, since this individual is required to be an interviewer, interpreter, translator, scribe and editor. Some of the challenges experienced could be dealt with if trained translators were employed to take down statements. They could also be somewhat resolved if all people's language rights were upheld in the judicial system.

The second research question was: To what extent do police officers and the justice system embrace the (un)equal status of languages and how does the inequalities of languages affect the notion of access to justice? The question has two parts: first, the extent to which the justice system embraces the equal status of languages and second, the implications of this for providing access to justice. Regardless of the Directive of former Chief Justice Mogoeng Mogoeng that there is one language of record, English, there is room for Afrikaans in some instances. This suggests that in theory, the pre-statement interview could take place in Afrikaans and the sworn statement could be presented in Afrikaans. The data show that in many cases, *transpreter*s do use Afrikaans in their interviews, but they all translate these into English. Additionally, the implications of unequal access to justice has grave outcomes for the complainant statements are not accurately produced which could result in guilty parties not being arrested.

The third question was: To what extent do interlingual and intralingual translations contribute to the veracity, accuracy and quality of sworn statements? The data shows that both interlingual and intralingual translations affect the veracity, accuracy and quality of sworn statements. The police officer acts, amongst other roles, as both the interpreter and the translator. In the process

https://uwcscholar.uwc.ac.za/home

of record construction, the narrative of the complainant is distorted as errors, omissions and additions are introduced. This is revealed by differences in content between the interview transcripts and the sworn statements. In some cases, information is omitted, suggesting that the full, intended meaning of the complainant's account has been lost; in other cases, information has been added, changing intended meaning. Both of these kinds of changes mean a deviation from the original, as translation does not provide a precise, word-for-word rendition of what the complainant said as this will create a lengthy document which would not be ideal for further legal or court proceedings. Thus, neither inter- nor intralingual translations are a true reflection of the pre-statement interview, but rather an adaptation thereof.

As shown in the data, the police officers' sworn statements are significantly shorter than the source texts, the interviews transcripts. According to Harding and Ralarala (2017:169) shortened or reduced versions create challenges, since they 'sanitise' the ST. By following an approach of omitting or reducing a narrative to comply with the structure of the statement, the word counts of the oral and written accounts are strikingly different, as seen in Sections 5.3 and 6.3. The narrative is constructed by omitting certain parts from the statement, which introduces and expands room for error (Harding & Ralarala, 2017:168).

It is clear that the justice system does not embrace the equal use of all languages. The reliance on English only is problematic to those who are unable to understand the language, as legalese is difficult to understand, even for first-language English speakers. This results in an exclusion for many people. Honourable Justice Hartle states that the Constitution embraces the use of all official languages of South Africa, requiring that these languages be 'developed and promoted, treated equitably' (Hartle, cited in Docrat, Kaschula & Ralarala, 2021: xvi). Despite the stipulations of the Constitution, English is the sole language of the courts, which makes the courts discriminatory and suggests that the judiciary has given up on bilingualism, multilingualism and the use of African languages in a supposed multicultural society. People in these speech communities are negatively affected, as they cannot freely and actively make use of their languages when laying a complaint at a police station, or when speaking in court. Communities and individuals are denied fair access to justice and are excluded from celebrating, implementing and using their languages. This amounts to widespread, legally sanctioned marginalisation in South Africa. The current system marginalises the very people who struggled to access justice in the past and who still have many barriers to overcome in attaining justice.

https://uwcscholar.uwc.ac.za/home

7.6 Conclusion

This chapter has reflected on the data presented in Chapters Five and Six in relation to the objectives of the study, the research questions and the three theories that underpinned study. Based on the findings, the chapter has established that discrepancies and linguistic errors are common in sworn statements and that these errors have the potential to skew the course of justice. The chapter has also provided insight into a particular aspect of Forensic Linguistics, showing how a combination of macro and micro factors negatively affect sworn statements and so impede the course of justice in South Africa.

https://uwcscholar.uwc.ac.za/home

CHAPTER EIGHT: CONCLUSIONS, RECOMMENDATIONS AND CONTRIBUTIONS TO FORENSIC LINGUISTICS

8.1 Introduction

This study explored how sworn statements are co-constructed in the South African Police Services (SAPS) and how different forms of translation – intralingual and interlingual – affect the veracity of sworn statements. The study has highlighted the role of the police officer, showing how imbalances of power, low levels of literacy and the requirement to perform many roles at the same time affect the co-construction of complainants' statements. The study has addressed the three research questions posed in Chapter One. These questions were:

- How are complainants' narratives co-constructed during police interviews and to what extent does the process of record construction give rise to a legal text?
- To what extent do police officers and the justice system embrace the (un)equal status of languages and how does the inequalities of languages affect the notion of access to justice?
- To what extent does the justice system embrace the equal status of languages and how does its expression in practice affect access to justice?

The purpose of this chapter is to briefly reflect on the findings and consider the ways in which the research contributes to the growing field of Forensic Linguistics.

8.2 Comments on findings

8.2.1 Intralingual translation

Intralingual translation was introduced by Jakobson (1959) as one of his classifications of translation. Although research in this domain has been conducted, it has been limited and the field is often viewed as the stepchild of 'translation proper'. In this study, intralingual translation has been considered at the same level as interlingual translation. It has been shown to be a demanding task, especially in the police station setting where *transpreter*s are required to translate on the spot and under pressure. In record construction in the South African setting, intralingual translation is a needed practice, since there is a generally low level of literacy amongst complainants and police officers alike and verbatim accounts of events have to be paraphrased and summarised. However, intralingual translation, like interlingual translation, demands a high level of literacy, linguistic competence and skill. It is clear from the examples given that most police officers are not trained for the task.

https://uwcscholar.uwc.ac.za/home

Jakobson's initial classification of intralingual translation and work done by Hill-Madsen (2019), Zethsen (2007, 2009) and Zethsen and Hill-Madsen (2016) reinforce the need for a study on intralingual translation. I viewed intralingual translation as a valid form of study, particularly as it is applicable in the context of record construction of sworn statements. Although intralingual translation is somewhat marginalised, other research has been conducted in this field and the ways in which intralingual translation manifests in the legal space (see Tester, 2021).

The concept of intralingual translation implies that cultural transfer of meaning takes place, as the ST is transformed into the TT. This concept of cultural transfer, as proposed by Zethsen (2007:285), allows police officers to critically engage with the ST. Zethsen has been an advocate for a broader and more inclusive definition of intralingual translation, which lends support to the idea that intralingual translation has relevance, especially in the legal and judicial system, where it is frequently called upon. The data shows that the process of converting a complainant's narrative into a concise sworn statement is a complex one, best understood in light of more than one theory. In this study, through the lenses of selected theories such as CDA and Narrative Theory enhanced understanding of the process at the macro level, while CA enhanced understanding at the micro level. The use of all three theories is an appropriate approach for examining what transpires in the interviewing and statement-taking scenario in South African police stations.

CDA allows for a critical engagement with the process of police interviewing as a whole, showing how a number of societal issues influence the relationship between the police officer and the complainant and, as a result, the statement that they co-construct. Narrative Theory is also relevant at the macro level and shows that when a story is told, it undergoes a process, whereby retelling subtly alters the narrative. This is exactly what happens in the intralingual translation of complainants' narratives. The theory is therefore highly relevant to studies on intralingual translation. The notion that a story is told and retold is borne out by data shown in Chapter Five. When considering record construction, intralingual translation cannot be reduced to the status of outcast; rather, it demands further investigation and at least the same level of attention as interlingual translation.

https://uwcscholar.uwc.ac.za/home

8.2.2 Interlingual translation

Interlingual translation, or 'translation proper', has received much attention in Translation Studies. This form of translation is listed in Jakobson's (1959) classifications. As per his classifications, the concept refers to a process whereby verbal signs are interpreted by means of other languages. The data presented in Chapter Six supports this explanation and illustrates that what takes place in the South African policing system includes interlingual translation. In all the cases shown in Chapter Six, translation occurred from one language to another, as a result of the monolingual requirements of the South African judicial system. Translation is seen as a "reconstruction" of the source text (see Toury, 1978:9). It includes two languages and two cultures which therefore acknowledges that a text comprises two elements; first, a text being a certain language and secondly being a depicted in another language and culture which is thus a representation of the original text (Toury, 2000:200). The ST is reconstructed in order to produce the TT. Translation errors can easily creep in in sworn statements as the transpreter grapples to find translation equivalents for certain words or phrases or when "…a source-language collocation appears to be familiar because it corresponds in form to a common collocation in the target language" (Baker, 2011:59). In the pre-statement interviews, the ST was in Afrikaans, as both the police officer and complainant spoke in Afrikaans in the interview. Thereafter, the *transpreter* attempted to translate the essence of the conversation in order to create a sworn statement, the TT. As noted in several parts in the study, this is a task for which the police officer was not suitably qualified. The task demands a high level of skill, particularly as the police officer is required to both translate and interpret at the same time.

The data in Chapter Six shows that interlingual translation remains problematic in practice, especially when the person acting as translator has little to no training in the field of translation. In the cases cited in this study, both parties had an adequate understanding of Afrikaans and were able to understand one another in the interviews. Challenges were introduced when the translation activity began. The complainants trusted and relied on the competencies of the police officer to translate the pre-statement interview adequately. However, the accuracy of the police officer's translation was often flawed, as in all cases, police officers were translating into their second language.

The study sought not only to determine whether the translations were accurate, but to what extent the translations were influenced by social factors. CA provides a logical and structured way to understand conversations at the microtextual level, showing that the interview is a

https://uwcscholar.uwc.ac.za/home

particular form of conversation in which questions are posed and answers are given in a regular sequence. At the macrotextual level, CDA and Narrative Theory show how the relationship between the police officer and complainant affects the statement produced and the mechanisms involved in constructing and reconstructing a narrative.

8.3 Recommendations

Based on the findings presented in 7.2 above, the following recommendations are proposed, with the aim of improving the practice of constructing sworn statements, which constitute official legal documents. Given the high number of linguistic challenges that exist in police station settings and the flawed nature of the 30 statements reviewed in this study, some changes seem warranted.

Firstly, given the findings of the study it is recommended that police officers be provided with sufficient training in order to construct a sworn statement competently. This might reduce linguistic errors and enhance linguistic equality, quality statment and accommodate linguistic diversity. The research has confirmed that the construction of a sworn statement is a joint effort made by the police officer and the complainant. Since complainants rarely have the required standard of literacy or linguistic skills to compile a statement, it is essential that the other party, the police officer, be properly trained to perform this task. Secondly, it is recommended that police officers receive training in how to conduct interviews in order to produce statements that are factually and linguistically correct. This recommendation is in line with that made by Harding and Ralarala (2017:171), which adds weight to the claim that police officers need far better training to perform tasks that involve interviewing and writing. Thirdly, in the interests of justice for all, it is recommended that the justice system implements multilingualism as a constitutional mandate. The use of only English (and in some cases Afrikaans) is detrimental to the ideal of equal access to justice for all. Relying on a monolingual language of record excludes many South Africans who need to access police stations in order to state their case. Fourthly and lastly, a stronger reliance on technology is recommended for the process of statement-taking. Statements are still hand written by police officers, with the complainant merely supplying basic facts. Handwriting is open to errors associated with carelessness, such as spelling errors, punctuation errors and omissions as the study has revealed. If statements were typed into Word documents, at least some of these errors could be avoided. In addition to this, there should be greater use of interpreting and translation software, which could enhance

https://uwcscholar.uwc.ac.za/home

the quality of translations offered. The advancement of technology has given all speaking people access to a resource that may be used to advance their linguistic rights. To enhance their own efficiency and meet the needs of linguistically diverse people, the SAPS should make greater use of technology.

8.4 Contribution to Forensic Linguistic research

Forensic linguistics is an interdisciplinary field that draws from the disciplines of language and law. The findings of the study have alerted us to other areas of research in the emerging field of Forensic Linguistics particularly in the South African context. It has become clear that translation cannot be confined solely to 'translation proper'. The compilation of sworn statements and Translation Studies go hand in hand; and in view of the multilingual setup of South Africa, this study contributes to research in Translation Studies, both intralingual and interlingual translations. This study has contributed to the field by closely examining the co-construction of sworn statements and the extent to which they enhance or detract from access to justice, based on their use of language.

Firstly, the study adds to the scanty body of research in the field of Forensic Linguistics in South Africa. There has been an increase of interest in the field, which allows for an exploration of its relevance to language and the law and the way the law is practised in the South African context. The field of FL investigates and uncovers complexities in other related areas. FL is interdisciplinary in its nature, involving the analysis of texts which, as part of a legal process, may be a sworn statement (from either the complainant, witness or suspect's point of view), a suicide note, a book, or any other text relevant in the judicial domain. Scholars such as Olsson (2008:2) makes mention of wills, confessions and suicide letters, ransom letters, books, contracts and even academic texts such as theses which can warrant forensic investigation. Considering that such a variety of texts may form the focus of FL, the discipline comprises a number of different focus areas, such as authorship identification, plagiarism, police interviewing and record construction. The process of statement-taking, which is in the form of sworn statements is governed by norms and rules set out by the Department of Justice and Constitutional development, yet the role of language within the legal sphere is not a straightforward matter. Its complexity stems from linguistic intricacies alluded which may result from the disparity between the power of the police officer and the complainant, the fact that both parties may be speaking or writing in their second or third language and the fact that police officers are not subject to intensive training in translating. The study reveals and supports

https://uwcscholar.uwc.ac.za/home

the notion that police record construction in South Africa is extremely complex, made more so by the country's history of injustice and unequal power relations.

Secondly, the study makes a significant contribution to Forensic Linguistics in terms of understanding sworn statements, the process of their co-construction and the betrayal of justice that may take place as a result of inaccuracies in sworn statements. The process of making a statement involves something akin to dictation, in that the complainant engages with the police officer to tell their story in the hope that the police officer will help them construct a valid and accurate statement that represents their reality. This study is centred on the idea that a sworn statement is presented as a complainant's version of events and that translation influences the truthfulness and accuracy of the statement. The study also contributes to scholarship in Translation Studies and multilingualism, showing the relevance of Forensic Linguistics to these fields. Forensic Linguistics is gaining momentum in South Africa and solidifying its footprint on the African continent. Precisely, the study makes a significant contribution to the limited body of research on intralingual translations.

Thirdly and finally, the study contributes to the field of interlingual translation, or 'translation proper', in relation to the construction of a sworn statement. In so doing, this study has delved into Forensic Linguistics, power dynamics and the mechanisms of creating a sworn statement, revealing the many influences that feed into this process. Its larger purpose has been to reveal the ways in which the construction of the sworn statement contributes to or detracts from access to justice for all in South Africa. The research has shown that certain norms and rules govern institutional discourse and that unequal power relations between the complainant and the police officer can affect the construction of statements. In particular, the imbalance of power suggests that complainants may not feel entitled to question any misrepresentation of their narrative as presented in the police officer's version of their story, as shown in the sworn statement. Partly because of this unwillingness to challenge the authority figure, flawed documents enter the judicial system and may seriously impede people's access to justice.

8.5 Limitations

The study was affected by a few limitations, most concerning the process of data collection. First, the outbreak of the Covid-19 pandemic created unforeseen constraints. While obtaining the data between November 2021 and February 2022, police stations would close for ten days or two weeks at a time whenever someone tested positive at the station. At one point, I also

https://uwcscholar.uwc.ac.za/home

had to isolate. In addition, police officers and complainants alike had to wear masks, which made it difficult to hear the pre-statement interviews. However, this did not hinder the process and the data was successfully collected. Second, in this study I had a specific and possibly narrow focus, which was record construction as it related to complainants. The research could have examined the same issues from the accused's point of view. This limitation did not, however, limit the quality of the findings or the value of the study. Third, the study was conducted in the Western Cape only and relied on a fairly small pool of data.

8.6 Conclusion

This study has firstly explored an aspect of the relationship between language and law; secondly, the effects of power in the construction of complainants' sworn statement and the steps involved in the construction of those sworn statements and thirdly, showing the factors that impact their quality. The question of multilingualism and its relationship with access to justice remains a pertinent concern and an area in which further study should be conducted. The role of the police officer, who takes the role of translator, interpreter and official of the state, has been closely examined in order the reveal how sworn statements come into being. The study has shown that there are close links between Forensic Linguistics and Translation Studies. Clearly, both disciplines shed light on the flawed process of taking sworn statements in South African police stations. In taking an approach shaped by Forensic Linguistics, this study has shed light on the many pitfalls of the translation activity and challenges which are associated with this activity that occurs in the co-construction of sworn statements and the ways in which these pitfalls and challenges can affect access to justice for complaints. It may be hoped that the findings revealed in this study will contribute to changes in the way sworn statements are taken, so that all people seeking justice in South Africa have a chance of being heard and taken seriously.

https://uwcscholar.uwc.ac.za/home

References

Alexander, N. 2004. Language policy: The litmus test of democracy in post-apartheid South Africa. *Discourse Journal*, 32(2):7-12.

Adonis, M., Raji, A. & Abo-Al-Ez, K.M. 2021. Introduction to the application of social justice theories in energy engineering education for socio-technical design. In: M.K. Ralarala, L.S. Hassan & R. Naidoo (eds). *Knowledge beyond colour lines: Towards repurposing knowledge generation in South African higher education.* Bellville: UWC Press. 41-55.

Ansah, M.A. & Darko, P.O. 2019. Justice in the mother tongue: The task of court interpreters in Ghanaian law courts. In: M.K. Ralarala, R.H. Kaschula & G. Heydon (eds). *New frontiers in forensic linguistics: Themes and perspectives in language and law in Africa and beyond*. Stellenbosch: African Sun Media. 113-130.

Baker, M. 2007. Reframing conflict in translation. *Social Semiotics*, 17(2):151-169.

Baker, M. 2006. *Translation and conflict: A narrative account*. Routledge: New York.

Baker, M. 2011. *In other words: A coursebook on translation.* Routledge: New York.

Barthes, R. & Duisit, L. 1975. An introduction to the structural analysis of narrative. *New Literary History*, 6(2):237-272.

Bal, M. 2009. *Narratology: Introduction to the theory of narrative*. 3rd ed. Toronto: University of Toronto Press.

Bauman, R. & Briggs, C.L. 1990. Poetics and performance as critical perspectives on language. *Annual Review of Anthropology*, 19:59-88.

Baydere, H. 2019. What could the translation of a 'retelling' imply for Translation Studies? *TransLogos Translation Studies Journal*, 2/2(2/2):102-133. https://www.doi.org/10.29228/translogos.15

Berk Albachten, Ö. 2013. Intralingual translation as 'modernization' of the language: The Turkish case. *Perspectives: Studies in Translatology*, 21(2):257-271. https://www.doi.org/10.1080/0907676X.2012.702395

Blackledge, A., Creese, A. & Hu, R. 2016. 'Translating the city'. *Translating the City*, 173. https://www.doi.org/10.4324/9781315538990

Blommaert, J. & Bulcaen, C. 2000. Critical discourse analysis. *Annual Review of Anthropology*, 29:447-466. https://www.doi.org/10.1146/annurev.anthro.29.1.447

Blommaert, J., Collins, J. & Slembrouck, S. 2005. Spaces of multilingualism. *Language and Communication,* 25(3):197-216.

Carter, E. 2011. *Analysing police interviews*. London: Continuum.

https://uwcscholar.uwc.ac.za/home

Cambridge Essential British English Dictionary. 2011. 2nd ed. Cambridge: Cambridge University Press.

Chatman, S. B. (1978). *Story and discourse: Narrative structure in fiction and film*. Cornell university press.

Cheng, L., Zheng, Y. & Sha, L. 2009. A semiotic interpretation of legal terms. *Rhetoric Learning*. 37-43.

Cheng, L., & Sin, K. K. 2009. Legal terms across communities: Divergence behind convergence in law. In A. Wagner & V. K. Bhatia (Eds.), *Diversity and Tolerance in Socio-Legal Context: Explorations in the Semiotics of Law* London: Ashgate. 181-190.

Chu, J.B. 2019. Between legal and social truths: The management of intertextual gaps in the construction of narrative authority in a US mock trial competition. *Journal of Applied Linguistics and Professional Practice*, 12(2):123-143. https://www.doi.org/10.1558/jalpp.32165

Ciuk, S. & James, P. 2015. Interlingual translation and the transfer of value-infused practices: An in-depth qualitative exploration. *Management Learning*, 46(5):565-581. https://www.doi.org/10.1177/1350507614560304

Clarke, C., Milne, R. & Bull, R., 2011. Interviewing suspects of crime: The impact of PEACE training, supervision and the presence of a legal advisor. *Journal of Investigative Psychology and Offender Profiling*, *8*(2): 149-162.

Comanaru, R.S. & Dewaele, J.M. 2015. A bright future for interdisciplinary multilingualism research. *International Journal of Multilingualism*, 12(4):404-418. https://www.doi.org/10.1080/14790718.2015.1071016

Cooke, M. 2002 *Indigenous interpreting issues for the courts.* Carlton, Victoria: Australian Institute of Judicial Administration Incorporated.

Cote, D. 2005 The Right to Language Use in South African Criminal Courts." Unpublished LLM diss., University of Cape Town.

Cotterill, J. 2002a. 'Just one more time…': Aspects of intertextuality in the trials of OJ Simpson. In J. Cotterill (Ed.), *Language in the legal process*,. Palgrave Macmillan. 147-161.

Cotterill, J. 2002b. *Language in the legal process*. Springer. Palgrave Macmillan

Coulthard, M. 1996. The official version: audience manipulation in police records of interviews with suspects. In: R. Caldas-Coulthard, C. Coulthard and M. Coulthard (Eds.). *Texts and Practices: Readings in Critical Discourse Analysis*. London: Routledge. 166 – 178.

https://uwcscholar.uwc.ac.za/home

Coulthard, R.M. 2002. Whose voice is it? Invented and concealed dialogue in written records of verbal evidence produced by the police. In J. Cotterill (ed.). *Language in the legal process*. Basingstoke: Palgrave Macmillan. 19-34.

Coulthard, M & Johnson, A. 2007. *An introduction to forensic linguistics: Language in evidence.* United States of America: Routledge.

Cupido, A. & Lesch, H. 2020. Gemeenskapsvertaalpraktyk: Gewone taal vir die hervertaling van'n bankteks. *Litnet Akademies:'n Joernaal vir die Geesteswetenskappe, Natuurwetenskappe, Regte en Godsdienswetenskappe*, 17(1):138-170.

De Almeida, F. & Drew, P. 2020. The fabric of law-in-action: 'Formulating' the suspect's account during police interviews in England. *The International Journal of Speech, Language and the Law*, 27(1):35-58. https://www.doi.org/10.1558/ijsll.38527

Deamer, F., Richardson, E., Basu, N & Haworth, K. 2022. For the Record: Exploring variability in interpretations of police investigative interviews. *Language and Law/Linguagem e Direito*, *9*(1):25-46

De Klerk, V. 2003. Language and the law: Who has the upper hand? *AILA Review*, 16(1):89-103. https://www.doi.org/10.1075/aila.16.09dek

Demirkol, I.C. & Nalla, M.K. 2019. How does police culture shape officers' support for community policing? *Policing and Society*, 29(6):692-705. https://www.doi.org/10.1080/10439463.2017.1410149

De Vries, A. & Docrat, Z. 2019. Multilingualism in the South African legal system: attorneys' experiences. In: M.K. Ralarala, R.H. Kaschula & G. Heydon (eds). *New frontiers in forensic linguistics: Themes and perspectives in language and law in Africa and beyond*. Stellenbosch: African Sun Media. 89-112.

Di Donato, F. 2019. *The analysis of legal cases: A narrative approach*. New York: Routledge.

Dissake, E. M. K. (2021). Forensic linguistic studies outside the borders of Cameroon. In *Language and Legal Proceedings: Analysing Courtroom Discourse in Cameroon* Cham: Springer International Publishing. 19-50.

Docrat, Z. 2017. The role of African languages in the South African legal system: Towards a transformative agenda. Master's thesis. Grahamstown: Rhodes University.

Docrat, Z. & Kaschula, R.H. 2019. Monolingual language of record: A critique of South Africa's new policy directive. In: M.K. Ralarala, R.H. Kaschula & G. Heydon (eds). *New frontiers in forensic linguistics: Themes and perspectives in language and law in Africa and beyond*. Stellenbosch: African Sun Media. 71-88.

https://uwcscholar.uwc.ac.za/home

Docrat, Z., Kaschula, R.H. & Ralarala, M.K. 2021. *A handbook on legal languages and the quest for linguistic equality in South Africa and beyond*. Stellenbosch: African Sun Media.

Drew, P. 1992. Contested evidence in courtroom cross-examination: The case of a trial for rape. In Drew. P & Heritage, J (Eds), *Talk at work.* 470-520.

Durant, A. 2002. Applying linguistics: Questions of language and law. In: I. Hidetaka & Y. Komori (eds). *Praxis of language*. Tokyo: University of Tokyo Press. 253-281.

Eades, D. 1994. A case of communicative clash: Aboriginal English and the legal system. In: J. Gibbons (ed.). *Language and the law*. Harlow: Longman. 234-264.

Eades, D. 2002. 'Evidence given in unequivocal terms': Gaining consent of Aboriginal young people in court. In: J. Cotterill (ed.) *Language in the legal process*. London: Palgrave MacMillan. 162-179.

Eades, D. 2003. The politics of misunderstanding in the legal system: Aboriginal English speakers in Queensland. In: J. House, G. Kasper & S. Ross (eds). *Misunderstanding in social life: Discourse approaches to problematic talk*. London: Routledge. 207-234.

Eades, D. 2004. Understanding Aboriginal English in the legal system: A critical sociolinguistics approach. *Applied Linguistics*, 25(4):491-512. https://www.doi.org/10.1093/applin/25.4.491

Eades, D. 2008. Telling and retelling your story in court: Questions, assumptions and intercultural implications. *Current Issues in Criminal Justice,* 20(2):209-230.

Eades, D. 2010. *Sociolinguistics and the legal process*. Bristol: Multilingual Matters.

Eades, D. 2012. The social consequences of language ideologies in courtroom cross-examination. *Language in Society*, 41:471-497. https://www.doi.org/10.1017/S0047404512000474

Eguavoen, E.O. & Eniola, M.S. 2016. A critical discourse analysis of courtroom proceedings in Nigeria, *International Journal of Arts and Humanities*, 8(4), pp. 138–146. Available at: https://www.doi.org/10..4314/ijah.v6i4.8

Fairclough, N. 1989. *Language and power*. London: Longman.

Fairclough, N. 1992. Linguistic and intertextual analysis within discourse analysis. *Discourse and Society*, 3(2)193-217. https://www.doi.org/10.1177/0957926592003002004

Fairclough, N. 1999. Global capitalism and critical awareness. *Language Awareness*, 8(2):71-83. https://doi.org/10.1080/09658419908667119

https://uwcscholar.uwc.ac.za/home

Fairclough, N. 2001. Critical discourse analysis as a method in social scientific research. In R. Wodak & M. Meyer (eds). *Methods of critical discourse analysis*. London: Sage. 122-140.

Fairclough, N. 2018. Critical Discourse Analysis. In: J. Flowerdew & J.E. Richardson (eds). *The Routledge handbook of Critical discourse studies*. London: Routledge. 13-25.

Fairclough, N. & Wodak, R. 1997. Critical discourse analysis. In: T. van Dijk (ed.). *Discourse studies: A multidisciplinary introduction*. (Vol. 2). London: Sage. 258-284.

Fairclough, 2013. Critical discourse analysis and critical policy studies. *Critical Policy Studies* 7 (2): 177–197.

Fairclough, I. & Fairclough, N. 2013. Argument, deliberation, dialectic and the nature of the political: A CDA perspective. *Political Studies Review* 11 (3): 336–344.

Fairclough, N. & Fairclough, I. 2018. A procedural approach to ethical critique in CDA. *Critical Discourse Studies,* 15 (2): 169–185. https://doi.org/10.1080/17405904.2018.1427121

Flusk, S.T. 2023. An analysis of linguistic errors in translations of complainants' sworn statements. Master's thesis. Cape Town: University of the Western Cape.

Fowler, C. A. (1979). " Perceptual centers" in speech production and perception, Perception and Psychophysics, 25, 375- 388

Gabbert, F., Hope, L., Carter, E., Boon, R. & Fisher, R. 2015. The role of initial witness accounts within the investigative process. In: G. Oxburgh, T. Myklebust, T. Grant & R. Milne (eds). *Communication in investigative and legal contexts: Integrated approaches from forensic psychology, linguistics and law enforcement*. Chichester, UK: Wiley-Blackwell. 107-132. http://dx.doi.org/10.1002/9781118769133.ch6

Gao, J. 2010. Review and prospects of the research of forensic linguistics in China. *Asian Social Science*, 6(10):127-132. https://www.doi.org/10.5539/ass.v6n10p127

Garfinkel, H. 1967. *Studies in Ethnomethodology*. New Jersey: Prentice-Hall.

Georgescu, R. 2016. Analysis of intercultural communication in organizations. *Scientific Bulletin: Economic Sciences*, 15(2):67-76.

Geçmen, K. 2018. Retranslation and shifting constraints. *TransLogos Translation Studies Journal*, 1/1(1/1):25-40. https://www.doi.org/10.29228/translogos.1/1.7

Gibbons, J. 1995. What got lost? The place of electronic recording and interpreters in police interviews. In: D. Eades (ed.). *Language in evidence: Issues confronting Aboriginal and multicultural Australia*. Sydney: University of New South Wales Press. 175-186.

https://uwcscholar.uwc.ac.za/home

Gibbons, J. 1996. Distortions of the police interview process revealed by video-tape. *The International Journal of Speech, Language and the Law,* 3(2):289-298. https://doi.org/10.1558/ijsll.v3i2.289

Gibbons, J. 1999. Language and the law. *Annual Review of Applied Linguistics*, 19:156-173.

Gibbons, J. 2003. *Forensic linguistics: An introduction to language in the justice system*. Oxford: Blackwell.

Gibbons, L. & Grabau, C. 2005. Protecting the rights of linguistic minorities: Challenges to court interpretation. *New England Law Review*, 30(227).

Goffman, E. 1981. *Forms of Talk*. Philadelphia: University of Pennsylvania.

Goldkuhl, G. 2003. Conversational analysis as a theoretical foundation for language action approaches *8th International Conference on the Language Action Perspective on Communication Modelling (LAP-2003),* Tilburg, The Netherlands, 1-2 July 2003. 1–14. http://www.vits.org/publikationer/dokument/334.pdf [Accessed 5 April 2023].

Gotti, M. 2016. The translation of legal texts: Interlinguistic and intralinguistic perspectives. *ESP Today*, 4(1):5-21.

Grey, A. & Smith-Khan, L. 2020. Bringing linguistic research into legal scholarship and practice. *Alternative Law Journal*, 46(1):64-70. https://www.doi.org/10.1177/1037969X20962830

Griffiths, A., Milne, B. & Cherryman, J. 2011. A question of control? The formulation of suspect and witness interview question strategies by advanced interviewers. *International Journal of Police Science & Management*, 13(3):255-267. https://www.doi.org/10.1350/ijps.2011.13.3.219

Guillén-Nieto, V. & Stein, D. (2022). Introduction: theory and practice in forensic linguistics. In: Guillén-Nieto, V. & Stein, D (Eds.). *Language as evidence: Doing forensic linguistics*. Switzerland: Palgrave Macmillan, 1-33.

Halliday, M.A.K. 1973, 1978. *Language as social semiotic: The social interpretation of language and meaning*. London: Edward Arnold.

Harding, S.A. 2012. How do I apply narrative theory? Socio-narrative theory in Translation Studies. *Target International Journal of Translation Studies*, 24(2):286–309. https://www.doi.org/10.1075/target.24.2.04har

Harding, S. & Ralarala, M.K. 2017. 'Tell me the story as is and do not leave out anything'. Social responsibility and ethical practices in the translation of complainants' narratives: The potential for change. *The Translator*, 23(2):158-176. https://doi.org/10.1080/13556509.2017.1327792

https://uwcscholar.uwc.ac.za/home

Haworth, K. 2006. The dynamics of power and resistance in police interview discourse. *Discourse & Society*, 17(6):739-759. https://www.doi.org/10.1177%2F0957926506068430

Haworth, K. J. 2009. An analysis of police interview discourse and its role(s) in the judicial process. Unpublished PhD thesis. University of Nottingham.

Haworth, K. 2010. Police interviews as evidence. In: M. Coulthard & A. Johnson (eds). *Routledge handbook of forensic linguistics*. Abingdon-on-Thames, UK: Routledge. Ch. 12. https://doi.org/10.4324/9780203855607

Haworth, K. 2010. Police interviews in the judicial process: Police interviews as evidence. In: M. Coulthard & A. Johnson (eds). *Routledge handbook of forensic linguistics.* Abingdon-on-Thames, UK: Routledge. 169-194. https://doi.org/10.4324/9780203855607

Haworth, K. J. 2013. Audience design in the police interview: The interactional and judicial consequences of audience orientation. *Language and Society*, 45-69.

He, X, Wang, L & Su, Y. 2013. Above the roof, beneath the law: Perceived justice behind disruptive tactics of migrant wage claimants in China. *Law and Society Review* 47 (4): 70338.

He, X. & Feng, Y. 2016. Mismatched discourses in the petition offices of Chinese courts. *Law and Social Inquiry,* 41(1): 212–241.

Heaton-Armstrong, A. 1995. Recording and disclosing statements by witnesses – law and practice. *Medicine, Science and the Law*, 35(2):136-43.

Hermans, T. 1996. The translator's voice in translated narrative. *Target* 8(1):23-48. https://doi.org/10.1075/target.8.1.03her

Hermans, T. 2010. The translator's voice in translated narrative. In: M. Baker (ed.). *Critical readings in translation*. New York: Routledge. 193-212.

Hermans, T. 2014. Positioning translators: Voices, views and values in translation. *Language and Literature: International Journal of Stylistics*. 23(3):285-301 https://www.doi.org/10.1177/0963947014536508

Heydon, G. 2004. *The language of police interviewing: A critical analysis*. Basingstoke: Palgrave Macmillan. https://www.doi.org/10.1057/9780230502932

Heydon, G. 2007. When silence means acceptance: Understanding the right to silence as a linguistic phenomenon. *Alternative Law Journal,* 32:147-151.

Heydon, G. 2012. Helping the police with their enquiries: Enhancing the investigative interview with linguistic research. *The Police Journal*, 85(2):101-122.

https://uwcscholar.uwc.ac.za/home

Heydon, G. 2019a. Police cautions and comprehension. Researching forensic linguistics: *Approaches and applications*. Abingdon: Routledge. 78-93. https://www.doi.org/10.4324/9780429290640

Heydon, G. 2019b. Police interviewing: Questioning strategies in UK and US models of training. *Researching forensic linguistics: Approaches and Applications*. Abingdon: Routledge. 41- 59.

Heydon, G. & Mabasso, E. 2018. The impact of multilingualism on reporting domestic violence in Mozambique. *Language Matters*, 49(1):84-106. https://www.doi.org/10.1080/10228195.2018.1444081

Hill-Madsen, A. (2019). The heterogeneity of intralingual translation. *Meta*, *64*(2), 537-560.

Hlophe, J.M. 2004a. Official languages and the courts. *South African Law Journal,* 117(4), 690-696.

Hlophe, J.M. 2004b. Receiving justice in your own language – the need for effective court interpreting in our multilingual society. *Advocate*, 42-47. http://www.sabar.co.za/lawjournals/2004/april/2004-april-vol017-no1-pp42-47.pdf

Howes, L.M. 2015. The communication of forensic science in the criminal justice system: A review of theory and proposed directions for research. *Science and Justice*, 55(2):145-154. https://www.doi.org/10.1016/j.scijus.2014.11.002

Jakobson, R. 1959. On linguistic aspects of translation. In: R.A. Brower (ed.). *On translation*. Cambridge, MA: Harvard University Press. 232-239.

Jiang, C. 2012. Rethinking the translator's voice. *Neohelicon*, 39(2):365-381. https://www.doi.org/10.1007/s11059-012-0144-y

Johnson, A. & Coulthard, M. 2010. Introduction: Current debates in forensic linguistics. *The Routledge Handbook of Forensic Linguistics*. London: Routledge.

Jol, G. 2020. Police interviews with child witnesses: A conversation analysis. PhD Thesis. Nijmegen: Radboud University. Published: Amsterdam, Netherlands: LOT: Netherlands Graduate School of Business. https://www.lotpublications.nl/Documents/549_fulltext.pdf

Jol, G. & Stommel, W. 2016. Resisting the legitimacy of the question: Self-evident answers to questions about source of knowledge in police interviews with child witnesses. *Legal Discourse*, 1(2): 345-374. https://www.doi.org./10.1515/ijld-2016-001

Jönsson, L. & Linell, P. 1991. Story generations: From dialogical interviews to written reports in police interrogations. *Text & Talk – An Interdisciplinary Journal of Language,*

https://uwcscholar.uwc.ac.za/home

Discourse & Communication Studies, 11(3):419-440. https://www.doi.org/10.1515/text.1.1991.11.3.419

Kajzer-Wietrzny, M., Whyatt, B. & Stachowiak, K. 2016. Simplification in inter-and intralingual translation: Combining corpus linguistics, key logging and eye-tracking. *Poznan Studies in Contemporary Linguistics*, 52(2):235-267. https://doi.org/10.1515/psicl-2016-0009

Karas, H. 2020. Intelligibility and the reception of translations. *Perspectives: Studies in Translation Theory and Practice*, 28(1):24-42. https://doi.org/10.1080/0907676X.2019.1612929

Kaschula, R.H. & Ralarala, M.K. 2004. Language rights, intercultural communication and the law in South Africa. *South African Journal of African Languages*, 24(4):252–261. https://www.doi.org/10.1080/02572117.2004.10587242

Khachatryan, R. 2011. The importance of developing forensic linguistics in Armenia. In. P.J. Wells & S. Zolyan (eds). *Higher linguistic education from the perspective of reforms: New approaches, prospects, and challenges.* Bucharest, Romania: UNESCO European Centre for Higher Education. 35-38.

Komter, M.L. 2002. The suspect's own words: The treatment of written statements in Dutch courtrooms. *International Journal of Speech, Language and the Law*, 9(2):168-87. https://www.dx.doi.org/10.1558/sll.2002.9.2.168

Komter, M.L. 2003. The construction of records in Dutch police interrogations. *Information Design Journal,* 11(2/3):201-213.

Komter, M.L. 2006. From talk to text: The interactional construction of a police record. *Research on Language and Social Interaction,* 39(3), 201-228.

Komter, M. 2012. The career of a suspect's statement: Talk, text, context. *Discourse Studies*, 14(6):731-752.

Komter, M. 2019. *The suspect's statement: Talk and text in the criminal justice process.* Australia: Cambridge University Press.

Lai, M. & Mulayim, S. 2014. Interpreter linguistic intervention in the strategies employed by police in investigative interviews. *Police Practice and Research*, 15(4):307-321. https://www.doi.org/10.1080/15614263.2013.809929

Leach, N. 2019. Language and the right of access to procedural justice in South Africa. In: M.K. Ralarala, R.H. Kaschula & G. Heydon (eds). *New frontiers in forensic linguistics: Themes and perspectives in language and law in Africa and beyond*. Stellenbosch: African Sun Media. 131-146.

https://uwcscholar.uwc.ac.za/home

Lee, J. 2017. A case study of interpreter-mediated witness statement: Police interpreting in South Korea. *Police Practice and Research*, 18(2):194–205. https://www.doi.org/10.1080/15614263.2016.1248840

Lipton, J.P. 1977. On the psychology of eyewitness testimony. *Journal of Applied Psychology*, 62:90-93.

Luo, X. 2019. What can intralingual translation do? *Asia Pacific Translation and Intercultural Studies*, 6(1):1-2. https://www.doi.org/10.1080/23306343.2019.1633008

Mabaso, E. 2019. Tell us the story in your Portuguese, we can understand you: The Mozambican justice system's dilemma in enforcement of the sole official language policy. In: M.K. Ralarala, R.H. Kaschula & G. Heydon (eds). *New frontiers in forensic linguistics: Themes and perspectives in language and law in Africa and beyond*. Stellenbosch: African Sun Media. 33-48.

Marais, K. & Delgado Luchner, C. 2018. Motivating the translation-development nexus: Exploring cases from the African Continent. *Translator*, 24(4):380-394. https://www.doi.org/10.1080/13556509.2019.1594573

Matoesian, G. M. (2008). You might win the battle but lose the war: Multimodal, interactive, and extralinguistic aspects of witness resistance. *Journal of English Linguistics*, 36(3), 195-219.

Mazid, B.M. 2014. *CDA and PDA made simple: Language, ideology and power in politics and media*. Newcastle: Cambridge Scholars Publishing.

McCardle, M.I. 2018. Examining the complexity of police officers' language during investigative interviews with adults and youth. *Journal of European Psychology Students*, 9(1):40. https://www.doi.org/10.5334/jeps.444

Methven, E. P. (2017). Dirty Talk: A critical discourse analysis of offensive language crimes. *University of Technology Sydney*.

Millán-Varela, C. 2004. Hearing voices: James Joyce, narrative voice and minority translation. *Language and Literature*, 13(1):37-54. http://dx.doi.org/10.1177/0963947004039486

Milne, B. & Powell, M.E. 2010, Investigative interviewing. In: J.M. Brown, & E.A. Campbell (eds.), *Cambridge handbook of forensic psychology*, Cambridge University Press, New York, N.Y. 208-214.

Morris, R. 1999. The gum syndrome: Predicaments in court interpreting. *Speech, Language and the Law*, 6(1):6-29. https://www.doi.org/10.1558/sll.1999.6.1.6

Munday, J. 2008. *Introducing Translation Studies: theories and applications*. Routledge: New York.

https://uwcscholar.uwc.ac.za/home

Muñoz-Miquel, A. 2012. From the original article to the summary for patients: Reformulation procedures in intralingual translation. *Linguistica Antverpiensia, New Series – Themes in Translation Studies*, 11:187-206. https://doi.org/10.52034/lanstts.v11i.303

Ndimande-Hlongwa, N. & Ndebele, H. 2017. Embracing African languages as indispensable resources through the promotion of multilingualism. *Per Linguam*, 33(1):67-82. https://www.doi.org/10.5785/33-1-692

Njeri, K.N., Kiliku, P. & Kiai, A. 2018. Linguistic manipulative role in criminal trial court room discourse in Kibera law courts, Nairobi, Kenya. *The International Journal of Social and Development Concerns.* http://ijsdc.org/journal/show/linguistic-manipulative-role-in-criminal-trial-court-room-discourse-in-kibera-law-courts-nairobi-kenya.

Okri, B. 1997. *A way of being free*. London: Phoenix House.

Olsson, J. 2008. *Forensic linguistics*. New York: Continuum.

O'Sullivan, E. 2003. Narratology meets Translation Studies, or, the voice of the translator in children's literature. *Meta: Translators' Journal,* 48(1-2):197-207. https://www./doi.org/10.7202/006967ar

Peng, W. 2017. Self-retranslation as intralingual translation: Two special cases in the English translations of San Guo Yan Yi. *Language and Semiotic Studies*, 3(2):110-127.

Perakyla, A., & Ruusuvuori, J. 2012. Analyzing talk and text. In: N. Denzin & Y. Lincoln (eds.), *The SAGE handbook of qualitative research.* Thousand Oaks, CA: SAGE Publications. 277–307.

Powell, M.B. 2000. PRIDE: The essential elements of a forensic interview with an Aboriginal person. *Australian Psychologist*, 35(3):186-192. https://www.doi.org/10.1080/00050060008257477

Poyser, S. & Milne, B. 2011. Miscarriages of justice: A call for continued research focussing on reforming the investigative process. *The British Journal of Forensic Practice*, 13(2):61-71. https://www.doi.org/10.1108/14636641111134305

Prah, K.K. 2017. The Centrality of the Language Question in the Decolonization of Education in Africa. *Alternation Journal*, *24*(2), 226-252.

Ralarala, M.K. 2012. A compromise of rights, rights of language and rights to a language in Eugene Terre'Blanche's (ET) trial within a trial: Evidence lost in translation. *Stellenbosch Papers in Linguistics*, 41:55-70. https://doi.org/10.5774/41-0-43

Ralarala, M.K. 2013. 'Meaning rests in people, not in words': Linguistic and cultural challenges in a diverse South African legal system. In: P. Cuvelier (ed.).

https://uwcscholar.uwc.ac.za/home

Multilingualism for empowerment: Studies in language policy in South Africa. 9th ed. Pretoria: Van Schaik. 91-102.

Ralarala, M.K. 2014. *Transpreter*s' translations of complainants' narratives as evidence: Whose version goes to court? *The Translator,* 20(3):377-395. https://doi.org/10.1080/13556509.2014.934002

Ralarala, M.K. 2015. Implications and explications of police translation of complainants' sworn statements: Evidence lost in translation? PhD thesis. Bloemfontein: University of the Free State.

Ralarala, M.K. 2016. An analysis of critical 'voices' and 'styles' in *transpreters'* translations of complainants' narratives. *Translation and Translanguaging in Multilingual Contexts*, 2(1):142-166. https://doi.org/10.1075/ttmc.2.1.08ral

Ralarala, M.K. 2017. Language and law: 'Cultural translation' of narratives into sworn statements. In: R.H. Kaschula, P. Maseko & H.E. Wolff. *Multilingualism and intercultural communication: A South African perspective*. Johannesburg: Wits University Press. 211-222.

Ralarala, M.K. & Rodrigues, T. 2019. Incarcerated, incriminated or vindicated? An investigation into socio-pragmatic elements of police interviewing. In: M.K. Ralarala, R.H. Kaschula & G. Heydon (eds). *New frontiers in forensic linguistics: Themes and perspectives in language and law in Africa and beyond*. Stellenbosch: African Sun Media. 15-32.

Ralarala, M.K & Lesch, L.T. 2022. Police intralingual translations of complainants' statements in South Africa: From interviewing to collaborative record construction of a legal text. In. M.K. Ralarala, R.H. Kaschula & G. Heydon (eds). *Language and the law: Global perspectives in forensic linguistics from Africa and beyond*. Stellenbosch: African Sun Media.15-35.

Rendle-Short, J. & Moses, K. 2010. Taking an interactional perspective: Examining children's talk in the Australian Aboriginal community of Yakanarra. *Australian Journal of Linguistics*, 30(4):397-421. https://www.doi.org/10.1080/07268602.2010.518553

Rock, F.E. 2001. The genesis of a witness statement. *Forensic Linguistics,* 8(2):44-72.

Rock, F.E. 2004. Recontextualistion in the police station. Doctoral dissertation. Birmingham: University of Birmingham.

Rock, F. 2007. *Communicating rights: The language of arrest and detention*. London: Palgrave Macmillan.

https://uwcscholar.uwc.ac.za/home

Rock, F. 2013. 'Every link in the chain': The police interview as textual intersection. In: C. Heffer, F. Rock & J. Conley (eds). *Legal-lay communication: Textual travels in the law*. Oxford: Oxford University Press. 78-104.

RSA (Republic of South Africa). 1996. *Republic of South Africa Constitution Act 110 of 1983*. https://www.gov.za/documents/constitution/republic-south-africa-constitution-act-110-1983

RSA (Republic of South Africa). 1996. *Constitution of the Republic of South Africa*. Cape Town: Government Printing Works. https://www.gov.za/sites/default/files/images/a108-96.pdf [Accessed 16 July 2021].

Sacks, H. 1987. On the preferences for agreement and contiguity in sequences in conversation. In: G. Button & J. Lee (eds). *Talk and social organisation*. Clevedon, Philadelphia: Multilingual Matters Ltd. 54-69.

Sacks H. 1992. *Lectures on conversation*, Blackwell, Oxford.

SAPS. (n/d). *South African Police Service Advertisement. Recruitment of 10000 Entry Level Police Trainees 2024/2025 Intake*, 1-5.

Schegloff, E.A. 1997. Narrative analysis thirty years later. *Journal of Narrative and Life History*, 7(1-4):97-106.

Seligson, S. B. 2002. *The bilingual courtroom:Ccourt interpreters in the judicial process.* Chicago: University of Chicago Press.

Shuy, R.W. 1993. *Language crimes: The use and abuse of language evidence in the courtroom*. Cambridge, MA: Blackwell.

Shuy, R. W. 1998. *The Language of confession, interrogation and deception*. London: SAGE Publications.

Shuy, R. W. 2001. Discourse analysis in the legal context. In D. Schiffrin, D Tannen & H.E. Hamilton (eds.), *The handbook of discourse analysis* Blackwell. 437-452.

Shuy, R. W. 2002. To testify or not to testify? In J. Cotterill (ed.), *Language in the legal process*. Palgrave Macmillan. 3-18.

Shuy, R. W. 2006. *Linguistics in the courtroom: A practical guide*. Oxford University Press.

Shuy, R.W. 2007. Language in the American courtroom. *Language and Linguistics Compass*, 1(1-2):100-114. https://www.doi.org/10.1111/j.1749-818x.2007.00002.x

Shuy, R. W. 2023. The constants and the variables of forensic linguistics. In: R.H. Kaschula, M.K. Ralarala & G. Heydon (eds). *Language, crime and courts in contemporary Africa and beyond.* Stellenbosch: African Sun Media. 13-32.

Temidayo, A. 2017. Deception in police-suspect interaction in Ibadan, Nigeria. *Journal of Pan*

https://uwcscholar.uwc.ac.za/home

African Studies, 10(7):225.

Tester, C. 2021. Intralingual interpreting in the courtroom: An ethnographic study of deaf interpreters' perceptions of their role and positioning. PhD thesis, Edinburgh, Scotland: Heriot Watt University.

Tiersma, P. & Solan, L.M. 2002. The linguist on the witness stand: Forensic linguistics in American courts. *Language*, 78(2):221-239. https://www.doi.org/10.1353/lan.2002.0135

Tipton, R. 2021. 'Yes I understand': Language choice, question formation and code-switching in interpreter-mediated police interviews with victim-survivors of domestic abuse. *Police Practice and Research*, 22(1):1058-1076. https://www.doi.org/10.1080/15614263.2019.1663733

Tollefson, J. 2006. Critical theory in language policy. In: T. Ricento (ed.). *An introduction to language policy: Theory and method*. Hoboken, NJ: Wiley. 42-59.

Toury, G. 2000. The nature and role of norms in translation. In: Venuti, L (ed.): *The Translations Studies Reader*. London: Routledge. 198-211.

Toury, G. 1978. The nature and role of norms in literary translation. *Literature and translation: New perspectives in Literary Studies*, 83-100.

Union of South Africa. 1909. *South Africa Act, 1909*. https://media.law.wisc.edu/s/c_8/jzhy2/cbsa1.pdf [Accessed 8 October 2020].

Union of South Africa. 1925. *Official Languages of the Union Act, Act no. 8 of 1925*. https://en.wikisource.org/wiki/Official_Languages_of_the_Union_Act,_1925 [Accessed 8 October 2020].

Van Charldorp, T.C. 2014. 'What happened?' From talk to text in police interrogations. *Language and Communication*, 36:7-24. https://www.doi.org/10.1016/j.langcom.2014.01.002

Van Dijk, T.A. 1993. Principles of discourse analysis. *Discourse Society*, 4(2):249-283.

Van Dijk, T.A. 1995. *Discourse as social interaction*. London: SAGE.

Van Dijk, T.A. 2005. Critical discourse analysis. In: D. Schiffrin, D. Tannen & H.E. Hamilton (eds). *The Handbook of Discourse Analysis*. Malden, MA: Blackwell Publishers. 352-371.

Van der Houwen, F. & Sneijder, P. 2014. From text to talk in criminal court: Prosecuting, defending, and examining the evidence. *Language and Communication*, 36(1):37-52. https://www.doi.org/10.1016/j.langcom.2013.12.006

Vergie, M. & Pienaar, M. 2008. Taalbeleid, -praktyk en -houdings: SAPD-konstabels in

https://uwcscholar.uwc.ac.za/home

Gauteng. *Journal for Language Teaching*, 42(1):152-170. https://doi.org/10.4314/jlt.v42i1.6105

Wang, J. 1999. A study of forensic linguistics. Guangzhou: Guangdong Education Press.

Wang, J. 2010. The research of forensic linguistics in Mainland China from the legislative era to the era of amendment to law. *Applied Linguistics*, 11(4):2-9. https://doi.org/10.16499/j.cnki.1003-5397.2010.04.022

Wesson, M. & Du Plessis, M. 2008. Fifteen years on: Central issues relating to the transformation of the South African judiciary. *South African Journal of Human Rights*, 24(2):187-213. https://www.doi.org/10.1080/19962126.2008.11864952

Wodak, R. 2001. The discourse-historical Approach. In: R. Wodak & M. Meyer (eds). *Methods of Critical Discourse Analysis*. London: SAGE.

Wodak, R. & Meyer, M. 2001. *Methods of critical discourse analysis*. London: SAGE.

Wolchover, D. & Heaton-Armstrong, A. 1992. Recording witness statements. *Criminal Law Review*, 160-172.

Wright, R. & Powell, M.B. 2006. Investigative interviewers' perceptions of their difficulty in adhering to open-ended questions with child witnesses. *International Journal of Police Science & Management*, 8(4):316–325. https://www.doi.org/10.1350/ijps.2006.8.4.316

Zappettini, F. 2020. Critical discourse analysis: Concepts, methods and applications. Presentation at the Intensive Week Methods Training for Postgraduate Students, Open University, 13th-17th July 2020. https://www.academia.edu/5137901/Critical_Discourse_Analysis_Concepts_Methods_Applications [Accessed 5 April 2023].

Zethsen, K. 2007. Beyond translation proper – extending the field of Translation Studies. *TTR*, 20(1):281-308. https://doi.org/10.7202/018506ar

Zethsen, K.K. 2009. Intralingual translation: An attempt at description. *Meta: Translators' Journal*, 54(4):795-812.

Zethsen, K. & Hill-Madsen, A. 2016. Intralingual translation and its place within Translation Studies – a theoretical discussion. *Meta*, *61*(3):692–708. https://www.doi.org/10.7202/1039225ar

https://uwcscholar.uwc.ac.za/home

Appnedices

UNIVERSITY *of the* WESTERN CAPE

60 YEARS *of hope, action & knowledge*

31 March 2021

Ms LT Lesch
Linguistics
Faculty of Arts and Humanities

HSSREC Reference Number:	HS21/1/7
Project Title:	Inter- and intra-lingual translations of complainants' sworn statements by police: A co-construction of a legal text in a South African context.
Approval Period:	29 March 2021 – 29 March 2024

I hereby certify that the Humanities and Social Science Research Ethics Committee of the University of the Western Cape approved the methodology and ethics of the above mentioned research project.

Any amendments, extension or other modifications to the protocol must be submitted to the Ethics Committee for approval.

Please remember to submit a progress report by 30 November each year for the duration of the project.

The permission to conduct the study must be submitted to HSSREC for record keeping purposes.

The Committee must be informed of any serious adverse events and/or termination of the study.

Ms Patricia Josias
Research Ethics Committee Officer
University of the Western Cape

Director: Research Development
University of the Western Cape
Private Bag X 17
Bellville 7535
Republic of South Africa
Tel: +27 21 959 4111
Email: research-ethics@uwc.ac.za

NHREC Registration Number: HSSREC-130416-049

FROM HOPE TO ACTION THROUGH KNOWLEDGE.

https://uwcscholar.uwc.ac.za/home

South African Police Service Suid-Afrikaanse Polisiedienste

Privaatsak Private Bag X94	Pretoria 0001	Faks No. Fax No.	(012) 393 2128

Your reference/U verwysing:

My reference/My verwysing: **3/34/2**

THE HEAD: RESEARCH
SOUTH AFRICAN POLICE SERVICE
PRETORIA
0001

Enquiries/Navrae: **Lt Col Joubert**
AC Thenga
Tel: **(012) 393 3118**
Email: **JoubertG@saps.gov.za**

APPROVED

LT Lesch
UNIVERSITY OF WESTERN CAPE

RE: PERMISSION TO CONDUCT RESEARCH IN SAPS: INTER- AND INTRA-LINGUAL TRANSLATIONS OF COMPLAINTS' SWORN STATEMENT BY POLICE: A CO-CONSTRUCTION OF A LEGAL TEXT IN A SOUTH AFRICAN CONTEXT: UNIVERSITY OF WESTERN CAPE: DOCTORATE DEGREE: RESEARCHER: LT LESCH

The above subject matter refers.

You are hereby granted approval for your research study on the above mentioned topic in terms of National Instruction 1 of 2006.

Further arrangements regarding the research study may be made with the following office:

The Provincial Commissioner: Western Cape

- **Contact Person:** AC Gomo-Bentsile
- **Contact Details:** (021) 417 7520
- **E Mail Address :** wc.od.research@saps.gov.za

Kindly adhere to paragraph 6 of our attached letter signed on the **2021-09-17** with the same above reference number.

MAJOR GENERAL
THE HEAD: RESEARCH
DR PR VUMA

DATE: 2021-10-21

1

https://uwcscholar.uwc.ac.za/home

Linguistic Department, Private Bag X17, Bellville 7535, South Africa.

Date: 3 February 2021

INFORMATION SHEET

Thesis title: *Inter- and Intra-lingual Translations of Complainants' Sworn Statements by Police: A Co-Construction of a Legal Text in a South African Context*

Dear Participant

My name is Laurian Teslyne Lesch and I am a PhD student in the Linguistic Department at the University of the Western Cape (UWC). I would like to request your participation in my research project which focuses on the translated versions of sworn complainant statements. These statements are often translated versions of the original statement as the police officer either translates the text from either English to Afrikaans or from Afrikaans to English. This research study is conducted in the Western Cape and statements will be obtained from three police stations which include, [redacted] and [redacted] In so doing, I will require the use of your sworn statement as it appears on paper. I will also require consent to voice record the statement taking process in order to analyse the interpretation and ultimately the translation of the statement. In obtaining the statement I would need to observe the process of taking a statement.

This study aims to investigate complainant statements and the way in which they are co-constructed towards formulating a legal text during police interviewing. The study also focuses on the translation of a statement from either English to Afrikaans, Afrikaans to English or from English to English, that is from different dialects of English in the Western cape and how that translation accounts for the accuracy and quality of the statement.

The research aims to answer the following questions:

I. How are complainants' statements constructed along with the police officer during the police interview; and to what extent does the process of recording a statement produce a legal document?

II. To what extent does translation contribute to the truth, accuracy and quality of sworn statements?

III. To what extent does the justice system embrace equal status of languages and how does this give rise to access to justice?

This sheet serves to give you information on the project and also inform you of its aims. Please note that you are required to sign the attached consent form should you agree to participate in this study. The information will only

Chairperson: Prof Felix Banda
Email: fbanda@uwc.ac.za
Phone: +27 21 959 2380/2978

Department Administrator: Ms Berneshia February
Email: bfebruary@uwc.ac.za
Phone: +27 21 959 2380/2978

https://uwcscholar.uwc.ac.za/home

be used for the intended research purpose and by so doing the confidentiality of participants are protected throughout as personal details will not form part of the study.

The research will benefit the Afrikaans and English-speaking communities as the aim is to build a stronger case for providing a statement in English or Afrikaans as a home language. The research will also support the idea of using professional translators so that complainants can confidently give statements without compromising on their home language.
In order to address the risk associated with this research, this is a low risk study as participants will merely be expected to consent to recording and analysing of their sworn statements.

My supervisor in the Linguistic Department at the University of the Western Cape is Prof. Monwabisi K. Ralarala, you can find his contact details below. Please feel free to contact any of us should you need more information regarding the project or if you have any other queries.

Regards

LT Lesch

Laurian Teslyne Lesch
072 308 6239
4012404@myuwc.ac.za

Supervisor: Prof Monwabisi K. Ralarala
+27 21 959 2235/2667
moralarala@uwc.ac.za

HSSREC
+27 21 959 4111
research-ethics@uwc.ac.za

Chairperson: Prof Felix Banda
Email: fbanda@uwc.ac.za
Phone: +27 21 959 2380/2978

Department Administrator: Ms Berneshia February
Email: bfebruary@uwc.ac.za
Phone: +27 21 959 2380/2978

https://uwcscholar.uwc.ac.za/home

FACULTY of ARTS & HUMANITIES
UNIVERSITY of the WESTERN CAPE

Linguistic Department, Private Bag X17, Bellville 7535, South Africa.

Datum: 3 Februarie 2021

INLIGTINGSBLAD

Proefskrif titel: *Inter- and Intra-lingual Translations of Complainants' Sworn Statements by Police: A Co-Construction of a Legal Text in a South African Context*

Beste Deelnemer

Ek, Laurian Teslyne Lesch, 'n PhD-student, is verbonde aan die Department Taalwetenskap by Universiteit van die Weskaapland (UWK). Hiermee wil ek graag u deelname aan my navorsingsprojek versoek. Die projek fokus op die vertaling van beëdigde verklarings wat deur klaers afgelê word. Dikwels word hierdie verklarings self deur die poliesiebeampte vertaal, hetsy vanaf Engels na Afrikaans of andersom. Hierdie studie word in die Wes-Kaap voltooi en verklarings word vanaf drie poliesiestasies verkry. Dit sluit in [redacted] Ten einde die navorsing te voltooi, versoek ek hiermee u toestemming om toegang tot die verklaring te verkry en die gesprek op te neem, sodat ek die data in terme van die vertaling en tolking van die teks kan ontleed.

Die doel van die studie is om ondersoek in te stel op hierdie beëdigde verklarings en die manier hoe die poliesiebeampte en die klaer die verklaring saamstel. Verder meer fokus die studie ook op die vertaling van die verklaring vanaf Engels na Afrikaans en andersom, asook Engels na Engels, waar ek hoofsaaklik sal fokus op die wisselende dialekte van Engels in die Wes-Kaap en hoe dit die gehalte en integriteit van die teks beïnvloed.

Die navorsing beoog om die volgende vrae te beantwoord:

I. Hoe word die verklaring tydens 'n polisie-onderhoud saamgestel en tot watter mate gee die konstruksie van die verklaring aanleiding tot 'n regsteks?

II. Tot watter mate dra vertalings vanaf Engels en Afrikaans by tot die integriteit, akkuraatheid en gehalte van die beëdigde verklaring?

Chairperson: Prof Felix Banda
Email: fbanda@uwc.ac.za
Phone: +27 21 959 2380/2978

Department Administrator: Ms Berneshia February
Email: bfebruary@uwc.ac.za
Phone: +27 21 959 2380/2978

https://uwcscholar.uwc.ac.za/home

III. Tot watter mate aanvaar die regstelsel gelyke status van tale en hoe dra dit by tot toegang tot geregtigheid?

Die navorsing het ten doel om beide die Afrikaans- en Engelssprekede taalgemeenskappe te bevoordeel en in staat te stel om verklaings in Afrikaans of Engels as huistaal af te lê. Die navorsing ondersteun die idee om professionele vertalers te gebruik sodat klaers met selfvertroue verklarings in hul huistaal kan aflê. In terme van die risiko verbonde aan hierdie navorsing, is dit 'n lae risiko vir die klaers as deelnemers van die studie nie.

My studieleier in die departement is prof. Monwabisi K. Ralarala, sy besonderhede volg hieronder. Indien u enige verdere vrae het of inligting oor die projek versoek, is u welkom om met ons in verbinding te tree.

Groete

LT Lesch

Laurian Teslyne Lesch
072 308 6239
4012404@myuwc.ac.za

Studieleier: Prof Monwabisi K. Ralarala,
+27 21 959 2235/2667
moralarala@uwc.ac.za

HSSREC
+27 21 959 4111
research-ethics@uwc.ac.za

https://uwcscholar.uwc.ac.za/home

Linguistic Department, Private Bag X17, Bellville 7535, South Africa.

Date: 3 February 2021

INFORMATION SHEET

Thesis title: *Inter- and Intra-lingual Translations of Complainants' Sworn Statements by Police: A Co-Construction of a Legal Text in a South African Context*

Dear Police official

My name is Laurian Teslyne Lesch and I am a PhD student in the Linguistic Department at the University of the Western Cape (UWC). I would like to request your participation in my research project which focuses on the translated versions of sworn complainant statements. These statements are often translated versions of the original statement as the police officer either translates the text from either English to Afrikaans or from Afrikaans to English. This research study is conducted in the Western Cape and statements will be obtained from three police stations which include, [redacted] and [redacted]. In so doing, I will require the use of your sworn statement as it appears on paper. I will also require consent to voice record the statement taking process in order to analyse the interpretation and ultimately the translation of the statement. In obtaining the statement I would need to observe the process of taking a statement.

This study aims to investigate complainant statements and the way in which they are co-constructed towards formulating a legal text during police interviewing. The study also focuses on the translation of a statement from either English to Afrikaans, Afrikaans to English or from English to English, that is from different dialects of English in the Western cape and how that translation accounts for the accuracy and quality of the statement.

The research aims to answer the following questions:

I. How are complainants' statements constructed along with the police officer during the police interview; and to what extent does the process of recording a statement produce a legal document?

II. To what extent does translation contribute to the truth, accuracy and quality of sworn statements?

III. To what extent does the justice system embrace equal status of languages and how does this give rise to access to justice?

This sheet serves to give you information on the project and also inform you of its aims. Please note that you are required to sign the attached consent form should you agree to participate in this study. The information will only

Chairperson: Prof Felix Banda
Email: fbanda@uwc.ac.za
Phone: +27 21 959 2380/2978

Department Administrator: Ms Berneshia February
Email: bfebruary@uwc.ac.za
Phone: +27 21 959 2380/2978

https://uwcscholar.uwc.ac.za/home

be used for the intended research purpose and by so doing the confidentiality of participants are protected throughout as personal details will not form part of the study.

The research will benefit the Afrikaans and English-speaking communities as the aim is to build a stronger case for providing a statement in English or Afrikaans as a home language. The research will also support the idea of using professional translators so that complainants can confidently give statements without compromising on their home language.
In order to address the risk associated with this research, this is a low risk study as participants will merely be expected to consent to recording and analysing of their sworn statements.

My supervisor in the Linguistic Department at the University of the Western Cape is Prof. Monwabisi K. Ralarala, you can find his contact details below. Please feel free to contact any of us should you need more information regarding the project or if you have any other queries.

Regards

LT Losch

Laurian Teslyne Lesch
072 308 6239
4012404@myuwc.ac.za

Supervisor: Prof Monwabisi K. Ralarala
+27 21 959 2235/2667
moralarala@uwc.ac.za

HSSREC
+27 21 959 4111
research-ethics@uwc.ac.za

https://uwcscholar.uwc.ac.za/home

Linguistic Department, Private Bag X17, Bellville 7535, South Africa.

Datum: 3 Februarie 2021

INLIGTINGSBLAD

Proefskrif titel: *Inter- and Intra-lingual Translations of Complainants' Sworn Statements by Police: A Co-Construction of a Legal Text in a South African Context*

Beste Polisiebeampte

Ek, Laurian Teslyne Lesch, 'n PhD-student, is verbonde aan die Department Taalwetenskap by Universiteit van die Weskaapland (UWK). Hiermee wil ek graag u deelname aan my navorsingsprojek versoek. Die projek fokus op die vertaling van beëdigde verklarings wat deur klaers afgelê word. Dikwels word hierdie verklarings self deur die poliesiebeampte vertaal, hetsy vanaf Engels na Afrikaans of andersom. Hierdie studie word in die Wes-Kaap voltooi en verklarings word vanaf drie poliesiestasies verkry. Dit sluit in [redacted] en [redacted] Ten einde die navorsing te voltooi, versoek ek hiermee u toestemming om toegang tot die verklaring te verkry en die gesprek op te neem, sodat ek die data in terme van die vertaling en tolking van die teks kan ontleed.

Die doel van die studie is om ondersoek in te stel op hierdie beëdigde verklarings en die manier hoe die poliesiebeampte en die klaer die verklaring saamstel. Verder meer fokus die studie ook op die vertaling van die verklaring vanaf Engels na Afrikaans en andersom, asook Engels na Engels, waar ek hoofsaaklik sal fokus op die wisselende dialekte van Engels in die Wes-Kaap en hoe dit die gehalte en integriteit van die teks beïnvloed.

Die navorsing beoog om die volgende vrae te beantwoord:

I. Hoe word die verklaring tydens 'n polisie-onderhoud saamgestel en tot watter mate gee die konstruksie van die verklaring aanleiding tot 'n regsteks?

II. Tot watter mate dra vertalings vanaf Engels en Afrikaans by tot die integriteit, akkuraatheid en gehalte van die beëdigde verklaring?

Chairperson: Prof Felix Banda
Email: fbanda@uwc.ac.za
Phone: +27 21 959 2380/2978

Department Administrator: Ms Berneshia February
Email: bfebruary@uwc.ac.za
Phone: +27 21 959 2380/2978

https://uwcscholar.uwc.ac.za/home

III. Tot watter mate aanvaar die regstelsel gelyke status van tale en hoe dra dit by tot toegang tot geregtigheid?

Die navorsing het ten doel om beide die Afrikaans- en Engelssprekede taalgemeenskappe te bevoordeel en in staat te stel om verklaings in Afrikaans of Engels as huistaal af te lê. Die navorsing ondersteun die idee om professionele vertalers te gebruik sodat klaers met selfvertroue verklarings in hul huistaal kan aflê. In terme van die risiko verbonde aan hierdie navorsing, is dit 'n lae risiko vir die klaers as deelnemers van die studie nie.

My studieleier in die departement is prof. Monwabisi K. Ralarala, sy besonderhede volg hieronder. Indien u enige verdere vrae het of inligting oor die projek versoek, is u welkom om met ons in verbinding te tree.

Groete

LT Losch

Laurian Teslyne Lesch
072 308 6239
4012404@myuwc.ac.za

Studieleier: Prof Monwabisi K. Ralarala,
+27 21 959 2235/2667
moralarala@uwc.ac.za

HSSREC
+27 21 959 4111
research-ethics@uwc.ac.za

Chairperson: Prof Felix Banda
Email: fbanda@uwc.ac.za
Phone: +27 21 959 2380/2978

Department Administrator: Ms Berneshia February
Email: bfebruary@uwc.ac.za
Phone: +27 21 959 2380/2978

https://uwcscholar.uwc.ac.za/home

Consent Form University of the Western Cape

Inter- and Intra-lingual Translations of Complainants' Sworn Statements by Police: A Co-Construction of a Legal Text in a South African Context

Researcher: Laurian Teslyne Lesch

Please initial box

1. I confirm that I have read and have understood the information sheet explaining the above research project and I have had the opportunity to ask questions about the project. ☐
2. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason and without there being any negative consequences. ☐
3. I understand that my name will not be linked with the research materials, and I will not be identified or identifiable in the reports or publications that result for the research. ☐
4. I understand that I may decline to be audio-recorded at any point. **Yes** ☐ **No** ☐
5. I agree that the data collected from me may be used in future research. ☐
6. I agree to take part in the above research project. ☐

Name of Participant (*or legal representative*)	**Date**	**Signature**
Name of person taking consent *(If different from lead researcher)*	**Date**	**Signature**
Lead **Researcher** (*To be signed and dated in presence of the participant*)	**Date**	**Signature**

Copies: All participants will receive a copy of the signed and dated version of the consent form and information sheet for themselves. A copy of this will be filed and kept in a secure location for research purposes only.

Researcher:
Laurian Teslyne Lesch
Contact number: 072 308 6239
Email: 4012404@myuwc.ac.za

Supervisor:
Prof Monwabisi K. Ralarala
Contact: 021 959 2235
Email: moralarala@uwc.ac.za

HOD:
Prof. Felix Banda
Contact: 021 959 2978/2380
Email: fbanda@uwc.ac.za

https://uwcscholar.uwc.ac.za/home

Toestemmingsvorm Universiteit van Wes-Kaapland

Inter- and Intra-lingual Translations of Complainants' Sworn Statements by Police: A Co-Construction of a Legal Text in a South African Context

Navorser: Laurian Teslyne Lesch

Parafeer in die geskikte boksie

1. Ek besvestig dat ek die inligtingsblad gelees het en dat ek die bogenoemde navorsingsprojek verstaan en dat ek die geleentheid gehad het om vrae oor die projek te vra. ☐
2. Ek verstaan dat my deelname in die projek vrywillig is. ☐
3. Ek verstaan dat my naam nie aan die navorsingsmateriaal gekoppel sal word nie, en ook nie geïdenitfieseer of identifiseerbaar in die verslae of publikasies wat die navorsing tot gevolg het. ☐
4. Ek verstaan dat ek op enige stadium mag weier om opgeneem te word.

Ja	Nee
☐	☐

5. Ek stem in dat die data wat van my gekry is in toekomstige navorsing gebruik kan word. ☐
6. Ek stem in om aan die boegenoemde navorsingsprojek deel te neem. ☐

Naam van deelnemer (*of regsverteenwoordige*)	**Datum**	**Handtekening**
Naam van person wat toestemming gee (*As dit verskil van die hoofnavorser*)	**Datum**	**Handtekening**
Hoofnavorser (*Word onderteken en gedateer in die teenwoordigheig van die deelnemer*)	**Datum**	**Handtekening**

https://uwcscholar.uwc.ac.za/home

Afskrifte: Alle deelnemers ontvang 'n afskrif van die ondertekende en gedateerde weergawe van die toestemmingsvorm en die inligtingsblad. 'n afskrif hiervan sal slegs vir navorsingsdoeleindesop 'n veilig plek bewaar word.

Navorser:

Laurian Teslyne Lesch
Contact number: 072 308 6239
Email: 4012404@myuwc.ac.za

Studieleier:

Prof Monwabisi K. Ralarala
Contact: 021 959 2235
Email: moralarala@uwc.ac.za

HvD:

Prof. Felix Banda
Contact: 021 959 2978/2380
Email: fbanda@uwc.ac.za

https://uwcscholar.uwc.ac.za/home

Consent Form University of the Western Cape

Inter- and Intra-lingual Translations of Complainants' Sworn Statements by Police: A Co-Construction of a Legal Text in a South African Context

Researcher: Laurian Teslyne Lesch

Please initial box

1. I confirm that I have read and have understood the information sheet explaining the above research project and I have had the opportunity to ask questions about the project. ☐
2. I understand that the participation is voluntary and that the participant may withdraw at any time without giving any reason and without there being any negative consequences. ☐
3. I understand that the names of the participant will not be linked with the research materials, and that he or she will not be identified or identifiable in the reports or publications that result for the research. ☐
4. I understand that the participant may decline to be audio-recorded at any point.

Yes	No

5. I agree that the data collected from the participant may be used in future research. ☐
6. I agree that the participant may take part in the above research project should he or she consent to this. ☐

Name of Police official *(or legal representative)*	**Date**	**Signature**
Name of person taking consent *(If different from lead researcher)*	**Date**	**Signature**
Lead Researcher *(To be signed and dated in presence of the participant)*	**Date**	**Signature**

Copies: All participants will receive a copy of the signed and dated version of the consent form and information sheet for themselves. A copy of this will be filed and kept in a secure location for research purposes only.

Researcher:

Laurian Teslyne Lesch
Contact number: 072 308 6239
Email: 4012404@myuwc.ac.za

Supervisor:

Prof Monwabisi K. Ralarala
Contact: 021 959 2235
Email: moralarala@uwc.ac.za

HOD:

Prof. Felix Banda
Contact: 021 959 2978/2380
Email: fbanda@uwc.ac.za

https://uwcscholar.uwc.ac.za/home

Toestemmingsvorm Universiteit van Wes-Kaapland

Inter- and Intra-lingual Translations of Complainants' Sworn Statements by Police: A Co-Construction of a Legal Text in a South African Context

Navorser: Laurian Teslyne Lesch

Parafeer in die geskikte boksie

1. Ek besvestig dat ek die inligtingsblad gelees het en dat ek die bogenoemde navorsingsprojek verstaan en dat ek die geleentheid gehad het om vrae oor die projek te vra. ☐
2. Ek verstaan dat my deelname in die projek vrywillig is end at die deelnemer op enige tyd van die studie kan onttrek. ☐
3. Ek verstaan dat die naam van die deelnemer nie aan die navorsingsmateriaal gekoppel sal word nie, en ook nie geïdenitfieseer of identifiseerbaar in die verslae of publikasies wat die navorsing tot gevolg het. ☐
4. Ek verstaan dat die deelnemer op enige stadium mag weier om opgeneem te word.

Ja	**Nee**

5. Ek stem in dat die data wat van die deelnemer gekry is in toekomstige navorsing gebruik kan word. ☐
6. Ek stem in dat die deelnemer aan die boegenoemde navorsingsprojek mag deel neem. ☐

Naam van polisiebeampte (*of regsverteenwoordige)*	**Datum**	**Handtekening**
Naam van person wat toestemming gee *(As dit verskil van die hoofnavorser)*	**Datum**	**Handtekening**
Hoofnavorser (*Word onderteken en gedateer*	**Datum**	**Handtekening**

https://uwcscholar.uwc.ac.za/home

in die teenwoordigheig van die/ deelnemer)

Afskrifte: Alle deelnemers ontvang 'n afskrif van die ondertekende en gedateerde weergawe van die toestemmingsvorm en die inligtingsblad. 'n afskrif hiervan sal slegs vir navorsingsdoeleindesop 'n veilig plek bewaar word.

Navorser:	Studieleier:	HvD:
Laurian Teslyne Lesch Contact number: 072 308 6239 Email: 4012404@myuwc.ac.za	Prof Monwabisi K. Ralarala Contact: 021 959 2235 Email: moralarala@uwc.ac.za	Prof. Felix Banda Contact: 021 959 2978/2380 Email: fbanda@uwc.ac.za

https://uwcscholar.uwc.ac.za/home