

Addis Ababa University
College of Humanities, Language Studies,
Journalism and Communication
Department of Linguistics

Language use in the criminal justice process:
The Case of Raya Alamata Woreda in Tigray Region

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Degree of Masters of Art in Linguistics

By: Gessesse Nigusse Abebe

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Addis Ababa

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By: Gessesse Nigusse

Approved by board of examiners

Advisor

Signature

Date

Examiner

Signature

Date

Examiner

Signature

Date

Chair person

Signature

Date

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Abbreviations and Acronyms

ADV = adverb

ADJ = adjective

CAUS = causative

CONJ = conjunction

DEF = definiteness

F = feminine

IMP = Imperative

IMPERF = imperfective

M = masculine

N = noun

O = object

PASS = passive

PL = plural

PERF = perfective

P = preposition

PRES = present

REAS = reason

S = singular

1 = first person 2 = second person and 3 = third person

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Appendix A = Questionnaires

Part one: Questionnaire for lawyers and the police

Part two: Questionnaire for parties and witness

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Abstract

The main purpose of this study was to describe and analyze language use and to assess language related problems in the criminal justice process in Raya Alamata Woreda. To ensure this, qualitative and quantitative methods were used. All the legal officers were taken and one hundred clients were included through quota sampling. Questionnaire was distributed for legal officers and clients. Interview was made with legal officers and clients. Observation was made during courtroom interactions and police interrogations. An attempt was made to describe and analyze language use in the criminal justice. The study revealed that people use direct and indirect speech acts to convey intended messages in the criminal justice. The police use mainly eight WH questions as a tool for criminal investigation. Lawyers use the system of presupposition and entailment to draw question to examine witnesses with the intention of triangulating the linguistic evidences. Accused and complainants use language mainly to convince the judges in favor of their respected clients by destroying the arguments of their opponent parts. Lawyers use code mixing for technical use of terms, habitual use of language, and professional adaptation of terms. They also use code switching for better comprehension of language. Parties and witnesses use code mixing for elaboration of terms, as a matter of habit, and due to mother tongue interference. They also use code switching for better comprehension and secrete use of language. New words are introduced into the legal language mainly through borrowing, compounding, semantic extension, loan translation, derivation and abbreviations. The difficulty of legal jargons, the complexity of legal language, linguistic and non linguistic barriers, and the asymmetrical distribution of speech acts between lawyers and parties are found to be problems in language use. To alleviate the problems, lawyers should make their language as simple as possible to be understood easily by clients. Awareness should be created on meanings of legal terms for clients or else use common terms during interactions. Legal officers should accept clients' language choice, provide legal awareness for the people and provide translation services.

Declaration

I, the under signed, declare that this thesis is my original work, has not been presented for a degree in any other university and that all the sources of materials used for this thesis have been duly acknowledged.

Gessesse Nigusse

Signature -----

Date: June 3, 2012

Approval

This thesis has been submitted for examination with my approval as the thesis advisor.

Zealelem Leyew (Ph.D.)

Signature -----

Date: June 3, 2012

Addis Ababa University

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CHAPTER ONE

1 Introductory chapter

1.1 Background of the study

Language is beyond a means of communication and plays a key role in solving social problems. Its role is highly emphasized in the area of law. Mertz (2007) described that language is the means of expressing the law in the justice system. It is through language that the law works to shape our lives, and it is through language that people, including professionals come to understand the world in a particular way, as much of our social world is dependent on language interaction. Besides, language plays a significant role in transferring social problems into legal issues. According to Mertz (2007), how we talk turns out to be crucial in almost every contexts in which human beings participate such as in passing judgments in the criminal justice. Lawyers or judges use language as a tool in investigating crimes and passing decisions in the court.

Language is a means of self expression (Baredt 2005). It expresses our inner selves and plays a key role in identifying who we are. People often use language to describe and represent themselves and others to this physical world. This is because it has the power to expose people's intention to outsiders. Mehl (2003) discussed that language is a bridge to reality. Lawyers use this opportunity to extract facts, linguistic evidences, from people to identify who really commits a crime in making judicial decisions (Tiersma and Solan 2005).

In light of the above discussion, Grewendorf and Rathert (2009) explained that law always has a linguistic form and there would be no law without language. According to them, there would be no way to establish legal validity without language, as justice needs language interaction. Judges

can't pass decision secretly without making interactions with parties. And that is why scholars say the laws of society and the laws of nature differ in that the laws of nature are valid although their correct formulations are not known entirely; they would also be valid if nobody had ever tried to put them in formulas. But the laws of society are different in that they only come about with human communication and interaction (Grewendorf and Rathert 2009).

According to Tiersma and Solan (2005), the issue of language is highly stressed during interaction between law enforcement officers and persons suspected of committing crime. It is the evidence that is obtained through the language that determines whether or not a crime is committed by a person. In Ethiopia, for instance, a victim presents his or her claim to the police and the police make an investigation through interrogation and send the finding to the prosecutor and charge will be reframed or let him or her free of charge based on linguistic evidences. We can say that language is the power house of judicial decisions.

When we observe woreda courts, as in Raya Alamata court, there is much deployment of linguistic discourses. That means that there is much use of language in practical situations, as in presenting, defending, reasoning, arguing, etc of cases in the court. The police use language to investigate crime on suspects and judges use language to draw reasons for their decision, which is a common experience in Tigray or in Ethiopia as a whole. It involves actual language use by the actual people. That is why scholars like Schiffrin (2001) stated that the area of law provides an open opportunity for discourse analysis, as law is highly verbal field. People often give due attention to their words and expressions or their language use in general to convey a certain message in the criminal justice as it matters the decision of the case. Besides, Tiersma and Solan (2005:33) said, 'People engaged in illegal activity often speak indirectly about their plans'. As a

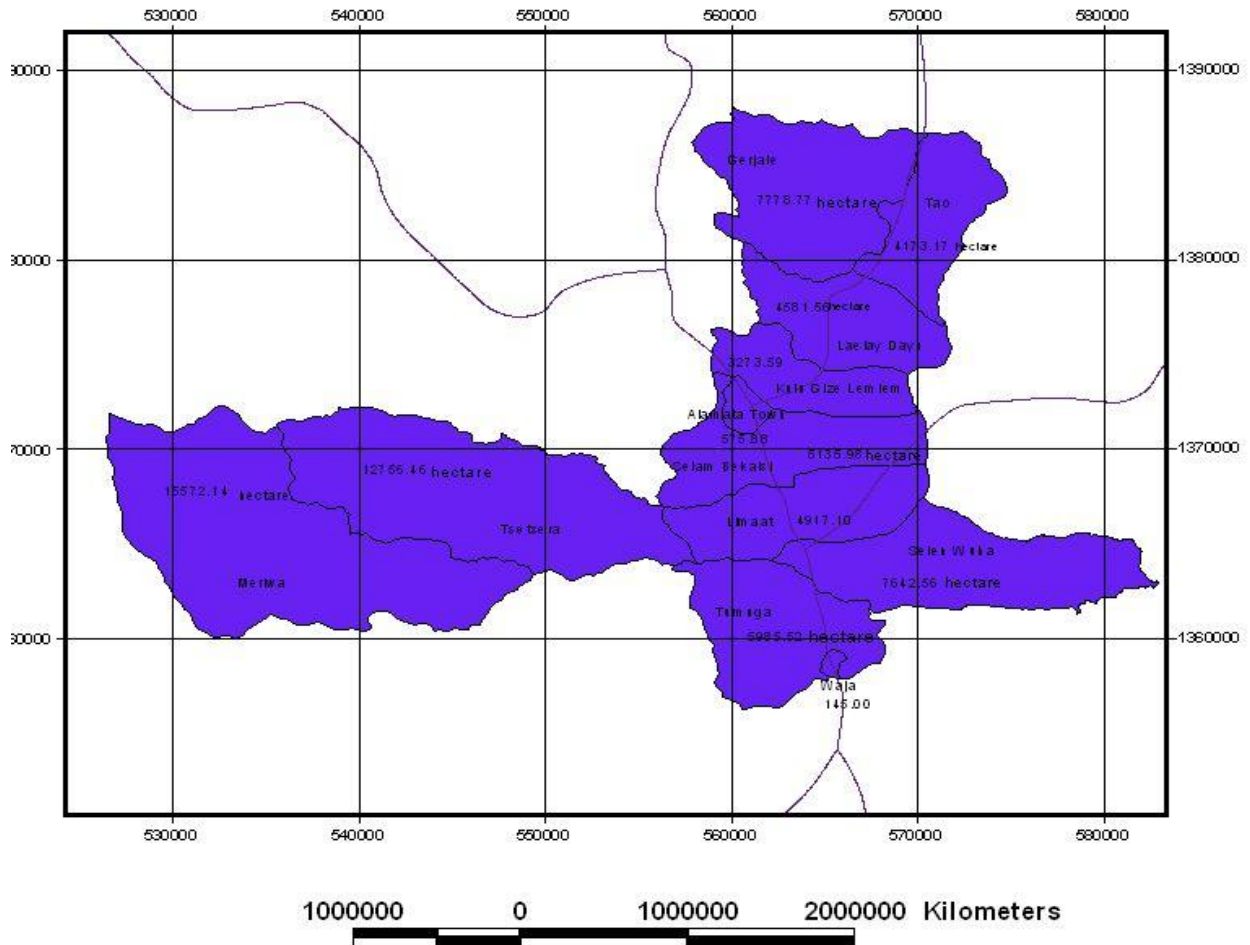
result, the study and analysis of language use can provide us an insight into how people interact, how they think and feel and how they behave in different social contexts.

The main purpose of this study is therefore to describe and analyze language use and to assess language related problems in the criminal justice. It is conducted in Raya Alamata Woreda which is a district in the Southern Zone of Tigray Regional State. The main reason for selecting this area is because the researcher is well familiar with the language and culture of the society. This will help for the researcher to have good awareness on the language and culture of the society in conducting the study in the criminal justice. Besides, people that have different linguistic and cultural back ground are living together in the area. As a result, it intends to investigate how language is used in the criminal justice in the area.




1.1.1 The study area

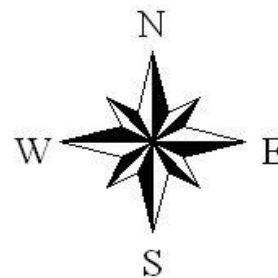
Tigray region is one of the nine regional states of Ethiopia. It has six (6) zones and forty seven (47) woredas. Alamata Woreda is one of them. It is found in the southern zone of Tigray. It contains two woreda in it; Raya Alamata (the rular) and Alamata town. According to the 2007 census of Ethiopian, there are about 85,403 people of which 42,483 are males and 42,920 are females in this Woreda. It is found in a flat area in which 80% of it is lowland (Kola) and 20% of it is a highland (Dega). The economic situation of the population is dominantly depending on agriculture. (Harmo Raya periodic, 2003 E.C.). Moreover, people with different linguistic back grounds are living in this area. According to Nigus (2011), in Alamata woreda, Tigrigna is spoken as a first language by 61.36%, Amharic by 36.48%, Afan Oromo by 1.36% and the remaining 0.8% speaks Afar and Himtagna (Agow). And Tigrigna is the working language in the area as it is the working language of the region.

Map of Raya Alamata with its Tabia



Legend

-  Tabia Boundary
-  Etroad01.co
-  Raya alamata1.shp



(Source: Raya Alamata Woreda Land Administration, 2003)

1.2 Statement of the problem

Language and law are highly interrelated with each other. Grewendorf and Rathert (2009) discussed that law is mediated through the use of language. It is through language that social problems are translated into legal issues. In a practical situation, language serves as an expressive instrument in the area of law to solve social problems. People can express their problems using certain legal expressions. This is what we can really observe from the real experience of Tigray region, and Ethiopia as a whole.

Language and the criminal justices are highly interlinked together in a variety of situations. In relation to this, Tiersma and Solan (2005) stated that the criminal process is full of language events from the beginning to the end. In Woreda courts in Tigray, it is a common place to observe people presenting their claims using a certain language to a police at the beginning of a case. Accordingly, various linguistic issues arise in communication between law enforcement officers and persons suspected of committing crime. At the same time, there is an issue of language during an interrogation with a suspected person in the investigation process.

Another area of interaction between language and criminal law is linguistic evidence. In a broad sense, any speech or writing could be considered as linguistic evidence. More particularly, linguistic issues that have an impact on evidence could be admitted at trial (Tiersma and Solan 2005). In Woreda courts, a prosecutor can reframe a charge on suspects based on the linguistic evidence that has been collected from the interrogation of the police. The evidence presented is largely linguistic, and crucial decision is made about guilt or innocence depending on the language used. Here, the intention of speakers' language use is very important during criminal

investigations as people often speak indirectly about their plans of illegal acts (Tiersma and Solan 2005). It is stated that the language used in the courtroom defines the situation and the events represented. This implies that language has the power to make someone guilty or innocent, even for death or life imprisonment and that is why scholars noted that law is about language (Maher 1996).

Scholars like Maher (1996) stated that ambiguous language can damage the law. Makodia (2007) said the language employed in law and that employed by the lawyers in the court is known to have been full of complexities. Most of the time, it proves to be hard to interpret, comprehend or understand for everyone. Besides, legal jargons are very difficult to understand for laypersons during courtroom interactions and still do not get due attention by lawyers on how these jargons should be made simple to understand to their parties. Stephen (1991) also points out that the public has more problems with the unfamiliar organization of the text in the legal documents, the difficult of sentence structure and the lack of shared context than they do with vocabulary of the law. Cooper and Nahum (1976) noted that language use in Ethiopian courts is complex both with respect to interpretation of written law and with respect to the language used for court proceedings, due to imprecise Amharic terminology. Riley (1989) also noted that misunderstanding of language can emerge from pragmatic errors during social interactions.

It is with the above ground that the researcher finds it appropriate to investigate language use in the criminal justice. The study and analysis of language use can provide us an insight into how we interact, how we think and feel, and how we behave in a certain social contexts. So, this study will try to describe and analyze how people use their languages, what pragmatic meanings are

deployed in their discourses and what special expressions are used to convey certain messages in the justice system. Finally, main language related problems that can affect language use should be identified and possible solutions be suggested in this study.

1.3 Objectives of the Study

The general objective of the study is to describe and analyze language use in the criminal justice process in Raya Alamata Woreda. The specific objectives of the study are:

- To describe and analyze the intention of language use in the criminal justice process,
- To describe the reasons for using code switching and code mixing in the criminal justice,
- To describe how new Tigrigna legal terminologies are introduced into the justice system,
- To examine the main language related problems that can affect language use in the criminal justice so as to suggest possible solutions,

1.4 Research questions

To ensure the above objectives, the following research questions are designed to be answered at the end of the study.

- How do speakers use language to convey intended meanings in the criminal justice?
- When and why do speakers use code switching and code mixing in the criminal justice?
- How are new legal Tigrigna terminologies introduced into the justice system?
- What language related problems in language use are commonly observed in the criminal justice?

1.5 Significance of the study

This study is expected to have a significant insight in the area of language and law. It has been said earlier that language plays a critical role in the actual realization of law in the criminal justice system. However, lawyers as well as the society have not benefited from academic researches on the area. Even though there are some literatures on the language of law, to my knowledge, no adequate information is available on how language is employed in the criminal justice system in Ethiopia in general and in Tigray region in particular. In short, this study will have the following contributions:

- For developing Tigrigna as language of case,
- For developing Tigrigna legal terminologies,
- For creating awareness to legal officers on how they use language in the criminal justice,
- For students, particularly for law and linguistic students as a resource,
- Finally, it is also hoped to serve as a source material for interested researchers in the area.

1.6 Limitation of the study

The main limitation of the study was the essence of getting equal words in translation of Tigrigna legal terms into English. The other problem is lack of adequate knowledge on law. Thus, the researcher tried to solve the problems through the help of lawyers and other resources. This made the time of data analysis lengthy and difficult.

1.7 Scope of the study

This research study was conducted in Raya Alamata Woreda, a district in Southern Zone of Tigray. It aimed to study language use in the criminal justice process. In this study, the police, the judges and the prosecutor officials that have diploma and above academic status were included, as they were the main target of the study in the Woreda. Besides, parties and witnesses were included for the study.

1.8 Operational definitions

The following lists of words may have different definitions in different contexts. But to this paper, it has been given the corresponding meanings as a working definition for the study.

Accused (n) = a person who has been blamed for wrong doing; especially a person who has been arrested and brought before a magister or who has been formally charged with a crime

Charge = statement of accusation

Case = a civil or criminal proceeding, action, suit or controversy at law

Complainant = one who submits petition or application into the law

Confession = a criminal suspects oral or written acknowledgement of guilt

Criminal justice = a system of law which is related with the justice of crime

Criminal law = a law that deals with criminal matters

Defendant = a person sued in a criminal proceeding or accused in a criminal proceeding

Detainee = one who attends his/her case being under custody

Guilty = having committed a crime; responsible for law

Innocent = being free from guilty

Judge = one who leads up the court session

Lawyer = one who is trained to practice a law

Law enforcement = the detection and punishment of violations of the law

Offence = wrongful act

Offender = one who commits a wrongful act

Party = a person who takes part in a legal transaction or proceeding

Public prosecutor = one who holds criminal matters on behalf of the state

Suspect = one who is not yet proven guilty

Trial = a formal judicial examination of evidence and determination of legal claims in adversary proceeding

Victim = one who is affected by a wrongful act

Witness = one who gives testimony in the court

1.9 Research Design and Methodology

The main purpose of this study is to describe and analyze language use in the criminal justice process. Therefore, the descriptive method was designed. This method was selected because it enabled the researcher to have a wider overview on the actual language use in the area.

1.9.1 The Population and Sampling Techniques

In Alamata Woreda, there are 48 police, 4 public prosecutors and 4 judges, all together 56. Among them 7 are females. All the public prosecutors, judges and police were considered in the study, because their number was easy to handle. In addition, 100 parties and witnesses were included in the study through quota sampling, as they were non-homogeneous in group and unspecified in number. According to Yalew (2006), quota sampling technique is helpful if the sample study is non-homogeneous and unspecified in number. This enabled the researcher to avoid misrepresented groups and to manage them easily. To do this, the researcher classified the subjects into three groups: accused, complainants and witnesses. Based on their quota, 25 from complainants, 25 from accused and 50 from witnesses were taken using convenience sampling from where they were found.

1.9.2 Data gathering tools

1.9.2.1 Questionnaire

Questionnaire is a useful tool used in collecting large amount of data from groups of subjects (Seliger and Shohamy 1989). Before questionnaire was prepared, the researcher attempted to observe the overall information on how language was used in the criminal justice process in Raya Alamata Woreda. Based on this, two types of questionnaires were prepared and translated

into the local language (Tigrigna) to be answered efficiently. They were designed to triangulate one to the other. Both contained close and open ended questions. The questionnaire helped the researcher to gather data on problems related to language use in the criminal justice. The first questionnaire was distributed for law officials (the police, judges and public prosecutors). This was done first by self introducing and showing the letter of support to subjects and then asking their willingness to fill and return the questionnaires. After that 56 questionnaires were distributed and 52 of them were filled and returned. The second questionnaire was distributed for parties (complainants and accused) and witnesses and the researcher helped them in completing the questionnaire by reading the questions and writing their replies. Based on this, one hundred (100) questionnaires were filled. By doing this, literate, illiterate as well as monolingual Amharic speakers got the chance to participate in the study. The questionnaires were administered by the researcher from the beginning up to the end.

Before distributed, the questionnaire was tested. Following the pilot test, some technical terms were commented to be replaced by simple and easily understandable words. Besides, some repeated questions were commented to be categorized with their similarities. Based on the feedback from the pilot test, improvement was made by omitting similar questions and technical terms. Then after checking the correctness of the tools, it was put in its final form and distributed for sample studies with necessary explanations on how to fill it.

1.9.2.2 Observation

Bell (1993) explains observation as a process of observing and recording notes on how people act on a particular situation. This tool enabled the researcher to collect language data when police interrogates witnesses and suspects, when lawyers examine witnesses and when parties present

and defend their court cases. It also includes linguistic data on code switching and code mixing during courtroom interactions. To do this, the researcher prepared structured and unstructured observation guide based on pre observation made and a notebook to take notes during interactions. Observation was conducted for three weeks continuously until to get detail information for each item.

1.9.2.3 Interview

Interview is a tool used to collect data in a face to face interaction by an interviewer (Bell 1993 and Yalaw 2006). Interview was conducted with key informants to collect data on the language(s) that parties and witnesses use during presentations, what language related problems lawyers face during courtroom interactions and what solutions they take, and what specific policy in language use is set in their respective Woreda during interaction in the criminal justice. This helped to substantiate the data obtained from questionnaires. It was conducted with seven law officers including the head officers of the police, judges and the public prosecutors. To do this, structured and unstructured interview guide was prepared for the subjects. In addition, some parties and witnesses were interviewed to collect additional data on particular language expressions and to get supportive information for the linguistic data.

1.9.2.4 Document analysis

Document analysis refers to the process of using any kind of document or written sources for analysis in relation to particular research questions (Bell 1993). The researcher used documents of cases, legal manuals, and proclamations to collect a number of Tigrigna legal terminologies in order to study how new words are being introduced into the legal language. It also enabled the researcher to collect commonly used legal terms in order to evaluate to what extent clients are

familiar with them in the justice system. Moreover, it helped to examine the complexity of lawyers' language from their written documents of cases and how they are difficult to understand for parties and witnesses

1.9.3 Methods of data analysis

1.9.3.1 Qualitative data

The linguistic data obtained from the actual language use through observation of the participant was classified into items and transcribed and glossed into their corresponding English equivalents. Then, each item was analyzed and described in terms of the intention of speakers used. Besides, data obtained from interview and documents were classified into items and analyzed and described qualitatively.

1.9.3.2 Quantitative data

After collecting the questionnaire, raw data was tallied and tabulated. It was classified into different groups based on their similarities and issues raised in the questionnaire. Then depending on the basic questions, the data was analyzed using numbers.

1.9.4. Respondents characteristics

The following table presents background information about the people that were used in the study to fill out the questionnaire.

Table1. Respondent one (parties and witnesses)

No	Categories	Respondents
1	Sex	No
	Male	71
	Female	29
	Total	100
2	Age (in year)	
	<20	-
	20-25	23
	26-35	49
	36-50	25
	≥50	3
	Total	100
3	Education	
	Literate	81
	Illiterate	19
	Total	100
4	Residence	
	Urban	33
	Rural	67
	Total	100
5	Language	
	Tigrigna(L1)	64
	Amharic(L1)	36
	Total	100
	Tigrigna(L2)	58
	Amharic(L2)	32
	No Tigrigna	6
	No Amharic	4
Total	100	

As can be shown in table 1, the number of male respondents (71) was greater than the number of female respondents (29). Effort was made to include females, as they were small in number. The legal officers said that males are the most common customers in the criminal justice. This implies that males are more acquainted with legal language.

With regard to age distribution of respondents, the figure reveals that the 49 of the respondents' were found to be between 26-35 and 25 of them were between 36 and 50 respectively. The young group that is below 25 years was 23. On the other extreme, 3 of the respondents were above the age of 50. This indicates the respondents were matured in age.

In terms of education, out of the total number of respondents, 81 were literate and 19 were illiterate and effort was made to include all illiterates, as their number was small. So, this implies that the largest group of the respondents was literates and this could be helpful in filling the questionnaire.

With regard to their place of residence, out of the total number of respondents, 67 of them were from rural and 33 were from urban. This implies that the majority of the respondents came from rural areas.

In terms of language, the figure indicates that 64 of the respondents have Tigrigna as their mother tongue and 36 of them have Amharic as their mother tongue. And it is shown that there were only 6 respondents who did not know Tigrigna. This indicates that almost all respondents used Tigrigna and this was helpful to get detail information for the study.

Generally, it is possible to conclude that people who people from different part of the society with different age, sex and education and lively hood were included in the study. This helped the researcher to get important information for the study.

In addition, the next table presents background information of legal officer used in the study to fill the questionnaire.

Table2. Respondent two (Legal officers)

No	Categories	Respondents
1	Sex	No
	Male	45
	Female	7
	Total	52
2	Age (in year)	
	≤20	-
	20-25	8
	26-35	19
	36-50	25
	≥50	-
	Total	52
3	Education	
	Diploma	43
	Degree	9
	Total	52
4	Language	
	Tigrigna(L1)	48
	Amharic(L1)	4
	Total	52
	Tigrigna(L2)	4
	Amharic(L2)	48
	No second language	-
	Total	52
5	Work experience in year	
	<5	19
	5-10	10
	≥10	23
	Total	52

As indicated in table 2, the number of male respondents (i.e. 45) was greater than female respondents (i.e. 7). Females were small in number due to the fact that there are only 7 females from the legal officers in the woreda.

In terms of age distribution, the figure indicates that the 25 of the respondents were between 36 and 50 and 19 were between the 26 and 35 and only 8 of them were between the age of 20 and 25. This indicates that the majority of the respondents was matured in age and can have better understanding of legal language.

In relation to education, it is indicated that 43 of the respondents were diploma holder and 9 were degree holder. This shows that the respondents were educated.

With regard to their work experiences, 23 of the respondents have above ten years of work experiences and 10 of them have from 5 to 10 work experience. Besides, 19 of the respondents have less than 5 years of work experience. This implies that most of the respondents were well experienced and have deep understanding for the issue.

In relation to language, the figure indicates that 48 Tigrigna mother tongue speakers and 4 are Amharic mother tongue speakers. It is indicated that all are bilingual in Tigrigna and Amharic. This shows that they didn't have language problems and were helpful to get detail information for the intended purpose.

Generally, the result of the finding reveals that the respondents were appropriate for the study and large amount of data was also found.

CHAPTER TWO

2 Conceptual framework and Review of related literature

2.1 Conceptual framework

2.1.1 Language and its functions

Crystal (1997) defines language as the systematic, conventional use of sounds, signs, or written symbols in a human society for communication, interaction and self expression. Communication involves the use of symbols. Symbols are things used to stand for or represent something else (Gudykunst and Kim 2003). Symbols are not limited to words; they also include non verbal displays and other objects. In short, written words, spoken words, gesture and facial expressions are the common symbols used for communication (Gudykunst and Kim 2003).

Krauss and Chiu (1993) stated that language moves across social life. It is the principal vehicle for the transmission of culture, and the primary means by which we gain access to the thoughts of others' mind. Any communicative exchange is situated in a social context that constrains the linguistic forms participants use through interactions. Mehl (2003) noted that the ways people use words convey a great deal of information about themselves, their audience and the situations they are beyond its communicative function.

Holmes (1992) stated that language serves many functions during social interactions. It enables people to express idea, feeling, attitude, etc during social interactions. Holmes noted that language acts (speech acts) have expressive function (which expresses speakers feeling),

directive or informative function (which attempts to get someone to do something), referential function (which provides information), and phatic function (which expresses empathy).

Finch (2003) distinguishes language functions into two broad categories. One is micro function which covers the particular individual uses and the other is macro function which relates to the larger or more general language use. The micro function of language includes the following (Finch 2003:21-38):

- a. Recording function- helps to record information for long term or short term use
- b. Identifying function- attempts to identify and classify things into some category
- c. Communication function- serves as a means of communicating ideas, feelings, etc between people
- d. Reasoning function- serves to create and express human thought
- e. Phatic function- enables to create social bonds between people
- f. Physiological function- uses to release nervous or physiological energy during period of distress
- g. Pleasure function- helps to give delight or enjoyment for humans

Besides, Finch stated that macro function of language is the one which is capable of describing one or more other micro functions. Accordingly, he classified macro function of language as follow:

- a. The ideational function- refers to the function in which we conceptualize the world for our own benefit and that of others. We bring the world into being linguistically.

- b. The interpersonal function- the function used to construct human identity. It is concerned with the way we bring ourselves into being linguistically.
- c. The poetic function- refers to the ability to bring the world into being an area of play. It means we bring delight to ourselves and others and manipulate it (page 40-41).

Fishman (1971) said that language choice depends on domain of language use. Fishman defined domains in terms of institutional contexts or socio-ecological co-occurrences. At the same time, Fishman (1972a) as cited in Meshrie et al (2000) defined domains as situations in which individuals interact in appropriate role relationships with each other, in appropriate locals for these role relationships. Accordingly, domains could include the family, the playground and street, the school, the church, literature, the press, the military, the court and the government administration. Domains can range from more public to a more private and to attribute to them a degree of formality ranging from the very formal to the most informal.

Fishman (1971) stated that domains enable us to understand that language choice and topic appropriate though they may be for analyses of individuals behavior at the level of face to face verbal encounter. Besides, Fishman mentioned that each domain can be differentiated into role-relations as in Judge-petitioner which is important in a particular society at a particular time. And this role- relation will enable us to describe language use or language choice in a given bilingual or multilingual society. Holmes (1992) stated that formal settings such as the law court or the parliament require official languages for interactions.

2.1.2 Lexical development in language use

One of the unique characteristics of a human language is the potential to create new words and expressions (Yule 1985). According to Zelealem (2009:67) ‘A language develops its lexicons when there is a compelling need to accommodate new concepts that cannot be expressed by the available vocabulary.’ Hauegen (1983) cited in Zelealem (2009) noted that lexical development is one aspect of language modernization applied when speakers need to expand the resources of their language to meet the modern world. Spolsky (1998) also stated that people who work at a particular occupation develop new terms for new concepts. Yule (1985) mentioned that borrowing, compounding, blending, clipping, acronym, derivation and coinage are the commonly observed method in the process of lexical development.

‘Borrowing refers to the importation of lexical or grammatical elements from another language mainly due to language contact situations’ (Zelealem 2009:67). As to Daniel (1997) any language is complete so long as it can express the culture of its speakers. But, it may not be complete to express the culture of other people. Accordingly, when people with different linguistic experiences meet together, they start to share not only their culture but also their language. Another common technique for word building involves compounding, which means the formation of new words through combination of two already existent words (Tesfay 2002). Loan translation is a special type of borrowing where individual words in the donor language are translated separately into the recipient language and new words formed with relatively new concept (Zelealem 2009).

Coinage is the invention of totally new term and blending is the combination of two separate forms to produce a single new term. Semantic extension refers to the process in which the meaning of a word becomes more general or inclusive than its original meaning (O' Grady 2001). Derivation is also another word formation through addition of affixes to the beginning or end of a word (Yule 1985).

2.1.3 Bilingualism and language proficiency

Weinreich (1968) as cited in Hoffman (1991) defines bilingualism as the practice of alternatively using two languages and the person involved is called bilingual. According to Rubin (1968:353), there are three classifications of bilingualism:

- a. Coordinate bilinguals are individuals that can speak and understand two languages well.
- b. Subordinate bilinguals are those individuals who are able to speak two languages even though they are not fluent and good in understanding.
- c. Incipient bilinguals are individuals who cannot speak one of the languages but they have good understanding.

Hoffman (1991) discussed that balanced bilingualism (i.e. roughly equal proficiency of two languages) and ambilingualism (i.e. complete control of two languages and make use of them in all uses) are mostly ideal, since most bilinguals tend to be more fluent or generally proficient in one language.

Meshrie et al. (2000) stated that in many cases speakers could use, in principle, any of their languages in interaction with others, but in practice certain languages tend to be associated with

certain contexts (with certain setting, topic of interlocutors), as in the courtroom interactions. Hudson (1996) stated that anyone who speaks more than one language chooses between them according to circumstances. Holmes (1992) noted that official languages are the appropriate varieties for formal government interactions and state occasions, as in the court. As a result, as speakers move from the informal situation (using native language) into the formal situation (using the second language), communication can vary.

In support of the above idea, Varonis and Gass (1985) stated that native speakers respond differently to non-natives than they do to natives. That is there are more clarification requests, repetitions and elaborations with non-native than with native speakers due to unbalanced bilingualism between interlocutors. Holmes (1992) also noted that language attitude can also have an effect on whether or not a language variety is intelligible. Such linguistic barriers may lead non-natives into misunderstanding and incomplete understanding of language. That is why scholars like Heutger (2003) forwarded that language is a source of misunderstanding between people belonging to different social groups, culture or profession.

2.1.3.1 Language variation and Code switching and code mixing

Matras (2009) defines Code switching as the alternation of languages within a conversation. That means that a change from one language into another occurs in the middle of a speech. The definition given to code switching also works for code mixing. But scholars like Gudykunst and Kim (2003) tried to make demarcations between the two terms based on the criterion of consciousness. According to these writers, code switching is a conscious change of language

whereas code mixing is unconscious change of language. But other writers don't agree on this criterion.

According to Gumperz and Bakamba as cited in Zelealem (1998:198-199), it is possible to see both terms (code switching and code mixing) as inter-sentential and intra-sentential switching. Accordingly, code switching is the mixing of words, phrases and sentences across sentences boundaries within the same speech event. This means code switching is inter-sentential. On the other hand, code mixing refers to the embedding of various linguistic elements such as affixes, words, phrases and clauses within the same sentence. This indicates code mixing is intra-sentential switching. So, this study deals with the explanations' given by Gumperz and Bakamba on the terms inter-sentential and intra-sentential switching to discuss code switching and code mixing respectively. Accordingly, in inter-sentential code switching, it is important to differentiate the matrix language from the embedded language. According to Mayer-Scotton (1999), *matrix language* refers to a language which we are actually speaking, and *embedded language* refers to a language which we briefly switch into.

Tiersma (1999) stated that people who can speak more than one language or more than one variety of language may choose to speak one variety on a certain occasion and a different one on another. Gudykunst and Kim (2003) discussed that the degree to which codes are mixed depends on how multilingual the society is. Tiersma stated that code switching is virtually never random; speakers will alternate between varieties of language depending on a number of factors or reasons. One factor is the topic of the conversation. When speaking about the law, it is natural for lawyers to switch to a legal language; particularly to technical terminologies (Tiersma 1999).

Fishman (1971) stated that the implication of topical regulation of language choice is that topics are somehow handled better or more appropriately in one language than in other in particular multilingual contexts. Hudson (1996) stated that speakers choose a language which the other person can understand. Tiersma (1999) also noted that the hearer's ability to understand the code is an important reason for code switching.

According to Zentella (1985) (cited in Gudykunst and Kim (2003:237), the reasons for switching of language is to hide fluency or memory problem in second language, to mark switching from informal to informal situations, to facilitate particular interpersonal relationship, to exert control, to announce particular identities and to create a particular meaning. Besides, Orin Gesler in his lecture note explained that habitual use of language patterns and secrete use of languages are other reasons for switching of language.

2.1.4 Language and law

William (2006) defines law as the body of official rules and regulations, generally found in constitutions, legislations, judicial opinions, and the like that is used to govern a society and to control the behavior of its members. He added that knowledge of law increases once understanding of public affairs and its study promotes accuracy of expressions, facility in argument and skill in interpreting the written word, as well as some understanding of social values.

Heutger (2003) forwarded that law needs language and there are many interconnected relationships. Knowledge of the law is dispersed by both spoken language and written language.

Language can serve even as a tool in problems of interpretations concerning a certain legal provisions (Heutger 2003). Law often enforces the existing system through the use of language. Maher (1996) noted that law is about language and it is almost impossible to have law without language. Stephen (1991) stated that law is the tower that language built and language and interpretations are the essence of law.

Language and the criminal law interact in a variety of situations. The language of police and suspects in pretrial proceedings and the admissibility of linguistic evidence during trial are some instances of their intersection (Tiersma and Solan 2005). Any spoken or written information could be considered as linguistic evidence in the criminal cases (Tiersma and Solan 2005). According to these writers, once a suspect is charged, he/she becomes the defendant. As it is noted, an issue in many cases especially in the criminal cases is the language used either by the police or the defendant in connection with a search or a confession that the defendant later challenges at trial in the court.

The police and the courtroom are very important areas in language use in the criminal justice. According to Tiersma and Solan (2005), various linguistic issues arise in communication between law enforcement officers and persons suspected of committing a crime during police interrogation. Accordingly, language of both police and suspects is relevant in deciding whether someone detained by the police has voluntarily consented to a search or not. Sometimes, the interaction between the interlocutors can be influenced by the situation of language use and the role relations that the interlocutors have (Mehl (2003) and Fishman (1971).

Tiersma and Solan (2005) said that the courts are willing to take into account the context and other pragmatic information in deciding whether or not the police have directly or indirectly

requested the suspect and the suspect has directly or indirectly consented to the search. Similarly, Tiersma and Solan suggested that courts frequently hold that indirect or possibly ambiguous statements do not count as request to have a lawyer present, allowing police to continue their interrogation. The written discourse of the police is criticized by different researchers. For instance, Couthard (1996) claims that a police written record may affect the reception or interpretation of its contents by differentially modulating the perceived reliability of the speaker as witness and enhancing the truthfulness of the interaction reported.

In addition, Tiersma and Solan (2005) noted that there is much use of language between participants during claiming, reasoning, arguing, etc in the court. According to them, a court is considered as an institutional debate in which opponent parts present their arguments and defend the arguments of their counterparts through a series of questions to win a case. Stephen (1991) stated that the language used in the courtroom defines the situation and the events which are presented. Meanwhile, Stephen forwarded that the evidence presented is largely linguistics, and crucial decision is made about guilt or innocence depending on the language used during lawyer-part interaction.

Morgan (2003) stated that lawyers are expected to use language expressions in a systematic way to question witnesses in the court. Mostly, they use indirect speech acts as criminal often do not admit their illegal acts directly. According to Morgan, the language of questioning witnesses in the court includes mainly *examination-in-chief* (which aims to describe the detail of the event), *cross examination*, (which intends to cross check the witnesses) and *re-examinations or screening questions* (which intends to re-check witnesses' word) during examination. Yule (1985) stated that questions built in *presuppositions (pre-said)* are very useful devices for interrogators or trial lawyers.

In addition, Tiersma and Solan (2005) stated that people engaged in illegal activity often speak indirectly about their plans in the court. In support to this idea, Shuy (2006) forwarded that the sort of linguistic knowledge can be very useful in understanding aspects of legal system. For instance, the speech acts of offering, denying, accepting, apologizing, and many others are significant in criminal cases like bribery and sexual misconduct (Shuy 2006).

2.1.4.1 Meanings and definitions of Legal terminologies/Jargons

A word may not have a single, universally agreed, meaning with in a speech community (Olsson 2008). Based on this, linguists advised that for some speakers, a word might be amusing, for others it might be a joke, while still for others it might be insulting under some circumstance. So, Olsson (2008) indicated that the relationship between speaker and hearer, the context of the situation, the speaker's intention, etc should be taken into account. A word may have more than one meaning or dictionary definition, and if there is no context to suggest which of the possible senses is intended, then the word will be ambiguous. As Tiersna (1999) legal jargons are not easy to understand for the common people. And they may create problem in communication (Olsson 2008).

It is generally agreed by different scholars that words have a core meaning and a number of fuzzy meanings. While the core meaning is probably well understood by most people, it is as the word approaches the boundaries of its semantic envelop that difficulties arise (Goddard 1996 as cited in Olsson 2008). Scholars like Tiersma and Solan (2005) noted that a great deal of legal disputes rises from the meaning of words in forensic (legal) contexts. Accordingly, even when we know the exact words that were used, we need to understand what was meant by them. This

seems to imply that if we don't know exactly what a word means in a given context, there could be a problem of intelligibility and communication.

2.1.4.2 Interpretation and translation of Legal discourses

In most professional and disciplinary contexts interpretation of discourse is largely hearer- or reader-based, in that there is some freedom for variable interpretation, of course, with some relevance to the context in which it has been used. But interpretation of legal discourse is most often based on its relevance and hence application to critical moments in specific 'sites of engagement' (Scollon 1998 as cited in Bahatia 2010), and is often irrespective of the participants involved, and every effort is made to ensure consistency of interpretation. Makodia (2007) said the language employed in law and that employed by the lawyers in the court is known to have been full of complexities. Most of the time, it proves to be hard to interpret, comprehend or understand for everyone.

Tiersma and Solan (2005) discussed that courts are well aware that context is a necessary element in determining meaning. They added that language cannot be interpreted apart from the context. The meaning of a word that appears ambiguous if viewed in isolation may become clear when the same word is analyzed in light of the terms that surround it. They also concluded that in making legal judgments, we use context all the time, not just to glean which of several senses of a word was intended, but also to determine why the speaker or writer uttered the statement at all. For instance, when a policeman stops a car in the middle of the night and the officer asks, "Does the truck open?", we can understand that it is an indirect request or a command, not inquiry into design of the automobile or the condition of the truck. Similarly, 'people engaged in illegal activity often speak indirectly about their plans' (Tiersma and Solan 2005:33)

In addition, Mcmenamin (2002) stated that translating in legal context requires much more than a literal, word to word matchup of two languages. It is a challenge in the court, as it deals with legal concepts. Each time someone else's words, or words from one document or another part of the same document, are used in a new context, the earlier words are re contextualized, and thereby given new meaning in the new context (Bazerman and Prior 2004). Accordingly, good translations are constrained by the intended meaning of the writer, the new text created by the translator, and the meaning given the translated text by the reader. In relation to this Tiersma and Solan (2005) addressed that a translator of written text has to follow different standards. He must ensure that the translation contains the same content and meaning as the original text. Therefore, as to them, the translator must ensure that the translation is more or less identical to the original version.

2.1.4.3 Speech act theory

Yule (1985) explained speech act as the intended meaning of a speaker. According to Yule, the concept of speech act covers 'actions' such as requesting, commanding, questioning and informing, as in the criminal justice. Tiersma and Solan (2005) forwarded that speech acts have been used to describe the functional dimension of language, how language accomplishes particular results or effects. Particularly relevant are indirect speech acts, which are often performed undercover of what appears to be quite a different speech act. When we read or hear pieces of language, we normally try to understand not only what the words mean, but what the writer or speaker of the words intends to convey. The study of intended meaning of speaker is called Pragmatics (Yule 1985). According to O'Grady (2001:271):

Syntactic structure provides us only a part of the information needed to interpret a sentence. Other information comes from Pragmatics, which includes the speaker's and

addressee's background attitudes and beliefs, their understanding of the context in which a sentence is uttered, and their knowledge of how language can be used to inform, to persuade, to mislead, and so on.

Searle (1985) added that language is more than just sounds, words, and sentences. When we speak or write, we not only say something, but also do something. By using language, we intend to convey particular meanings, and our utterances have a certain force that has consequential effect on our addressees. In support to this idea, Tiersma and Solan (2005) stated that people engaged in illegal activity often speak indirectly about their plans in the criminal justice. In the same way, Shuy (2006) discussed that the intention of the writer or speaker is very important in many criminal cases. Shuy (2006) stated that although linguistics or any other field of that matter can't with certainty identify intentions, linguistic analysis can reveal clues to intentions that are provided by indirectness, politeness strategies, and other pragmatic functions. This implies that the intended meaning of the utterance is very important in investigating crimes, as in the courts. For instance, the speech acts of offering, denying, accepting, apologizing, and many others are significant in criminal cases like bribery and sexual misconduct (Shuy 2006).

Olsson (2008) stated that speech acts are sometimes indirect and the illocutionary force is often different from that implied by the locutionary force (the act of uttering a specific sentence with a specific conventional meaning). Besides, Shuy (2010) noted that speech act theory holds that every utterance is made up of both an illocutionary act, relating to its intended force and a perlocutionary act, relating to its effect on readers or hearers.

In addition, Searle (1985) stated that the fundamental to speech act theory is the idea that a variety of different locutions can have the same illocutionary and perlocutionary force. The locutionary force of an utterance corresponds to its intended meaning. When the locutionary and illocutionary forces of an utterance are the same, the result is termed as a direct speech act; when an utterance's locutionary and illocutionary forces are different, the result is termed as indirect speech act (Searle 1985).

2.1.4.4 Language and power

According to Gudykunst and Kim (2003), language and power are highly intertwined. Power here means the ability of one person to influence another. They discussed that language reflects power, creates power, depoliticizes power and reutilizes power. Holmes (1992) forwarded that people use or choose certain language according to the influence of the sociolinguistic dimensions of solidarity, status, formality and function. As to Holmes, in a formal situation, as in the court, standard forms are appropriate (reflecting the formality and status/power dimension). Catterill (2003) stated that from a discourse as well as a legal perspective, the courtroom is a highly rule-governed environment. Not only are the various participants bound by laws and protocols which govern their physical behavior and demeanor, but there are also clearly defined controls on their language. However, researchers working on courtroom discourse are increasingly incorporating an explicitly critical dimension into their work.

According to Catterill (2003), in the domain of the law, much of the critical attention has been directed towards the power and ideology of the Law, as expressed in the linguistic strategies of the *judge*, both in trials by jury and in a legislative role, in judicial opinions and statutory

interpretations. In relation to this Wodak (1985) as cited in Cotterill (2003) discussed that in the trial context of judge – defendant, the socio-economic variables of gender and class appear to influence the outcome of the defendant’s interactions with the judge.

Coulthard and Johnson (2007) pointed out that Power, control and status are unequally distributed, producing an asymmetrical relationship between lawyers and witnesses that is oriented to and understood by participants in the courtroom. Besides, institutional interaction is typically asymmetrical, since power and control are located in the institutional participant, rather than being equally distributed. This results that the institutional speakers (lawyers) directing and controlling the discourse rather than the lay speakers (the common people). In relation to this Shuy (2005) stated that the language of a less powerful speakers; especially females tend to employ more hedges, intensifiers, tag questions, hesitations, certain deictic phrases, and polite forms.

Shuy (2005) noted that in the interrogation-room or in the courtroom, the social relationship between participants is knowingly unequal, offering more power to the ones whose status in the social relationship is superordinate. Language as revealing of the ideologies inherent in judicial discourse is also central to Harris’s (1989, 1994) research as cited in Cotterill (2003). She finds that judges are able to express their ideological stance through a complex range of lexicogrammatical mechanisms, including mood and modality choices, non-reciprocal access to interactional strategies, and the strategic and selective use of ideologically loaded lexical choices.

2.2 Review of related literature

2.2.1 Language use in the court: Ethiopia perspective

According to Cooper and Nahum (1976), language has two uses in the court of law in Ethiopia. First, it is the medium through which laws are encoded, recorded and interpreted. Second, it is the medium through which court business or court proceedings are conducted. That means through written language, constitutions come into existence, laws and statutes are enacted and contractual agreement between private individuals take effect.

In Ethiopian courts, the situation is complex with respect to the function of language; the written sources of law are multilingual (written in more than one language) and the courtroom procedures are exercised multilingually (Cooper and Nahum 1976) and this can have its own influence during lawyer-party interactions. Mehl (2003) discussed that the situation in which speech takes place can influence the function of language in a given interaction.

People's language use in the court can be different from their everyday language interactions. Cooper (1976) discussed that people's language use varies from one speech situation into another speech situation, as in the Ethiopian courts. In support to this idea, Mehl (2003:556) forwarded the following:

What to say and how to say it changes depending on the situation we are in. People often change the ways they speak depending on the context of their interaction. For example, we know the words we use when we talk to our parents and when we talk to our close friends or others.

Mehl added that during a stressful situation, people shift in the ways they think and express themselves and the words they use will also change. For instance, in Ethiopian court, we can

practically observe that the language of polite expressions that people use to thank someone is not the same as that of a judge in the court. Similarly, Cazden (1970) cited in Mehl (2003) stated that in a formal situation, as in the Ethiopian court, people often give much attention to their language use. As to Holmes (1992), formal styles of speech with distinctive pronunciation, syntax and vocabulary are the evidences of formal occasions.

In support of the above idea, Cooper (1976) noted that our speech changes when we speak carefully on certain formal or public occasions to express ideas. For example, in the Ethiopian court, it is common to observe people using special formal and stressful expressions while making conversations with Judges. Cooper emphasized that changes in our speech are marked not only in vocabulary and grammar within a single language, they are also marked changes from one language into another language which is appropriate to the situation. Holmes (1992) said that official languages are the appropriate varieties for formal government interactions like the court.

In Ethiopia, there have been several cases in which the courts' decisions were not comprehensive because of ambiguous character of the Amharic terms used to announce the accuser's disposition (Fassil and Fisher 1969:7).

The cases have involved the use of imprecise Amharic terms for two distinct English terms: acquit and discharge. The Amharic version of the criminal code uses the verb “መለቀቅ” (melekek), literally “to release” or “to let go” for both English terms, although it often qualifies the verb with the adjective “ሰገዜው” (legizew), meaning “temporarily” or “በጎዳ” (benetsa), meaning “free” to indicate discharge and

acquittal respectively. But, at times “መላከክ” (melekek) alone is used to translate “discharge.” Their distinction is not clear for the courts.

According to Olsson (2008), the difficulty can be compounded when judges instruct juries using technical legal terms or legal jargons. Fassil and Fisher (1969) explain that since terminology is neither sufficiently precise nor consistently employed, many courts face problems in Ethiopia. In addition, Olsson (2008) showed that in courts, judges often refer to dictionaries for the meaning of words which occur in legislation. However, this approach is criticized. Heutger (2003) stated that definition should not be seen as everlasting defined terms. That is a definition can't do more than to serve as a concept for specific application. For example, as to Heutger a definition in criminal law may not be equally applicable in civil law or other cases. This is what we actually observed in Ethiopian legal institutions. Generally speaking, as to Olsson (2008), linguists view dictionaries as imprecise and limited to word meanings. Because, contextual meanings are probably best not taken from a dictionary, but from experimentation and observation of how words are used.

In support of the above discussion, Cooper and Nahum (1976) stated that the language situation in Ethiopian courts is complex both with respect to interpretation of written law and with respect to the language used for court proceedings, due imprecise Amharic terminology. It was observed by Mcmenamin (2002) that interpretation is a complex skill under any circumstance, and it is especially difficult in forensic context. Bahtia (2010) pointed out that Legal discourse is different from most other professional discourses, in that the nature of its interpretation process, whether spoken or written, is very much dependant on the context in which it is likely to be applicable. But this method may not be well practiced in Ethiopian court.

According to Minasse (1996), the constitution of Ethiopia provides that each member of the Federation shall determine its own working language. This would allow the nine members of the Federation to function on the basis of at least nine different languages. According to the 2007 census of Ethiopia, there are more than 80 languages spoken in the country. This diverse linguistic situation gives rise to different communication competences between interlocutors in various social interactions, as in the court. From the above provision, we can understand that each regional state has its own working language in the court. As it is stated in the next section, people can use any language they choose in the court and lawyers translate it into the working language for decision. Based on this different scholars forwarded the challenges that second language speakers faced during courtroom interactions in a bilingual or multilingual court. Coulthard and Johnson (2007: 137-139) pointed out the following points as common challenges of non-native speakers in the court:

a) Language comprehension

The authors mentioned that there are many cases when defendants claim that their competence in the language in which they were arrested and/or interviewed was inadequate. The claims can range from whether they understand the caution or warning on which they are being arrested sufficiently to whether they should have been offered the services of an interpreter on which they are being interviewed. Coulthard and Johnson also stated that although linguists have a great deal of experience in assessing the linguistic performance of non-natives, most of their tests are predicated on the assumption that the testee is trying to do their best, whereas in many court cases it may be in the interest of the accused to under-perform. One solution that is forwarded by

these writers is to use naturally occurring interaction, rather than samples specially elicited for assessment purposes.

b) Incorrect records

Coulthard and Johnson (2007) stated that there are times when the defense wants to challenge a police record on the grounds that some of the language in it could not have been produced by their client. However, police officers are not trained transcribers and even trained transcribers make notable mistakes when recording in real time, so the weight given to such evidence can vary from court to court.

c) Cross-cultural differences in rules of interaction

Coulthard and Johnson (2007) added that one problem in native–non-native interaction is that the native speaker will assume that the non-native when interacting is using the same rules as s/he is and therefore linguists may need to explain the basis of the consequent misinterpretations to the court.

2.2.2. Language policy in law: History and the current trend

Derib and Getachew (2006) discussed that Ethiopia, as one of the multilingual and multicultural countries, has faced critical problems of development and implementation of language use policy that could satisfy the needs of various societies in question and contribute their socio-economic and socio- cultural development. The various governments that ruled Ethiopia since the reign of Emperor Tewodros II followed various language use policies that can suit to their political orientations (Getachew and Derib 2006).

Similarly, the language of the law has passed through different language use situations. Cooper (1976) tried to see the language of law in Ethiopia in two periods of law; the traditional law (before 1940s), the modern law (after 1940s i.e. in the socialist and emperor era).

Traditionally, the Fitha Negest, a great venerated collection of religious and secular laws, has been used for several centuries in Ethiopian Christianity since the 16thc (Paulos 1968 cited in Cooper 1976). It contains two provisions with respect to language uses in the court as shown below.

- A judge must be able to speak clearly, and
- A judge must know the different languages which are spoken by the people of his jurisdiction when they argue before him (Paulos 1968 cited in Cooper 1976).

This implies that a judge may be appointed to a jurisdiction limited to a ‘certain group of people to the exclusion of others because he knows the language and the character of one group and not those of others’ (Paulos 1968 cited in Cooper 1976:188)

In addition, Cooper (1976) discussed that after the period of 1940s, Ethiopia’s laws contain several provisions with respect to language. One of the provisions deal with the use of interpretations and translations in legal documents and procedures, and the other deals with specifying the use of one or more languages for particular purposes.

According to Cooper (1976), laws related to interpreters and translations include the following specifications:

- Rights of arrested persons to interpreters
- Requirements for translation of documents in the court

- Penalties to be imposed for false translation in the court procedures
- Requirements for testators and witnesses to a will understand the language in which the law is drawn up (p188)

Cooper noted that the law specifying the use of particular language was of more important from the point of view of language policy in law. Here, one of the most important provisions is the one that is stated in the Revised Constitution of Ethiopia which states that the ‘Official language of the Empire is Amharic.’ As result, Amharic was promoted and practiced in the whole country as an official and legal language; even missionaries were forced to teach and to learn Amharic as mentioned by Cooper (1976). And this language policy continued up to the Derg regime; in fact the Derg language policy tried to recognize language equality but it was used solely for political consumption (Cohen 2006).

Apart from Cooper’s (1976) discussion, Minasse (1996) stated that in the post 1991 language policy of Ethiopia, (i.e. after EPRDF come in to power), all languages have got equal recognition and promotion. All member states of the federation are also empowered to determine their respective working languages (Art 5 (3) of the 1995 constitution). As a result, many languages are now being practiced as a working language and language of legislation in their respected regions. Hence, the laws contain several provisions with respect to language use in the court. One of the provisions deal with the use of interpretations and translations in legal documents and procedures and the other deals with specifying the use of one or more languages for particular purposes. In terms of language use in the court, the current law of Ethiopia put the following provisions, and laws are implemented accordingly:

- Every person has the right to use his/her language in the court.
- Every language that comes into the court should be translated into the working language,
- The translator or interpreter should be a legal body.

Laws related to interpreters include specification of:

- Rights of arrested persons to interpreters. Persons arrested have the right to be informed promptly, in a language they can understand, of the reasons for their arrest and any charge against them.
- Rights of persons accused to interpreters. Accused persons have the right to request for the assistance of an interpreter at state expense where the court proceedings are conducted in a language they do not understand. (Art.19(1) and Art 20(7))

What is expected from the above provisions is that the judges should try to understand the languages of their clients. There should also be consistency of interpretations in legal documents.

As stated in the constitution, though all Ethiopian languages enjoy equal state recognition, still Amharic remains the official working language of the Federal government (Minasse 1996 and Ambachew 2003). As a result, regional states started to take out their own working laws by translating from the Amharic version. Because, the regional states do not have their own regional codes, like the criminal code; it is the mandate of the Federal government to draft it in Amharic-English version and regional states use it as reference with respect to their respective regional working languages. So, the Tigray Regional State, Zones and Woredas use Tigrigna for their court cases in light of the Amharic version of the criminal code.

2.2.3. Tigrigna and its historical development as language of legislation

Tigrigna (also spelled Tigrinya, Tigrina, Tigrina, less commonly Tigrinian, Tigrinyan), is a language which is written in Geez script and first appeared in writing (i.e. mainly on religious materials) during the 13thc (Tesfay 2002). It is a member of the Ethiopic branch of Semitic languages and is very closely related to Geez and Tigre, an Ethio-semetic language spoken by Muslims in Northern Eritrea.

Tesfay (2002) stated that Tigrigna has more than 5 million speakers in Ethiopia (Tigray region) and in Eritrea. Different linguistic groups in Eritrea and Tigray use it as a lingua franca. According to the 2007 census of Ethiopia, there are more than four million speakers of Tigrigna as a mother tongue in Tigray region. In terms of number of speakers, Tigrigna is the most widely spoken Semitic language following Arabic and Amharic (Bender 1976).

For many years, the language was suppressed during the imperial and socialist governments. The two governments' language policy was consistent with the aim of promoting Amharic as the national language of Ethiopia (Assefa 2006 and Ambachew 2003). According to Cooper (1989), the inequality of language was enhanced by the exclusive promotion of Amharic especially during Haile Sillase's reign. This principle was also promoted by the Derg government between 1974 and 1991. According to Cohen (2003) even though the Derg language policy recognizes language equality and aimed at increasing literacy among the rural population, the campaign failed to stimulate any meaningful developments of local languages. This was mainly because it was too narrowly focused on creating adult literacy, largely for political purpose. In addition, McNab (1989:83) discussed that the new language policy of the Derg for non formal education

was ‘not just a pragmatic response to the problem of consolidating the revolution, but also had ideological foundations in the new governments Marxist-Leninist nationalities policy.’

Assefa (2006) on his part discussed that in addition to the century of assimilation policy, both the emperor and the military regimes have made a tremendous effort to impose Amharic on the majority of the ethnic-groups. Besides, Cooper (1989) indicated that the government courts of law were conducted in Amharic, even in non-Amhara areas, and even whether both judges and litigants spoke a language other than Amharic as their first language. Bender (1976) showed that written Tigrigna dates from the period of Italian colonization (i.e. further from religious materials). Before the Italian period, written Tigrigna was almost exclusively confined to religious materials. According to Bender since the end of Italian occupation, Tigrigna has become a relatively important literary language in which news papers, magazines, and books are produced.

Following the over throw of the Derg regime in 1991, Tigrigna, as explained by Gebre (2008), has become the national official language in Eritrea and a regional working language in Ethiopia (Tigray region). At the same time, it is the medium of instruction in primary schools both in Eritrea and in Tigray region. It is also given in higher educational institutions, such as in Addis Ababa and Mekelle universities at degree level. Besides, it is given at diploma level in Teachers Training Colleges in Tigray Regional State. Tigrigna, apart from being regional working language, it is being used as a *language of legislation* in the region. In Tigray region, family law, social affair, social court and state courts are currently written and practiced in Tigrigna.

CHAPTER THREE

3 The Sociolinguistic analysis of language use

This chapter deals with the sociolinguistic analysis of language use in the criminal justice process. It presents the intentions of language use and language related problems during courtroom interactions in the study area.

3.1 Language use in the criminal justice process

3.1.1 Language used to submit offenders into the law

Before complainants come into the court of law, they use certain language expressions to submit the offenders into the law. That is, when a big crime is committed in the society, they use certain verbal expressions on the offender to be scared and be brought into the law. Here are sample expressions collected from subjects through interview.

1. bi - higgsi amlak naſ -a (niſ-i) nab higgsi
P- law God come(IMP)-2SM (come-2SF) to law
'By the law of God, come to the law!'

The above utterance has an illocutionary force of Command. The complainant stresses his/her intention on the expression '*bi higgsi amlak*' pragmatically, which means *on the law of God*. It has spiritual implication in the context. It is intended to mean that God is above everything and everyone respects him so that the offender is ordered by the law of God to go to the law. The expression is used intentionally to create a kind of psychological tension on the offender to make things more serious.

2. bi - ziban higgsi kaj-tink'asax'ə -s (i)
 P- above law NEG-move (IMP)- 2SM (F)
 'Above the governed law, don't move!'

The expression indicated above has a force of command and is used when the offender tries to run away from his/her illegal acts. Speakers give emphasis for the expression '*biziban higgsi*' to mean above the governed law. The intention is to mean that the law forces you not to go away. If you go, the law will punish you. Everybody is under the law and so you are. So you should respect the law. People use the above utterance mainly to create psychological tension on the offender to put him or her into a dangerous situation.

3. sirfat gibə -r(i)
 rule behave(IMP) -2SM (F)
 'Behave the rule!'

Similarly, this utterance has an illocutionary force of command which is used when the offender tries to violate the law forcefully. It has an implication of moral obligation in the context. It means you are under the law, so obey the rule. If not, you are undisciplined and the law will punish you. From the above expression, we can understand that people use the law as a means of protection from the illegal acts in the criminal justice.

4. ?iməŋ x'unn -ən -i (-in -i)
 witness become (PRES)-2SM- 1S (-2SF- 1S)
 'You, be my witness!'

This expression is used by a victim to announce somebody around him or her when the illegal act is done. It means the offender is doing illegal act, so be my witness in the law. It is used especially when the victim intends to charge the wrong doer. This indicates that people have awareness on how the linguistic evidence of witnesses is very important in the court of law for their cases. That is why people use verbal expressions to get witness for illegal acts.

5. ?imaṇ x'unn -un (an) -i

witness become (PRES)-2PL M(F) -1S

'You, be my witnesses!'

This expression or speech act is also used by a victim in the community to announce the persons (for more than one) around him or her when the illegal act is done. It means be my witnesses for the offender's illegal act in the law. The intention of the speaker is therefore to frame a charge on the offender.

6. ?atahahiz -x'um nab higgs wusəd -u -na

together (CAUS)-2PLM to law take (IMP)-2PL M- O1PL

'Bring us together into the law!'

The above expression is used when the victim requests help from persons around him or her to take the offender into the law. It means you are highly requested to bring us (the victim and the offender) into the law. This implies that complainants use language expressions to get help from others so as to submit offenders into the law. It also indicates that people have moral obligation to mediate or else to bring the victim and offender into the law for justice.

In addition, the complainants were asked why they use the above expressions and they replied that they use them to put pressures and to get immediate solutions for the offences committed from respected bodies. They also used non-verbal languages like shouting loudly having sequences of sounds as in *ኡ!---* *ኡ!---* *ኡ!---* (by males) and *ዊ...ዉ!* *ዊ...ዉ!* *ዊ...ዉ!---* (by females) which means ‘Help!’ to make things more serious.

Generally, one can possibly say that people use certain verbal and non verbal language expressions to create psychological tension on the offenders to be arrested and be brought into the law for the justice.

3.1.2 Language of police interrogation

3.1.2.1 Cross checking (*work’a wərk’*) questions

When people present their claims into the police, the investigation department tries to investigate the crime using cross checking (*work’a wərk’*) questions. The police investigators said that, most of the time, a complete record of criminal investigation considers eight of these ‘WH’ questions which include, *who, whom, by what, where, when, why, how and what*. They are used consistently to interrogate both for suspects and witnesses during police investigation. The kind of crime can vary but the policeman questions remained the same during investigations.

Case1

It was observed that most suspects didn’t admit the crime and the investigation process stopped there without passing through all the eight questions. But during interrogation of witnesses, they used all the eight questions and this is taken for analysis. The following is a sample question

taken while police interrogated witnesses. The data is collected through observation and interview of participants.

7. mən ʔijj-u zi- wəx'aŋ-o
who is-3SM 3SM hit -O3SM
'Who hit him?'

The above utterance has an illocutionary force of interrogation. It was intended to identify who really committed the crime of hitting. Here, the witnesses were supposed to tell the doer of the action to the investigator (the police). And they were expected to have similar responses to be a true witness. This implies that police investigators use the '*Who*' question as a tool to identify the offenders during investigation in the criminal justice.

8. ni- mən ʔijj-u zi- wəx'iŋ-o
for-who is-3SM 3SM-hit -O3SM
'For whom did he hit him?'

This expression also has a force of interrogation. The intention of the speaker (investigator) was to identify 'for whom' the action happened. Here, the witnesses were expected to tell the victim of the wrong act. They should have consistent information to be honest witnesses. This implies that language enables investigators to identify who the victim of the wrong act is.

9. məŋaz ʔijj-u zi- wəxiŋ-o
when is-3SM 3SM-hit -O3SM
'When did he hit him?'

In the above interrogation, the investigator intends to know when the action happened. The witnesses were expected to have similar information about the time when the action happened otherwise they would be on fallacy. The investigator used the ‘*When*’ question mainly to record the time that the event took place. This shows that language or the ‘*When*’ question helps the investigators to identify the time when the offence is committed. We can also observe that language plays a significant role in its recording function during the investigation process in the criminal justice.

10. ʔabəj ʔijj-u zi- wəx’iʕ-o
where is-3SM 3SM-hit-O3SM
‘Where did he hit him?’

This speech act or interrogation was intended to identify where the action happened. The witnesses were supposed to tell consistent information about the place where the action happened otherwise they would be false witnesses. The investigator used the ‘*Where*’ question specifically to get information on the place that the event took place. This indicates that the ‘*Where*’ question enables them to have a record on the place where the action takes place during criminal investigation.

11. nimnitaj ʔijj-u zi- wəx’iʕ-o
why is-3SM 3SM-hit -O3SM
‘Why did he hit him?’

Here, the speaker (investigator) intended to identify the reason for committing the crime. And the witnesses were expected to have related information about the reason for committing the action so as to be true witness. From this, we can understand that language plays a key role in finding out reasons for committing crimes during investigation in the justice system. To do this, they use the ‘*Why*’ question during interrogation.

12. bi-mntaj ʔijj-u zi- wəx’iʕ-o

P-what is-3SM 3SM-hit -O3SM

‘By what did he hit him?’

This speech act was intended to investigate the material that the wrong doer used while the event happened. Similarly, the witnesses should have similar views for what they saw. This indicates language is used as a source of information to identify the tools used for committing the crime. Having information on the tools can provide linguistic evidence to the investigator about the event.

13. kəməj gəjr -u wəx’i-ʕi -wo

how make-3SM hit -3SM-O3SM

‘How did he hit him?’

In the above utterance or interrogation, the investigator intended to investigate how the event happened. Was it cruel or not? Was it intentionally or unintentional, etc? So, the witnesses were expected to narrate how it was happened. From this data, one can observe that investigators use the ‘*How*’ question to examine or record the process of committing crimes and to anticipate the intention of the illegal act for their investigation.

14. ʔintaj x'on -ə mis-wəxʔ-ʕ -oʔ

What (has) happen-3SM when-hit-3SM-O3SM?

'What has happened when he hit him?'

This interrogation was intended to investigate what was created after the action happened. The witnesses were expected to tell what they saw after the person has been hit. E.g. was he bleeding or not? This shows police investigators use the above 'WH' question as a tool to understand the consequence of the action on the victim during crime investigations.

Respondents from interview said that investigators use the eight WH questions to investigate criminal offences as in hitting, raping, theft and killing attempt. Linguistically, we can understand that all of these verbs (hit, rape, theft, kill, etc) are transitive verbs which indicate transitive actions. Besides, the respondents replied that sometimes the number varies depending on the nature of the cases as in caution or telling off, which are intransitive verbs which indicate intransitive actions.

Generally, it is possible to conclude that police use the eight WH questions for transitive actions in investigating crimes and the number varies for intransitive actions. The intention of their interrogations is mostly direct to the case under investigation. Language serves mainly for a recording function in the police.

3.1.3 Language in the court

3.1.3.1 Word of swear (*kalə məhalla*)

In the criminal justice, the language that witnesses provide determines a person to be either guilty or innocent, even for death penalty and life imprisonment. So, when people come to the court for witness, first of all, the judges make them have word of swear to tell only the truth. It is related to religious commitments and has been used through time. Here is the word of swear used in the court by Orthodox and Muslim followers respectively.

15. nab-zi ziməs'a?ix'-u bi- ħak'k'i ki-misikr ?ijju bi-ħakk'i ?indihir zəj-məsikirə ?izi?abiher

P- here come(PRES)-1S PRE-true to witness is PRE-true if NEG-witness God

bi- səmaj-in bi- mərret -in ji- farəd (IMPERF) -ənni

P-sky-and P- earth-and 3SM-judge (IMPERF) -1SM

'I come here for true witness. Unless I witness honestly, let God judge me on earth and on heaven.'

OR

nab-zi ziməs'a?ix'-u bi-ħak'k'i ki-misikr ?ijju bi- ħakk'i ?indihir zəj-məsikirə Alah bi-səmaj -in

P-here come(PRES)-1S P-true to witness is P-true if NEG-witness God P- sky -and

bi- mərret -in ji- farəd (IMPERF) -ənni

P-earth-and 3SM-judges (IMPERF)-1SM

'I come here for true witness. Unless I witness honestly, let Alah judge me on earth and on heaven.'

The above expressions are related with the strong believe that God (Alah) knows ever thing. If someone gives false word for his/her witness, he/she violates the rule of his/her God (Alah) and will be punished whether in life or after life. For instance, one of the ten commandments of Bible says 'don't give false witness.' Hence, the intention is that if you give false witness; think that you make God (Alah) sad. On the contrary, if you give true witness, God (Alah) will feel happy.

As a result, everyone is expected to give the right witness during examination and this is what lawyers use in the court.

In addition, the researcher asked lawyers why they use ‘*word of swear*’ in every examination. Their reply was that because it is believed that people’s religious commitment can have its own role in minimizing false witness.

3.1.3.2 Language of questioning witness

Mostly, lawyers use indirect speech acts to investigate crime in the criminal justice. They use the *presupposition (pre-said) and entailment (unsaid or anticipated) clues* to draw questions in the investigation process. Tiersma and Solan (2005:33) said, ‘People engaged in illegal activity often speak indirectly about their plans.’ So, giving due attention to their intended meaning seems very important during interactions in the criminal justice. The followings are sample language data and their intended meanings collected from courtroom examinations.

CASE 2

A. pre- examination (by judge)

In the criminal justice, the public prosecutor frames a charge based on the records obtained from police investigation and the judge provides judicial decision based on the linguistic evidence obtained from witnesses in the court. Before the charge record is opened, the judge often asks the following three questions for witnesses in every examination. The judges said that these questions are important primarily to set the psychological readiness of witnesses and to have some background information for further proceedings in the court.

16. nab betfirddi ni- mintaj guddaj mäs'î? -xa

to court P- what purpose come (PRES)-2SM

'For what purpose do you come to the court?'

In the above question, the presupposition was that the judge didn't know what happened and entailed that someone came to the court for witness. Then the question was intended to know for what purpose the person came to the court. And every witness was expected to tell the purpose of their coming to the judge. This implies that people may come to the court simply for the sake of witness. So, the judge needs to know whether or not the person has awareness for his/her coming to the court. It can also have a psychological implication in that people will get ready for their purpose.

17. tæxəsas -i tifałit' -o do

accused -3SM know (PRES) -2SM question

'Do you know who the accused is?'

The presupposition of the above interrogation was that a person came for witness and entailed that someone was charged. So, the question was intended to understand whether or not the witness knew the accused. Therefore, he was expected to tell who was charged to the judge if he knew. This indicates people may come to the court for witness without knowing the person(s) accused and the kind of crime he (she) committed. So, the judge needs to have prior information on the witness.

18. mis tæxəsas -i s'ilʔi/ zimdinna ʔalle -kka do

with accused -3SM conflict/ relation have -2SM question

'Do you have any conflict or relation with the accused?'

The utterance of the above interrogation was also presupposed that the witness knew the person who is accused and entailed that he may have conflict. So, the intention of the question was that the person may come for cooperative witness. This indicates that people can come to the court having false witnesses intentionally to attack their counter parts or to support their relatives on a case. So, the intention of the judge is to give consideration for such case in his case decision.

The above three questions are called pre examination questions and were constantly used by judges in all examinations before they pass to the basic questions (examination-in-chief).

B. Examination- in-chief (by public prosecutor)

After the judge finishes the pre-examination, the public prosecutor presents the basic question (examination-in-chief) to the witnesses to narrate what happened. The public prosecutors in the area said that the main objective of '*examination-in-chief*' is to let witnesses narrate the details of the events and then to draw cross checking questions from it. It was used consistently in every examination.

19. ʔindihir ni- misikkir məs'aʔi -xa (xi), zi- rəʔə -xajo (xjo) ʔintaj, məʕaz, abəj, bimən,

if for- witness come (PRES)-2SM (F)3SM-see (PERF)-2SM (F) what, when, where, by who,

kəmtəffəs'əmə zərrizir-ka ni- bet fird -u ʔarəddəʔə -lina (ʔarəddəʔi-lina)

happen (PERF) list -2SM to- court -DEF brief(PRES) -1PLM (brief-1PLF)

'If you come for witness, brief to the court what, when, where and by who was done.'

The presupposition here was that someone came to the court for witness and entailed that he knew what has happened. So, it was intended to narrate what happened in detail to the judge for decision. In other words, this expression seems to imply that the judge has the thought in his mind that witnesses do not know in detail what has happened; simply they come since people ask them for witness. So, all the witnesses were supposed to narrate similar information about the event to win the case. The speaker used the expression ‘*nibet firdu qaradda?alina*’ which means literally ‘brief to the court’, which is an institution and was intended to mean ‘tell to the judge’. It has cross reference to the context.

C. Cross examination (by public prosecutor or Accused)

Cross examination is the questioning of a witness at a trial or hearing by the party opposed to the party who called the witness to testify. The purpose of cross examination is to discredit a witness before the fact finder in any of several ways as by bringing out contradictions and improbabilities in earlier testimony, etc (Garner 2009). During criminal examination, cross examination can be presented by the prosecutor if the witnesses are from the accused and by the accused (as stated in case 3 below) if the witnesses are from the public prosecutor. The researcher tried to ask the public prosecutors of the stated woreda why they ask cross examination during courtroom interactions. According to them, the aim of ‘cross examination’ is to *triangulate to what extent the witnesses are telling the truth* for what happened. Here are lists of questions presented by the public prosecutor during courtroom examinations.

20. təxəsas -i ?ab gəzax -xa ?inidhir məs’i? -u ?intaj dırrar bəli?i-xum

accused -3SM at home-2SM if come(PERF)-3SM what dinner ate -2PLM

‘If the accused came to your home, what dinner did you eat?’

As indicated above, the speaker (examiner) presupposed that the accused spent the night at witnesses' house and this entailed that they had dinner together. The question was therefore intended to triangulate indirectly whether or not the witnesses are telling the truth and they were expected to tell similar information about what they ate to win the case. The expression also has the implication that witnesses can come to the court for the sake of support due to some social or personal relations with the accused. So, it was intended to find out the truth by triangulating the evidences of the witnesses as it determines the case.

21. ʔindhīr mās'īʔ -u, ʔabbəj hədirr -u mis- mən dək'is -u

if come (PERF)-3SM, where sleep(PERF)-3SM with-who sleep(PERF)-3SM

'If he came, did he spend the night? With whom did he sleep?'

In the above question, the examiner has presupposed that the accused spent the night at witnesses' house, which entailed that he slept with someone. The question was intended to crosscheck whether or not witnesses were really there and was expected to get consistent information from each of them to be real witnesses. From this, we can understand the question is raised from the assumption that people can come for witness from different directions simply because they are asked for the case and they may not have real information how it was committed. So, it was intended to justify the truth having the real time as a frame work.

22. təxəsas -i nab gəzax-xa zimməs'īʔ -ə ni- mintaj guddaj nəjr-u

accused-3SM to home-your come(PERF)-3SM PRE- what purpose was-3SM

'For what purpose did the accused come to your home?'

From the above utterance, we can understand that the examiner presupposed that the person who is accused went to witnesses' home, which entailed that he had some purpose. It was therefore intended to examine witnesses whether they knew the purpose of coming and expected to provide consistent idea to the judge to be the right witnesses. This implies that the examiner has the assumption that witnesses can't tell the same thing if they don't know the event.

23. ?inidihir hadir -u ?intaj k'ursi bəliʕ-u ?intaj səʕat nab ʕadd -u

if spent the night (PERF)-3SM what breakfast eat-3SM What hour to home -his

təməlis -u

return (PERF)-3SM

'If he spent the night, what breakfast did he eat? At what time did he return to his home?'

Here, the speaker understood that the accused spent the night there, which entailed that he ate breakfast and returned home. The intention of the utterance was to investigate whether or not the person in charge was there. This indicates the examiner has supposed that if witnesses were really there, they can provide the same eyewitness for what has happened in the same time reference. So, the witnesses were expected to have uniform information to be good defendant for the case.

24. təxəsas -i nab gəza -xa ?inıtə məs'ı? -u ?intaj təxədin -u nəjr-u

accused-3SM to home-your when come(PERF)-3SM what dress(PERF)-3SM was-3SM

'What did the accused dress when he came to your home?'

As indicated above, the examiner presupposed that the person who is charged wore some kind of cloth with some distinguishing type; color, size, etc. So, the intention of the question was that if he went there, all the witnesses would know the type of cloth he wore. And they were expected

to have similar idea about it. This indicates that the examiner has the thought that people can come to the court with different ideas for what has happened and their idea could be related or different. If it is related, it will be trusted and accounted as a true witness for the case.

D. Screening questions (by judge)

The judges said that if there is something which is not clear from the cross examination questions and is very important, screening question(s) could be asked to make it clear for final judicial decision. The following is a sample question (screening question) taken from the courtroom examination.

25. tæxəsas -i ʔab gəz -aj ʔijju zihaddərr -ə ʔil -xa
 accused-3sm at home-my is spent the night(PERF)-3SM say(PERF)-2SM
 nimintaj jifʊ gəzə-ʔu zəjtə-mələss -ə
 why then home-his NEG-return(PERF)-3SM

‘You said, he spent the night at my home, why didn’t he return to his home since then?’

The speaker (the judge) has the presupposition that the accused spent the night at witnesses’ home and this entailed that he did not return his home immediately. So, the intention of the question was to identify the reason and to cross check whether all the witnesses have the same reason or not, otherwise they may not be true witness. This implies that the judge has the thought that there is a difference or conflict of ideas between witnesses and may believe that some of them may come for cooperative witness.

CASE 3

A. Cross examination (by accused)

The judges stated that in the criminal justice, the persons who are accused have the right to oppose for what the disputing parts said through cross examination in the court. Besides, the researcher tried to ask some accused persons why they ask questions in the court during examinations. Accordingly, they ask questions in the court mainly to challenge and win their disputing parts' idea. Here are sample questions collected from courtroom interactions.

26. Haddim -om ?il -xa n-abbəj ?anfət haddim -na
runaway(PERF)-3PLM say(PERF)-2SM to what direction runaway(PERF)-1PLM
'You said they run away, to which direction did we run away?'

In the above question, it was presupposed that the accused run away and entailed that they run to some direction, assume towards north. So, the question was intended to falsify whether or not all the witnesses said 'north direction' to the judge. This implies that accused have the thought in their mind that if all the witnesses do not have similar information, what they have witnessed will not be accepted by the judge and rather will be considered as cooperative witnesses. The expression also has the implication that there are people who can come to the court simply for the sake of support to someone without having the truth.

27. ?indihir haddim -na, nimintaj t'ijit zəj-təkos -xum
if run away(PERF)-1PLM why gun NEG-fire(PERF)-2PLM
'If we run away, why didn't you fire a gun?'

Here, the accused were presupposed that they run away, which entailed that a gun was not fired. So, the question was intended to challenge and falsify witnesses through contradiction of ideas on the reason they would give to the judge. On the other side, the question has the implication that if gun was not fired, there were no people in the area and this leads to the assumption that witnesses were not there. This also leads to the implication that witnesses should not be considered for the case. So, the witnesses were expected to give the same reason as their linguistic evidence determines the case.

28. kinhadd -im ?iln -na t'ət't'əw bell-u tə-bahil -na ni-mhidam
 runaway(PERF)-1PLM think(PERF)-1PLM stop do-2PLM PASS-said-1PL for run away
 ?intə hasib -na kəmməj t'ət't'əw ?il -na
 if think(PERF)-1PLM how stop say-1PLM
 'If we were to run away and thought it, how did we stop?'

In this speech act, the persons accused were told that they thought to run away and entailed that they didn't run a way. So, the question was intended to falsify the witnesses' idea whether or not they have the same answer on how the accused stop to run. Normally, what is believed by people is that someone can commit a crime if there is no person around there, and if it is committed, the offender will not wait until things become serious. That is why the accused raised the question with the assumption that if we were to run away, the judge will consider that there were no people around there and the witnesses were not there and therefore will not be trusted to the case. So, witnesses were supposed to present related answers to be the winner.

29. ʔindihir tə-təhiz -na ʔitti zihazə -nna səb t'ijt nəjri -wo do

If PASS-catch(PERF)-1PL the catch(PERF)-3SM person gun have-3SM question

'If we were caught, did the person who caught us have a gun?'

In the above question, it was presupposed that the accused were caught and entailed that the person who caught them may be legal body. So, the speaker intended to mean that the witnesses would have different answers for the question and would be falsified. And witnesses were supposed to have similar information to win the defense. This indicates accused ask questions with the assumption that witnesses will have different answers and will not be trusted. Most of the time, it is believed that offenders are caught by legal bodies and then who have guns. So, the above speaker has uttered the expression with such cultural belief and is reflected in the court. But sometimes, people may not be caught by someone who has gun.

30. ni ʔana kihizə -nna ʔinttəl-o ʔittom zitərrəf-u mən hiziw -om

for us catch(PERF)-3SM when-3SM the rest -3PLM who catch(PERF)-O3PLM

'When he caught for us, who caught the rest?'

Similarly, in this utterance it was presupposed that some of the accused were caught by someone and entailed that others were caught by somebody else. So, it was intended that the witnesses would refer to different people and then will be falsified. If witnesses did not have the same answer, they would be supposed as false witness. This indicates accused have believed that 'if witnesses have different answers, we will win the case.'

B. Screening question (by judge)

Judges use screening question(s) if they feel that there is something that needs further clarification on the issue under investigation as shown below.

31. ʔitti gəbbən mis-fəs'əm -u hadim -om ʔilx -um mən-ʔom ji-
the crime when-commit-3PLM run away(PERF)-3PLM say(PERF)-2LM who-3PLM 3SM-
mərriħ -u nəjr-om
lead(PERF)-3PLM was-3PLM
'You said they ran away after they committed the crime. Who ran first?'

Here, it was presupposed by the judge that the persons in charge ran away and entailed that one of them ran first. So, the interrogation was intended to know whether or not really the witnesses were there and they were supposed to tell the same information to the judge to be honest witnesses. This implies that the judge has the assumption that if witnesses were not there, variation of ideas will come from their responses.

Generally, it is possible to say that lawyers draw questions based on the technique of presupposition and entailment to investigate crimes. The intention of their language use is mainly for triangulating linguistic evidences found between and across witnesses for the case under investigation. Besides, accused persons use language with the intention of challenging and falsifying their disputing parties' ideas and getting persuasion from the judge(s) through cross examination. In relation to this result, Tiersma and Solan (2005) stated that opponent parts use language to present their arguments and demolish the arguments of their counterparts through a serious of questions to win a case.

3.1.3.3 Language of detainees

3.1.3.3.1 Language of argumentation

Detainees use stylistic language expressions to argue their court cases during courtroom interactions in the criminal justice. The researcher tried to ask some detainees on how they use language in the court. Accordingly, they replied that they use language mainly to argue their court cases and to get persuasion from the judge(s). Here are sample expressions taken from courtroom interactions with their descriptions.

32. kibur betfirdi, nissu bəs's'ih -u -ni ?imbəj ?anə ?aj-bəs'aħi -xu -woj
honourable court, he reach(PERF)-3SM-O1SM but I NEG-reach(PERF)-1SM-O3SM
'Honourable court, he reached me but I didn't reach him.'

In the above utterance, the detainee used the expression *nissu bəs's'ihuni ?imbəj ?anə ?ajbəs'aħi xuwoj* which means semantically he reached me but I didn't reach him. It has a pragmatic (indirect) connotation to the context. The intention was to mean that it is the complainant that first came and committed the crime. In directly, the detainee is saying that he only protected himself from the offence. This implies that the detainee (accused) commits the crime for the sake of self defense. The expression reflects the social function of language. Normally, people believe that someone can commit a crime due to the mistake done by anybody else. Accordingly, the mistake is accounted for the one who commits first. So, the speaker reflects such social or cultural belief to convince the judge in the court.

33. ʔigziʔabher jarʔi -xa gojt-aj ʔanə tə- bbəddal-i ʔijj-ə gəbənn-əʔʔna ʔaj-konk-un

God show-2SM lord-my I PASS-victim-1SM is-1SM crime -ADJ NEG-be -1SM

‘God shows you the right way, my lord! I am not a criminal but a victim.’

Similarly, the defendant used the above expression to defend the charge. His argument was that he himself was the victim. And, the intention of the speech was that the charge should belong to the offender not to the victim. The speaker used the expression ‘*God show you the right, my lord*’ to show his feeling of being the victim of the action. It has spiritual implication to the context. That means it is only God that knows the truth when the event happened; nothing is hidden for him. So, the intention of the speaker was to mean that if you know the truth, it is the reverse of the charge. Detainees from interview also responded that they use the above expression in the court to express their strong feeling in the sense that people can say a lot but it is only God that knows the truth for the event.

34. kibur betfirdi, ʔiti zi- tə- bəhalə gəbbən ʔinkuwan ki- fs’s’im ʔannə nibaʔiləj

honourable court the that-PASS-say(PERF) crime though 1SM- commit I myself

bi-səʕat-u ʔabti bota ʔaj-nəbər -xun

by-time-DEF the place NEG- was-1SM

‘Honourable court, not alone to commit a crime, by the time I myself was not there.’

The detainee used the above expression to deny himself from the crime. His point of argumentation was that he was away when the crime was committed. And this entailed that he had witnesses for not committing. The intention of the detainee is therefore to mean that the charge doesn’t have any legal ground. From the expression, we can understand that the speaker uttered the act to reject the charge totally. He indicated through his expression that he was away

from the area since the event happened. In the above utterance, the speaker used the expression ‘*kibur betfirdi*’ which means semantically ‘honourable court’, which is an institution and the intention was to mean ‘honourable judge’ (see next section for detail).

35. gojt-aj, kabja bəʕal tʻafs bəʕal ʔaf ʔijju ʔimbəj ʔanə ʔaj-bəsʻah -ixu -woj.

lord-my than have teff have mouth is but I NEG-reach(PERF)-1SM-3SM

‘My lord, it is as ‘having mouth is better than having teff’ but I didn’t touch him.’

This speech act was also forwarded by defendants to defend court cases. The detainee used the proverbial expression ‘*kabja bəʕal tʻafs bəʕal ʔaf*’ which means semantically having mouth is better than having teff. It was implied to mean that the accused is not able to speak a lot like the accuser. The intention of the detainee was therefore to convince the judge that the accuser may say a lot but the truth was not that. In directly the speaker is saying that the charge doesn’t have any legal ground. The speaker used the proverbial expression to create a rhetorical or strong sense on his argument and to attack the opponent part indirectly.

36. kʻəddamai misikir mis xəsas -i zimddina ʔalə-wo, kibur betfird- u ʔizuj ʔab

first witness with complainant-3SM relation have-3SM,respected court-DEF this into

gimit ji- ʔitwəl(IMPERF)-əj

consideration 3SM-let -my

‘Honourable court, the first witness has blood ties with the complainant; let this be taken for me into consideration.’

The speaker used the above expression to defense for his/her court case. The point of argumentation was that there is blood relation between witness and complainant. The expression

has a social implication to the context. It reveals that people who have blood relation are problematic to be true witnesses even though it is allowed in the law. The intention of the speaker was therefore to express his/her fear of the case and then the judge to give consideration for the witness. In this utterance, the speaker used the definite expression *'kibur bet firdu'*, which means literally 'the honourable court' and it was intended to mean 'the one who leads up the court session i.e. the judge'.

37. *kibur betfirdi, ?iti zi tə- bəhallə kəj- k'əddəmə-na ni- x'ədim -o ?ijju*

honourable court, the that PASS-say(PERF) NEG-win -O1PLM 1PLM-win -O2SM is

?anə gin gəbən ?aj- fəs's'əm -kun

I but crime NEG-commit (PERF)-1SM

'Honourable court, what is said is aimed at to win me before I get concious but I didn't commit a crime.'

The speaker used the above expression to mean the charge was framed intentionally to make the offenders free from being criminal. His point of argument was that the charge is the reverse of the truth. The intention is to mean that it is the accusers that committed the crime.

Based on the above linguistic analysis, it is possible to conclude that detainees (accused) use rhetorical language expressions with the intention of convincing the judges on their court cases. Rhetorical expressions are stylistic expressions which seem to be true for an intention. This result is similar with Shuy's (2005) explanation in that persuaders in the court try to make listeners understand the argument, then give up their point of view and support those of the persuaders' argument.

3.1.3.4 Language of Appeal

If the parties (complainants and accused) do not agree or feel unfair with the judicial decision in the court, they express their complain using certain verbal expressions to appeal for high court. The followings are sample expressions used by appellants in the court if they feel the judicial decision is unfair.

38. bizəj-ʔagbab gəbən məzigəb tə- ʕas'iwu -ni

NEG fair, crime record PASS-(has)close-1SM

'My record file has been closed unfairly.'

The speaker (party) used the above expression to express his/her objection in the court. The expression is passive but the agent is not stated. Its intention is not as what has been stated above. Semantically, it means a charge is closed unfairly but pragmatically, it means unfair decision has been passed. As indicated above, the speaker did not say directly the decision is wrong rather he rounds about it through his language expression. The expression also has an implication of legal morality. It indicates that the judge abuse the law as he closed the record unfairly. The speaker is therefore to say that the decision given to me is not fair and needs to appeal for higher court.

39. məzgəb-u bi-tikikl ʔaj- tə- gəlbət't'ə- lləj-in

record-DEF by-correct NEG- PASS-(has)copy-my-1SM(F)

'My record has not been copied correctly.'

People also use the above expression to complain on unfair decision. It means ‘my words are not correctly written.’ It also implies to mean that ‘my idea is not correctly translated in the document’. Both ideas round about the issue of unfairness. The intention of the party is therefore to mean that the decision is not fair to me. The expression also reflects the problems of translators. As stated in the literature section, translation is a challenge for translators as it deals with legal concepts. There is variation of translation of documents. People also reflect such complains on translations of documents.

40. sännəd -əj ji- mmərmər

file -my 3SM-check (IMPERF)

‘Let my file be checked.’

The party used the above expression to express complain on unfair decision. As shown above, the speaker used the expression ‘let the file be checked’ instead of saying the file is not considered. The intention is to mean that the decision is not given based on the recorded document or word that the witness said. That is the party has the thought in his mind that the judge decided by himself or herself without considering the file. This indicates that the decision is not fair for the speaker and needs further investigation.

41. gəbən-u bi-ʔagbab -u ʔaj- tə- rəʔəllə-jn naj jigbaŋ higgı ni-laʕiləwaj betfirddi

case -DEF P- fair -ADV NEG-PASS-see -1SM of appeal law for- higher court

tə- gəlbit’-u ji- wəhabb-əni

PASS-copy-DEF 3SM(F)-give -1SM(F)

‘The case is not seen fairly. I should get copy of the charge to appeal to the high court.’

The party used the above passive expression to express his or her complain of the judicial decision. The intention of speaker is that the case is not fairly decided and he/she needs further decision from high court. This shows that people know if they don't get fair decision, they have constitutional right to get their file to appeal for higher court. Lawyers also have the responsibility to give files for complainant for further judicial decision. The speaker also reflects such right in the court.

42. miskir-at-əj dagim ji- səmi -ʒul-əj
witness -PL-my again PASS-heard -PL-my
'Let my witnesses be heard again.

People also use the above expression to express complain on unfair decision. It is intended to mean that the word of the witnesses is not considered in the case and needs to be considered again. That is the judge made his /her own personal decision which is unfair. The speaker did not speak directly that the decision of the case is unfair or incorrect rather he/she rounds about it through the language expressions.

Generally, it can be concluded that mostly parties use indirect (circumlocutory) expressions that have passive constructions with unspecified agent to express objection if they feel the decision is unfair. Circumlocutory expressions are meandering expressions which roundabout the intention of the speaker. As indicated above, people say let the file be checked or let the witnesses be heard again, etc instead of saying the decision is wrong or incorrect to the judge. They express it indirect through their language expressions.

3.1.3.5 Language of pardon and punishment reduction

In the criminal justice, accused use certain expression to request punishment reduction for the judge if they were found guilty. This helps as an input to the judges for making final judicial decision. Here are sample expressions taken from courtroom interactions.

43. kibur betfirdi, zihaməm -ət səbəti-n t'əwari zəj-billom 5 k'oliʃu -n
honourable court sick(PRES)-1SF wife-CONJ caretaker NEG-have 5 child -CONJ
silə -zələ-wni jik'irta ji- gəbərəl-əj
REAS -have-3PL pardon 1SM make-1SM
'Honourable court, since I have a sick wife and 5 children without a caretaker, I ask for pardon.'

The above expression indicates that the speaker accepted for being guilty. However, he requested the judge to give him pardon because of having people who are in need of care. He reflected his social problems through his language expressions. He particularly used sympathetic language expression to request the judge for humanitarian leniency. This also tells that judges give judicial decision not only based on the law but also consider the social problems. The intention of the expression is therefore to create a kind of sympathy on the judges through the perlocutionary effects created on them for mercy. Respondents stated that if people are found guilty, the only option that they have is to appeal for higher court or accept and ask pardon for the judges on his/her offence. Here, the speaker tries to use one of the options.

44. ?anə nab t'ifʔat zi- ?atəx -u ni bafləj ki- kəlxəl silə -zi - xonə
I to offence 3SM-enter (PERF)-1SM(F) to myself 1SM(F)-protect REAS- that-happen
k'is'ifət -u ni- kix'əliləl-əj ji- hətit
penalty-DEF for-light-my 1SM(F)-request
'I request for light penalty since I entered into the offence to protect myself.'

From the above expression, we can understand that the speaker (accused) has admitted that he committed the crime. However, he requested for light penalty for the reason that he committed it unintentionally. Indirectly, the speaker is expressing his/her regression of the action. That means ‘*had the complainant led him to the offence, he would have not committed the crime.*’ This indicates that the speaker was not the cause for the crime so that the judge should take into consideration for the punishment.

45. ʔanə nab tʻifʔat zi- ʔatəx -u silə zisʻəgəmə -ni ʔiju betfird-u

I to offence that-enter(PERF)-ISM(F) due to starvation -ISM is court -DEF

kʻisʻiʃat -u ni-kixʻəliləl-əj ji- hatit

punishment -DEF for-simple-my ISM(F)-request

‘I entered to the offence because of starvation. So, I request the court for light punishment.’

From the above expression, we can observe that the speaker committed the crime but it was due to starvation. His point of request was therefore that *had he not faced the problem, he would not have committed the crime.* He expresses his regression and asks for pardon. In directly the speaker is saying that ‘the problem forced me to commit the crime.’ The expression has a social implication to the context. After people commit some wrong acts, it is common to observe that they ask an excuse for the victim to cool down things into a normal situation in their social interactions. This is because they don’t have other alternatives for the case. This situation is also reflected in the court for judges.

From the above analysis, it is possible to suggest that accused use sympathetic and regressive language expressions with the intention of requests for humanitarian leniencies and light penalties from the judges. Sympathetic expressions are caring or considerate expressions which results from shared feelings, pity or compassion of an act. Regressive expressions are also expressions which indicate to a return to an earlier state or event and think that it was wrong act. Respondents from interview also said that people use such expressions if they don't have other alternatives for their case.

3.1.3.6 Language of polite expression

People often use certain language expression to express politeness in the court. The expressions arise from the social and moral values that people give for lawyers, especially for judges. The expressions have cross reference to the context as indicated below.

46. *kibur* *betfirdi xis -u ji- rʔəjəl-əj*
 honourable(3SM) court charge-DEF 3SM-see- for me
 ‘Honourable court’, let my charge be seen.’

From the above expression, we can understand that people use expressions like '*kibur betfirdi*' which means literally 'Honourable court', during courtroom interactions. The utterance of this expression is quite different from what message the speakers want to convey. It refers to not to the court which is an institution but to the one who leads up the court session or the judge and is intended to mean 'respected judge.' It has cross reference to the context. They use this expression when they argue or present or respond their court case during courtroom interactions.

47. gojt-aj gudaju lomʕinti ji-wəsənəl-əj ‘
 Lord-my case today 3SM-judge- for me
 ‘My lord, let my case be seen today.’

People also use the expression, ‘*gojtaj*’ as shown above to mean ‘my lord or the lord of me’ in the court. They use it when they express excessive politeness to the judge during court sessions. It also reflects a hierarchy of power or status between judges and parties. Besides, it is used mostly when people express their sympathy for an action.

48. kibur daɲɲa, məzgəb-u ji-wəhabən-i
 honourable judge charge-DEF 3SM-give-1SM
 ‘Honourable judge, let my charge be given.’

Sometimes, speakers used the expression ‘*kibur daɲɲa*’ directly to mean respected judge or honourable judge in the court.

From the above analysis, we can find out that clients use certain hedging expressions that have cross reference to express polite for the judge in the court. Some of the expressions are historic and reflects status or power difference between clients and lawyers.

3. 1.3.7 Language of emotion

3.1.3.7.1 Language of gratitude/thanks

Even though it is not allowed to say anything without the order of the judge in the court, it is possible to observe people while presenting their thanks to the judge after case has disposed/

finished. Here are some examples collected from courtroom observations and interview of subjects.

49. gojt-aj ʔigziʔabher ji- habəl -əj
lord-my God 1SM(F)-give(IMPERF)-1SM
'My lord, let God give you!'

People use the above expression to express thanks to the judge for his or her judicial decision. It means you made good decision and it was expected. The expression has spiritual implication in the context. People use it in their social interactions when they need to express a great wish or big thanks that demand a great value for some one. This is also reflected in the court. Here, the speaker is saying that everything is possible for God and he will pay you for all your good things.

50. haggər ji- barik
country 3SM-bless(IMPERF)
'Let the country be blessed!'

This speech is used when people feel that the judge has fear of God and make decisions accordingly without any partiality. As indicated above, they use the expression '*haggər jibarik*' pragmatically to mean '*Let God bless the country to live real judges like you.*' It has spiritual reflection to the context. It means if there are good things, God will come and bless the country.

51. wulludd-xa ji- ttəxəll -u

child-your 3PL-plant(IMPERF)-3PL

‘Let your children plant up.’

People also use the above expression to express their gratitude to the judge. Its meaning is quite different from what has been stated literally. It is intended to mean that your children will be blessed to live long. That means people have the cultural believe that if someone is blessed, there will be a good thing that will be left for their children. On the contrary if someone is cursed by people, there will be bad thing that will be transfer to his or her child and believed that they will not have long age to live on earth. So, we can say it the culture of the society that is reflected in the court.

52. ʃimmət-ixa ji- lləmlim

status-your 3SM-become green (IMPERF)

‘Let your status become green!’

This utterance is also intended to express thanks to the judge for the decision that has been made. Its implication is not as what has been stated above literally. It has pragmatic implication which means ‘long live with your power.’ People used this expression to express their strong sense to thank to the judge if the decision is really fair and expected.

53. ʃih ʃammət jə- ngis -xa

thousand year 3SM-reign-2SM

‘Let you reign for thousand years.’

Some people also used this expression of thanks to express good wishes to the judge. It means long live with your ruling power for many years.

Generally, it is possible to conclude that parties use certain expressions that have special pragmatic connotation for good wish to express thanks to judges in the court.

3.1.3.7.2 Language of anger

In the court, it is strictly forbidden to say anything without the order of the judge. People express their feeling of anger with each other after the case has been finished or outside the courtroom. The followings are sample expressions used by the people to express anger. They are collected from observations and interview of parties.

54. ?anə naj ?igzi?abher dixə ?ijj-ə

I of God poor is-S1SM

‘I am poor of God.’

The speaker used the above expression to express his/her emotion of anger on the decision made. Its intention is quite different from what is stated semantically. It has pragmatic connotation in the context. It means I don't have any one that can support me for my case. The speaker is saying that the judge supported the counterpart unfairly. This shows people have the assumption that persons that have support from the court will be benefited in case decisions. That is people have fear of partiality in case decisions if there is someone who have relative in the court. The speaker also reflects such kind of psychological fear to express his/her emotion on the case.

55. maʕilt-əj bəddil -u -ni

day -my hurt(PERF) -3SM-O1SM

‘The day hurt me.’

People use the above expression to express emotions when they feel that the judicial decision is unfair. It has a special connotation (pragmatic implication) in the context. It is intended to mean that conditions have disappointed him. That is the judge was not good at him. Here, the speaker is complaining not only with the judge but also with nature for his disappointment. The phrase ‘*the day*’ is used to represent the conditions or circumstances of disappointment. I personally know that people have believed that nature is a gift for good things. And if they disappoint with their plan, they express their feeling as nature take it up.

56. ʔanə bi-ʔigri ʔimbəj bi-ʔid ʔaj- məs’aʔi -xuj

I by -leg not by-hand NEG-come (PERF)-1SM/F

‘I came on foot not by hand.’

The above expression has special metaphoric implication. The speaker used the expression ‘ʔanə biʔigri ʔimbəj biʔid ʔajməs’aʔixuj which means semantically ‘I came by leg not by hand.’ It is intended to mean the judge is corrupt. Here the speaker is saying that the decision is made based on bribe. We can also understand that people express their emotion indirectly having metaphoric expressions. This may be due to the value (superordinate) that they give to lawyers. Some respondents replied that people are not free of the psychological impacts of lawyers to express their ideas openly.

57. kəm-aj mərret ji-s'əlmitt-o

as -my land 3S-dark-O3SM

'Let the earth be dark to him as me.'

Sometimes it is possible to observe people expressing their anger through cursing especially when the decision is really unjust. The above expression was used to curse the judge. It is intended to mean the world disappoint to the judge. Cursing is a strong emotional expression that people use to express their internal feeling on the cursee, to be bane of his existence, for the super natural power (God). People also reflect such kind of feeling in the justice process.

58. ʔanə wəggən jə- bləj -in

I relative NEG-have-1S

'I have no relatives.'

This expression is used to express anger for unfair judicial decision. It has different connotation to the context. Semantically it means the person has no relatives (he is alone) but it has pragmatic implication which means the person has no people in the court that can support him as in the opponent part. This implies that the decision is corrupted. It was made based on relations. So the speaker is saying that the decision is unfair.

Generally, people use language expressions that have pragmatic and metaphoric connotation to express their emotion outside the court for unfair judicial decision. Metaphoric expressions are expressions which have symbolic connotation to a context. Respondents said that they use such expressions because they have fear of expressing emotions openly in front of the judges.

3.1.3.8 Language of departure

After a given session of court has been finished, a judge used certain language expressions to suspend or close the charge record as stated below.

- When the case is suspended, they use the following expression:

59. məzgəb-u ni (zitət't'əx'əsə gize) tə- x'os'irr -u.

record -DEF for (stated time) PASS- appoint(imperf)-3SM

'The case has postponed for (stated time).'

The above expression is intended to mean the charge is postponed to the stated time.

- When the case is closed, they use the following expression:

60. məzgəb-u ?abzi wusanə rəxib -u ?allo məzgəb-u ji- t'as'əw, nab betməzgəb

record-DEF here decision get(imperf)-3SM has record-DEF 3SM-close, to record office

ji- mələs.

3SM-return (imperf)

'At this period, the record has got decision. Let the record be closed and be returned to the record office.'

This was also intended to mean the charge has got final decision and the charge record is closed officially. The one who was not satisfied by the decision could have the right to appeal for high court, as stated in the constitution.

➤ When summing up the session of the court, they use the following expression:

61. mægabaʔija -u ʕilət-awi sɪh -u ʔabzi ʔat't'ənax'ix'-u.

court session-DEF day-ADV work-DEF here complete -3SM

'The session of court for the day has completed here.'

This expression was used to mean the regular time for court meeting is completed and no case can be seen after that. That is the court has completed its daily work officially.

Based on above linguistic analysis, it is possible to conclude that lawyers use certain language expressions to close or suspend a case and to sum up the session of the court.

3.2 Problems of language use in the criminal justice

This section discusses on the main language related problems in the criminal justice process. It presents the description and analysis of data obtained from research participants in the study area.

3.2.1 Language attitude

The interview respondents stated that in Raya Alamata Woreda, two languages namely Tigrigna and Amharic are predominantly spoken. Tigrigna is the working language in the justice process in the area. It was observed that parties and witnesses presented their idea in the court using Tigrigna. Besides, there were people who didn't speak Tigrigna and were allowed to speak in Amharic in the court and the lawyers wrote it by translating into Tigrigna. Some respondents from interview stated that some people in the woreda have the tendency to use Amharic even if their mother tongue is Tigrigna. Holmes (1992) noted that language attitude can have an effect on whether or not a language variety is intelligible. So, the researcher tried to observe the problem by posing a question for the subjects on their language attitude as follows.

Table 3 language attitude

Item	Respondents
Which language is best in your view to be the language of the court? Why?	Number
Tigrigna	62
Amharic	38
Other	-
total	100

As stated in table 3, the majority (62) of the respondents agreed that Tigrigna is the best to be language of the court in their respective woreda. Their reason for choosing Tigrigna was that it

enables the local people to present, defend and attend court cases effectively. Some also replied that they choose it since it is the working language in the region. Besides, 38 of the respondents replied that Amharic is the best to be language of the court. Their reasons were related to the view that Amharic is simple to express idea than Tigrigna, as it is well developed. Some also replied that it helps to increase people's legal awareness as Amharic is widely spoken in the country. Still others said that since the codes of the law are written in Amharic, it should be language of the court. In addition, from the linguistic background of the respondents in table 1, we can see that Amharic L1 speakers were 36 where as Tigrigna L1 speakers were 64, which is almost similar with the above result. This implies that Tigrigna and Amharic speakers have positive attitude towards their own mother tongue in the court. And they have the tendency to use their own mother tongues during interactions. This can also indicate that Tigrigna L2 speakers may not be more beneficiaries from the courtroom interactions.

3.2.2 Language proficiency

Bilingual people in the court may have problems of using their language during interactions due to language inadequacy. Hoffman (1991) stated that most bilinguals tend to be more fluent or generally proficient in one language. Scholars such as Maher (1996) stated that law is about language. If people do not use their language effectively, they can't defend their court cases as what they need. Based on this, the researcher tried to ask the legal officers and the parties to examine the language adequacy of second language speakers as indicated in table 4 and 5 below.

Table 4 language proficiency

Item	Respondents
How do you evaluate the language adequacy of second language (L2) speakers in using Tigrigna language during courtroom interactions? Why?	Number
Excellent	10
Very good	21
Good	14
Poor	7
Total	52

As can be seen from the above table, 21 of the legal officers replied that the language adequacy of second language speakers was ‘very good’. Their reason was that even though there are some people who have language problem, most L2 speakers do not have problems in using Tigrigna in the court. Besides, 14 of the respondents answered that language adequacy of L2 speakers’ was ‘good’. Their reason was that most L2 speakers do not have sufficient skill in Tigrigna during courtroom interactions. Besides, respondents from interview stated that there is some language in adequacies in L2 speakers during courtroom interaction. To solve this, they allow speakers to use either of their languages and their idea is translated by lawyers into the working language. This implies lawyers follow the legal provisions stated in the literature section on language of court. And 10 of the respondents agreed that the language adequacy of L2 speakers was excellent. Their reason was that there is no significant difference between first and second language speakers during interactions. This implies that even though the majority of bilinguals have very good skill in Tigrigna, there are some L2 speakers who don’t have adequate skills in Tigrigna language use during courtroom interactions. This can have its own negative impact on L2 speakers in using Tigrigna in the court. In relation to this result, Rubin (1968) noted that there are bilinguals who can speak but not fluent and not good in understanding.

Similarly, parties and witnesses put their level of language interaction in the court as follows.

Table 5 language interaction between parties, witnesses and lawyers

Item	Respondents
How do you evaluate your level of language interaction with lawyers during investigation in the court session? Why?	Number
High	19
medium	54
low	27
Total	100

Table 5 shows that respondents' language interaction in the criminal justice was 'medium' (by 54). Their reason was that they don't have full confidence to express ideas during interaction in the court due to lack of knowledge on law. And 27 of them said that their level of interaction was low. This was due to language in adequacy, unfamiliarity of legal terms, instability and fear of expressing ideas in front of judges. On the other hand, 19 of the respondents replied 'high'. Their reason was they don't encounter problems during interactions. This implies that there is a problem in their interaction due to language in adequacy and difficulty of legal terms. And this may contribute to create communication gaps in case decisions. It is also possible to suggest how serious the problem is for Tigrigna L2 speakers during interactions in the court.

3.2.3 Legal jargons

Tiersma (1999) stated that legal terminologies are often challenges for parties in language use in the area of law. Lawyers use them in their case implementations as they contain the content of the law but the common people do not understand them very well. Sometimes, legal jargons create ambiguity on people as they carry special meaning which is different from their ordinary meaning. Based on this, the researcher collected '30' legal jargons of Tigrigna from legal document in the area and were given to the lawyers to rate them to what extent they use them in

the justice system. Similarly, these words were forwarded for parties and witnesses to rate them to what extent they understand their meanings. As a result, the words which were mostly used by lawyers and words which were difficult to understand for clients are taken for analysis to examine the gaps in legal terminology as follows.

Table 6 Legal jargons

Most used Legal jargons by lawyers	Respondents (total=52)	Difficult to understand for clients	Respondents (total=100)
	No		No
ʔimnət migudal	31	-	-
S'inuʔ ʔisrat	26	S'inuʔ ʔisrat	54
naj ʔimnət kiħdət k'al	37	naj ʔimnət kiħdət k'al	57
kiħdixa mikrixar	31	-	-
jirga	32	jirga	52
naj ʔimnət k'al	46	naj ʔiminət k'al	54
məkəlxəli miskir	41	-	-
k'əlil ʔisat	34	-	-
məgəbaʔija	42	məgəbaʔija	67
mirməra	52	-	-
naj ħiggi miskir	44	naj ħiggi miskir	59
ħiggi ʔaxbari	49	-	-
naj maʔixəl daɳna	34	naj maʔixəl daɳna	54
mikrixar	41	-	-
giʕizina	28	giʕizina	54
gəbən miħililaf	41	gəbən miħililaf	69
wuʕil	26	-	-
mətiħəzi	31	-	-
təhanas'i ħiggi	32	təhanas'i ħiggi	54
naj ħiggi t'əbəx'a	31	naj ħiggi t'əbəx'a	63
Total= 20 words		11(55%) words	

As it can be seen from table 6, there are lists of commonly used Tigrigna legal terminologies. Lawyer use them in their case interactions as they contain the content of the law. Even though they are common legal terms, they are not clearly understood by clients. As it is indicated, the majority 11(55%) of the terms were not understood by clients in the justice system. Their reason was that these words are not used in their social interactions. That is they don't use them outside the courtroom. Some also replied that they have never heard the words before. Information secured from document analysis also indicates that some of the words are newly developed in the justice system. This implies that clients are not well familiar with Tigrigna legal terms and there is lexical difference between lawyers and clients during courtroom interactions. Especially, the problem could be more serious for Tigrigna L2 speakers.

3.2.4 Barriers in language use

Lawyer-client interaction in the criminal justice is not as such flexible as what people do in their social interactions. Certain barriers like dialectal differences and unfamiliarity of settings are expected to have their own impacts on parties and witnesses language use. The barriers could be linguistic or non linguistic. Linguistic barrier refers to language related factors that can hinder people's language use. Non-linguistic also refers to external factors that can affect people's language use. In relation to this, question was asked for both the legal officers and the participants to study the common barriers in their interaction. Table 7 illustrates this item.

Table 7 Linguistic barriers

Item	Respondents
While interacting with your parties and witnesses, have you ever faced linguistic barriers (like vocabulary difference, language difference, etc) that can affect your interactions? Why?	Number
Yes	28
No	24
Total	52

Table 7 shows that, the majority i.e. 28 of the legal officers replied that there are barriers that can affect their interaction with their parties and witnesses. Their reason was related to language as stated below.

- i. There are people who cannot speak Tigrigna
- ii. Lack of sufficient lexicons on parties and witnesses
- iii. Lack of knowledge on legal jargons
- iv. Dialectal differences
- v. Problem of translating what parties and witnesses say into Tigrigna as it is the working language in the area.

On the other hand, 24 of the respondents stated that there is no barrier in their interaction. Their reason was that the parties and witnesses can understand and speak both languages (Tigrigna and Amharic).

To triangulate this item, related question was asked for parties and witnesses. As a result, 23 respondents replied that difficulties of legal terms and language in adequacies are barriers in their interaction. Coulhard and Johnson (2007) also said that a great deal of legal disputes concern with the meaning of words. Moreover, information secured from interviewees with the head

officers indicates that there is language barrier during interaction. This shows that there are linguistic barriers that can affect people’s language use in the criminal justice.

In addition, the researcher selected some common non-linguistic elements that are expected to have negative influence on people’s language use in the criminal justice and asked for lawyers. The following table shows the reply given by legal officers on the given non-linguistic factors.

Table 8 Non linguistic barriers

Item	Respondents		
	Yes	No	Total
Do you think that the following points do have negative impacts on people’s language use in the court or not? Why?			
	No	No	No
Fear	46	6	52
anxiety	49	3	52
Happiness	7	45	52
If there are others, mention them	-	-	-

From table 8, one can understand that almost all of the respondents replied that fear and anxiety affects ones language use in the criminal justice. As to them, this problem arises mostly from

- i. Lack of knowledge on law
- ii. Coming with false evidence/witness to the law
- iii. Pressure of other people
- iv. Health problem

In addition, parties and witnesses list the following as barriers in language use.

- Social influence
- The new setting
- Lawyers influence – lawyers use forceful orders like sit down, stand up, speak, don't speak, etc.

Moreover, the head officers, during the interview said that people often feel fear when they come to the law. Some of the fear rises from the previous perceptions given to lawyers. And others come from their social pressures on the crime. Still others come from the nature of the crime. According to the respondents, people have fear of expressing their idea on big crimes like murder, corruption and rape. This may be due to the social pressures they encounter from outside. Generally, it is possible to suggest that there are linguistic and non linguistic barriers that can hinder clients' language use in the criminal justice process. And if measure is not taken from respected bodies, communication in the court could be ineffective.

3.2.5 Legal language

Different writers stated that lawyers' language is not comprehensive for every one during courtroom interaction (Makodia 2007). If people do not understand lawyers' language very well in the justice process, it may create a problem on decisions of cases. So, the researcher asked the parties and witnesses to examine their level of understanding on language of lawyers (the legal language) during courtroom interaction through a questionnaire. The following table illustrates this item.

Table 9 legal language

Item	Respondents
Do you understand clearly what the lawyers or investigators speak to you during investigation in the court session? Why?	Number
Yes	57
No	43
Total	100

As it can be observed in table 9, majority (57) of the respondents agreed that they understand lawyers' language in the criminal justice. Their reason was that they can understand what the investigator says to them. They also said Lawyers speak both in Tigrigna and Amharic to be understood by others. And 43 of them replied 'No'. Their reason was that during interaction, what the lawyers said is not well understood by parties due to difficulty of legal terms, use of too long expressions, variations of accents and mixing of language codes. Lawyers sometimes speak by mixing Tigrigna and Amharic that can confuse others and sometimes they use unknown words, like English. The researcher also observed in the courtroom interaction that some parties and witnesses were intended to say something without having what the judge say to them. Sometimes it was also possible to observe conflict of ideas between lawyers and the parties or witnesses in the court during examination. This is mainly due to misunderstanding of language.

In terms of the written legal language, the respondents replied that the language they use to express articles in making final judicial decision is not clear to understand for everyone due many abbreviations and too long expressions. Information secured from documents analysis also implies that sentences contained many abbreviations and co-ordinations that may be difficult to listen and understand them not only for illiterate but also for literate people. This shows that the written legal language is complex in terms of syntax and structure even though the majority of

parties and witnesses understand it and still a considerable number of them fail to understand. This can lead them for communication difficulty. In the same way, Tiersma (1999) stated that legal language is characterized by a complex grammar.

Similarly, question was asked for legal officers to triangulate with clients’ opinion, and their response was stated as follows.

Table 10 Intention of language use

Item	Respondents
Do you understand clearly what your parties and witnesses intend to say during investigations in the criminal justice? Why?	Number
Yes, most of the time	38
Yes, but with problem	12
Not clear	2
Total	52

According to table 10, 38 of the legal officers replied that most of the time they can understand their parties and witnesses language during criminal investigations. They said, “most of the time people speak Tigrigna and we have long time experience on their local language, so we can understand them.” And 12 of them answered that there is a problem to understand what parties or witnesses intended to mean during interaction in the justice system. Their reason was that sometimes members speak words which are very odd (due to dialectal difference) to the lawyers. This was especially common when the judge hears witnesses in the court. These shows even though most lawyers understand what their parties and witnesses say; still there is slight problem in understanding their participants’ language use. And this can contribute a negative impact on their courtroom interaction.

3.2.6 Language use situation

Scholars like Mehl (2003) stated that language use could be influenced by the situation of use. The court is not such a flexible situation like other social interactions as power, control and status are unequally distributed between lawyers and clients (Coulthard and Johnson 2007). This means there is asymmetrical or unequal distribution of speech act between lawyers and parties. People may face problems in using the use language effectively. So, the researcher tried to examine how the situation influences people's language use. The following table shows this issue.

Table 11 Language use situation

Item	Respondents
Do you think that the situation in the court enables people to use their Languages effectively? Why?	No
Yes	31
No	69
Total	100

As shown in table 11, 69 of the respondents agreed that the situation in the court do not encourage people to use their language effectively. Their reason was that the situation is highly controlled by the legal officers. Data secured from observation also indicates that every instruction in the court comes from lawyers and the interaction is highly dominated by them. People speak only if they are ordered to speak. This indicates there is asymmetrical or unequal distribution of speech acts between lawyers and parties during courtroom interactions. Besides, they stated that most of the local people are not familiar with the rule and regulations of the court. Similarly, they stated that lawyers put pressure on people to investigate crime. So, people feel fear to express ideas as what they need. And 31 of the respondents replied that the situation

in the court enables people to use their language. Their reason was that people have the right to use any language they choose in the court. Others also said that since the court is a legal institution, people can express their idea freely. Their idea was mostly related to the right to use their language. Based on this, we can say that the situation in the court is highly controlled and it doesn't encourage the majority of the people to use their language effectively. This can affect their interactions in the court. Similar to this result, Coulhard and Jonson (2007) stated that the area of law is highly controlled by the legal officers in the court.

3.2.7 Translation and Interpretation skills

The researcher tried to ask the law officers on issues related to interpretation and translation of legal discourses. As to them they use two translation methods; word to word translation and context based translation and this varies depending on skill (education) of translators. Scholars like Mcmenamin (2002) stated that translating in legal context requires much more than a literal, word to word matchup of two languages. According to the respondents, there are some problems in translating and interpreting legal terms in the justice system. People in the court were also observed to present complaints on how their words were not correctly translated. For instance, they express complain by saying *məzgəbu bitikikl ʔajtəgəlbət't'əlləjɪn* which means 'my record has not been copied correctly' in the court as indicated in 39. This implies that there is a problem in translation and interpretation of legal documents. It can also indicate that there is variation of translations of documents as different people use different translation methods. This can affect the law in making judicial decision in the court.

3.2.8 Lawyers' vocabulary skills

The skill of solving meanings of new words is very important in language use for lawyers. On the other hand, lack of skills in solving meanings of new words can have an effect in their language use. Every word in law has a certain meaning. If lawyers are not able to identify their meanings, they may face problems in their case decisions. Based on this, the researcher tried to examine how lawyer identify meaning of new words in language use in the justice system. The following table illustrates this item.

Table 12 Vocabulary skills

Item	Respondents
If you find words which you don't know their meanings in the criminal justice, how can you find their meanings?	Number
By using dictionary	11
By using the context	8
By asking colleagues	31
By using all the above methods	2
Other methods	-
Total	52

As shown in table 12, the majority i.e. 31 of the legal officers ask their colleague to find meaning of new words in the criminal justice. Besides, 11 of them use dictionary and only 8 of the respondents use the context to find meaning of new words. In relation to this, the researcher interviewed the head officers on how lawyers get access to solve meaning of new words in the

justice system. Based on this, they replied that lawyers find meaning of new words from what they know and they don't have ready made reference for vocabulary unless they have their own. Moreover, scholars such as Olsson (2008) stated that using dictionary or simply asking people may not be helpful method in getting meanings of new words. Olsson (2008) stated that linguists view dictionaries as imprecise and limited to word meanings. It is the context in which the word is used that is important to find the meaning of new words. But, here, the lawyers do not give due attention to the context.

3.3 Code switching and code mixing in the criminal justice

3.3.1 Code switching and code mixing by lawyers

According to Gumperz and Bokamba cited in Zelealem (1998:198), code mixing and code switching can be treated as intra-sentential and inter-sentential switching respectively. *Code mixing* (intra-sentential switching) refers to the embedding of various linguistic elements such as affixes, words, phrases and clauses within the same sentences where as *code switching* (inter-sentential switching) refers to mixing of words, phrases and sentences across sentences boundaries within the same speech event.

People in a bilingual setting switch their languages for different reasons during interaction. Similarly, in the criminal justice, it is common to observe lawyers while using code switching/mixing during courtroom interactions for different reasons. As the criminal code, which lawyers use for reference, is written in Amharic and the people are bilingual, it is possible to observe lawyers while switching Tigrigna words and expressions into Amharic. Tigrigna is the Matrix language (language of wider communication) for this study. Here are some reasons for switching of languages in the court. The data is collected through courtroom observation and interview of participants.

A. For technical use of terms

When lawyers lack technical words which have special connotation to the context in the matrix language, they switch their language into the embedded language to have the terms. The following bold words or expressions have special connotation in the legal context and are taken

from Amharic. The next data (a) illustrates mixing of language within a sentence (intra-sentential switching) at word level.

62.a. **mərrəḏʒa** bi-səfat-u bizəj- mimsis'ʔ-u gəbbən ki-fis's'əm jixʔil ʔijj-u

information on-time-DEF NEG-come -3S crime 3S-commit(IMPERF)able is-3s

'Crimes can be committed due to the fact that people do not give information on time.'

It is also more common to observe mixing of codes at phrase level (intra-sentential switching) as indicated below.

b. tə- gəddid-u dəm zə- fisis ʔaggat'imu -wo ʔalmot baj təgədaɟ zixonə gin mət'ənu

PASS-force-3sm blood 3SM-flow encounter(PRES)-3SM for self defense become but amount

ziḥaləfo t'ifʔat intə xojnu kab 5 ʕamət zəj- bəlis' jə- x'is'iʕ ʔijju

more offence if become from 5 year NEG-exceed 3SM-punish is

'One who encounters a blood flow and is forced into a crime for the sake of self defense can be punished for more than 5 years, if unwanted offence is committed.'

c. bi- higgī ʕans'ar wət'at t'ifatəɟɟa ʕidmə-om ni-ʔakaləmət'ən zəj-bəs'i -hu gin ʔab mit'ihəs

by-law perspective youth offence age-3PLM for-adult NEG-mature-3PL but on neglect

higgī zi- rkəb -u ʔijjom.

law that find(PRES)-3PL are.

'From the legal perspective, youth criminals are those who are under age but participate in illegal acts by neglecting the law.'

d. gəbbən-u ʔiti- ffəs'əm ʔidɟ kə fəndɟ ʔidhīr tə- təhiz-u bi-k'ət't'ita ---

crime -DEF while-commit red-handed if PASS-catch-3SM by-direct ---

'If a person is caught red-handed while committing the crime, directly---'

From the above sample expressions, we can observe that the lawyers switched the bold expressions from Tigrigna into Amharic due to their special connotation to the context. For instance, in 62d, the speaker mixed the Amharic phrasal expression 'ḥidz kə fəndz' which means red-handed into Tigrigna due to its special legal meaning to the context. Tiersma (1999) stated that when speaking to the law, it is natural for lawyers to switch to a legal language, particularly to technical terminologies. Similarly, some of these technical terms may not be easy to have equivalent words in Tigrigna to express a given situation, as it is a developing legal language. So, they take them from Amharic to express some situation in the court. This indicates that lawyers mix two languages within a sentence (intra-sentential switching) at word and phrase level for technical use of terms.

B. For habitual use of language

It was observed that Lawyers mixed Amharic and English words into Tigrigna unconsciously during interactions. Respondents on the questionnaire replied that lawyers mix unknown words like English words that can confuse others. The following two examples (a) and (b) indicate intra-sentential switching from Tigrigna into Amharic at word level.

63.a. kiss -u **wəjimm** gəbən-u gils'i ʔaj- konnən

charge-DEF or crime-DEF clear NEG-become

'The charge or the crime is not clear.'

b. kəm-ʔu ʔaj-bəhalin ʔab **ʔilot**

like-that NEG-say on court session

'Don't say like that in the court session.'

Examples (c), (d), (e) and (f) below also illustrate intra-sentential switching from Tigrigna into English at word level.

c. **kəz-u** ni-baʃilu gils'i aj- konən.

case-DEF by-itself clear NEG-become

'The case by itself is not clear.'

d. **fordʒid** wəj naj hasot sənnəd

forged or false document

'Forged or false document'

e. ʔitom miskr -at **sirjes** riʔix-um bi-səʃatu kiməs'-ʔu gibbər-u

the defendant -3PLM serious see -2PLM on-hour come-3PLM make-3PLM

'You should see seriously and make the witnesses come on time'

f. haddə səb nab wəhis kiʔat -u kəllo nab **risk** ʔijju ziʔat -u zəllo

one person to bale enter(PRES)-3sm when to risk is enter-3SM present

'When someone enters into bale, he enters to a risk'

As indicated in the above sample, the lawyers mixed two languages at word level within a sentence (intra-sentential switching). In the first sample, the bold terms, which are conjunction and noun respectively, are mixed from Amharic into Tigrigna (as indicated in 63a and b) unconsciously. Respondents also said that since they use both languages interchangeably, they

mix words unconsciously in their speech. We can also observe that they mixed English words (as indicated in 63 c, d, e, and f) into Tigrigna unconsciously. This is mainly due to adaptation of words from their foreign language. In relation to this result, the respondents said that they mix codes unconsciously because they adapted the terms from their educations. That is due to their professional interferences as they have been trained in English and it leads them to become more familiar with English terms and expressions. Some respondent also said that they switch (mix) terms if they found them more economical and precise to the context. Based on the above data, one can say that lawyers mix two languages at word level due to habitual use of language unconsciously during courtroom interactions.

C. For better comprehension of language

Lawyers switch their language into the language that their parties and witnesses could understand better during courtroom interactions. This is done when they see that their parties or witnesses failed to understand them. The following bold expressions are switched from Tigrigna into Amharic. They are examples of inter-sentential switching at sentence level (boundary).

64.a. nab betfirdi ni-mintaj gudaj mes'ix-xa? **wədəzi lə-min guddaj mət'ta'-h?**

to court for- what purpose come-2SM? Here for-what purpose come-2SM

‘For what purpose do you come to the court?’

b. bi-lomaʕint səmun səʕat kiltə məs'ʔ-u abat, **t'iwat hulətt səʕat new**

by- today week hour two come-2SM father, Morning two hour is

‘Come as of today next week. Father, it is two hour in the morning.’

c. **jizo** **-t** **-al.** kabʔuxə

catch (PERF)-3SM-O3SM, then?

‘He caught him, then what?’

Respondents from interview said that when lawyers observe that their parties or witnesses failed to understand their Tigrigna, they try to say it again in Amharic to be understood easily. We can also see the same result from the above data in that lawyers express ideas by repeating what they have said in Tigrigna into Amharic at sentence level as indicated in ‘a’ and ‘b’. This is done mainly to make ideas more clearly for listeners or hearers. Tiersma (1999) noted that the ability of the hearer to understand the code could be a factor for code switching of language. So, one reason for switching of language during courtroom interaction is for better comprehension of language with parties and witnesses.

3.3.2. Code switching and code mixing by parties and witnesses

Similarly, when parties (complainants and accused) and witnesses come to the court, they switch their language for certain reasons. Here are some reasons for using code mixing by parties and witnesses.

A. To elaborate terms or concepts

Parties and witnesses use code mixing at word and phrase level to elaborate terms or concepts during courtroom interactions. The following data illustrates switching (mixing) of language for elaborating words or concepts in the court. It is an example of intra-sentential switching from Tigrigna into Amharic. The bold expressions are taken from Amharic. The first data (a) shows code mixing at word level while the second (b) shows at phrase level.

65.a. kibbur betfirddi, ?izuj nissatom konnə-?ilom ni-?aj ni-mis'lam malət wəndʒəl-əjjə

honourable court, this they purposely-3PLM for-me to-dark meaning crime-ADJ

ni-mgibbar ?ijju.

to-make is

'Honourable court, they did this purposely to me bad that to make me criminal.'

b. ?anə zixəd -xu dɪms'i malət jə-t't'əb čuhət səmʕə ?ijju

I go (PERF)-1SM sound meaning of- conflict shout hear (PERF) is

'I went out because I heard a sound that shouts of conflict.'

From 65a and b above, we can observe that the speaker mixed adjective and noun phrase respectively into the matrix language (Tigrigna). For instance, in 65b, he used the two expressions '*dɪms'i*' from Tigrigna and '*jət't'əb čihot*' from Amharic to mean '*sound*' and '*shout of conflict*' respectively. Here, the speaker mixed the Amharic phrase into the matrix language to elaborate the expressions which is said in Tigrigna. Respondents from interview also said that one reason for mixing of terms is to elaborate a term by a simpler one which they know more in the other language. So, one can suggest that parties and witnesses mix two languages within a sentence to provide more clarification or elaboration for terms during courtroom interactions.

B. Habitual use of language

During courtroom interactions, it was also common to observe parties and witnesses while using code mixing as a matter of habit unconsciously at word level. Here are illustrative examples.

66.a. nihina ?itaj nibil. firdbet-u zi- wəsəsə-no ji- xun.

we what say(PRES) court -DEF 3SM-decide-3S 3SM-be(JUS)

'Nothing let it be the decision of the court.'

b. ?anə wəndʒəl-u ?aj- fəs'ək -un ?aj-bəlkun, gin---

crime-DEF NEG-commit (PERF)-1S NEG-say, but--

'I don't say I did not commit the crime, but--'

c. gəbbən-u ?int- fis'əm k'idmija zirrədaʔi -xu ?anə ?ijj -ə

crime-DEF when-commit first go(PERF)-1S I COP(PERF)-1S

'I went first when the crime was committed'

Respondents from interview forwarded that they mix Amharic and Tigrigna words unconsciously as they are speaker of both languages. The above data also indicates that they mix Amharic words into Tigrigna due to habitual use of language during interactions. Prof. Orin Gensler in his lecture note stated that one reason for switching (mixing) of language is habitual pattern of language use. Some respondents from interview also stated that sometimes they mix languages due to their mother tongue interference. When we come to the data, 66a above relates to the reply of the respondents. Amharic speakers say 'firdbetu' and Tigrigna speakers say 'betfirdu' to mean 'the court'. So, it was common to observe people while using 'firdbetu' to mean 'betfirdu' during courtroom interaction as indicated above. This is mainly due to their mother tongue interference. This implies that parties and witnesses mix two languages as a matter of habit or due to their mother tongue interference during courtroom interactions.

c. For better comprehension of language

Parties and witnesses use code switching mainly to cop up the communicative demands during courtroom interactions. The following data illustrates inter-sentential switching at sentence level.

67a. kibbur betfirdi, ?anə zi- məs's'a?i-xu ni- misikkir ?ijju bə- ?amarijpa li-nnagər

honourable court I 3S-come(PRES)-1S for-witness is in- Amharic 1S- speak(IMPERF)

'Honourable court, I come for witness. May I speak in Amharic?'

b. nissu zi- tənnagə-ro fis's'um hasot ?ijju lə- hagər -imm lə-hizb -imm ?aj- bəḏḏjimm

he 3SM-speak-3S completely false is for country-and for-people-and NEG- useful

'What he has said is completely false. It is not useful for the country as well as for the people.'

From the above data, we can observe that the bilingual speaker switched his language from Tigrigna into Amharic at sentences level. If we see 67b, the speaker started to speak in Tigrigna. But after a while, he switched his Tigrigna into Amharic to express his feeling by saying 'ləhagər imm ləhizb imm ?aj bəḏḏjimm, which means it is not good for the people as well as for the country. This is done mainly to express his feeling or idea more strongly to the lawyers.

As it is indicated in the linguistic backgrounds of respondents in Table 1, there are 36 Amharic L1 speakers and 64 Tigrigna L1 speakers. This implies there is some problem in language proficiency on Amharic L1 speakers in Tigrigna language use. Respondents from interview also said that one reason for code switching is to make their idea more clearly to lawyers. Observation from the courtroom interaction indicates that one reason for code switching is unbalanced bilingualism. When they feel that their Tigrigna is not adequate to express their feeling, they switch it into Amharic at sentence level. So, it is possible to say that parties and witnesses use code switching for better comprehension of language with the lawyers during courtroom interactions.

d. For secret use of language

Parties and witnesses do not speak anything while they are attending their court cases. But when they come out of the court, they share many things about their cases by switching their languages. The following example illustrates inter-sentential switching at sentences level (boundary).

68.a. A: migt -u kəmməj nəjrr -u
argument-DEF how COP(PERF)-3SM

‘How was the argument?’

B: sux’ bəl tə-sərtə-wal
stop say PASS-make-3S

‘Stop to say. It is done!’

b. A: kalʔaj məskari-t riʔixaja do? jə ʔagot-u mist nat
second witness-3SF question of uncle-his wife is

‘Have you seen the second witness? She is wife of his uncle.’

B: gidi-jəlləj
mind-NEG

‘Never mind!’

c. giddəf-o. ʔisu ləwt’i ʔaj-amət’ -amm
leave-O3SM he change NEG-bring-3SM

‘Leave him. He doesn’t bring a change.’

From the above samples, one can observe that parties and witnesses switched their Tigrigna into Amharic at sentences level. We can also understand that all the bolded expressions contain personal information that the interlocutors used to exclude other. In support to this idea, respondents said that sometimes people switch from one language into another to share their personal or secrete information with each other. Prof. Orin Gensler in his lecture note stated that one reason for switching of language is for secrete use of language. So, it is possible to suppose that parties and witnesses switch their language at sentences level mainly to exchange personal information with each other.

Generally, it is possible to conclude that lawyers use code mixing at word and phrase level for technical use of terms, habitual use of language, and professional adaptation of terms. Besides, they use code switching for better comprehension of language. They also switch if they found words which are more economical and precise to the context. Similarly, parties and witnesses use code mixing at word and phrase level for elaboration of terms or concepts, as a matter of habit unconsciously, and due to mother tongue interference. Meanwhile, they use code switching for better comprehension and secrete use of language.

CHAPTER FOUR

4.1 Introduction of new words in the justice system

One of the characteristics of human languages is the potential of producing new words. Language is a social phenomenon that expresses the culture of its speakers. It expands its dimensions to the possible extent to express the culture of its speech community. According to Zelealem (2009:67), ‘language develops its lexicon when there is a compelling need to accommodate new concepts that cannot be expressed by the available vocabulary’.

As it is stated in literature section, Tigrigna became a language of legislation after the 1995 Ethiopian constitution. Its legal terms are now growing by incorporating new elements into the system to fulfill the communication demands of the users. According to the data obtained from legal documents, there are different mechanisms that new words have been introduced to the legal language. This includes borrowing, loan translation, compounding, semantic extension, abbreviations, blending and derivations.

4.1.1. Borrowing

Borrowing refers to the importation of lexical or grammatical elements from another language mainly due to language contact situations (Zelealem 2009). It is stated that every language is complete by itself in the sense that it can express the culture of its speakers (Daniel, 1997). But it may not be complete to express the culture of other speakers. So, as the people of different speech community interacts each other, there will be a possibility of sharing words and expressions to express their cultures. It is common to observe people while using borrowed lexicons from other languages in the justice system. Some of the words are taken directly and

others are taken with some modification of sounds from indigenous languages like Amharic and some foreign languages like English as shown below.

4.1.1.1 Borrowing from indigenous languages

4.1.1.1.1 Unmodified borrowings

There are new Tigrigna legal words that have been introduced directly into the legal language through borrowing from Amharic. Here are examples.

Amharic	Tigrigna	Gloss
69. a. ጎጠጠጠጠጠ	ጎጠጠጠጠጠ	‘parole’
b. ጎጠጠጠጠጠ	ጎጠጠጠጠጠ	‘limitation’
c. ጠጠጠጠጠጠጠ	ጠጠጠጠጠጠጠ	‘accusation’
d. ጠጠጠጠጠጠጠ	ጠጠጠጠጠጠጠ	‘information’
e. ጠጠጠጠጠጠጠ	ጠጠጠጠጠጠጠ	‘search or seizure’

From the above lists, we can see that Tigrigna has taken new words directly from Amharic. This is resulted from the long run linguistic contacts between speakers of both languages in the speech community, genetic relatedness and/or historical accidents; as Amharic was the only language of legislation and language of instruction in the country. The above words are used by legal officers mainly in speaking in the criminal justice. This indicates people can possibly incorporate new lexicons into their language system from lexicons of other languages without making any modifications. So, direct borrowing of lexicons from other indigenous language is one mechanism of new word introduction into the legal language.

4.1.1.1.2 Modified borrowings

There is also a possibility that legal terminologies can be introduced into the system through modification of sounds from Amharic terms though not so frequent as follows

Amharic	Tigrigna	Gloss
70. a jīgba-ᵈ	jīgba-ᶑani	‘appeal to higher court’

The above example indicates that some new words have introduced from Amharic into Tigrigna through modification of sounds even though it is not so frequent. As indicated, the word ‘jīgbaᶑani’ has introduced from the Amharic word ‘jīgbaᵈ’ by modifying the sound [ᵈ] into [ᶑani] in Tigrigna. This may seem to imply that people can possibly develop new words through modification of forms from other languages through linguistic contacts. And we can say that new words are introducing into the legal language through simple modifications from the indigenous language namely Amharic.

4.1.1.2 Borrowing from non indigenous languages

In the justice system, there are words which have introduced in to the legal system through direct borrowing from non indigenous languages as shown below.

New words	from language	Gloss
71. a. disiplin	English	‘discipline’
b. polis	English	‘police’
c. komite	English	‘committee’
e. rəfrənddəm	English	‘referendum’
f. trafik	English	‘travel’

g. komiḥin	English	‘commission’
h. ḥartər	English	‘charter’
i. dimokrasi	Greek	‘democracy’
k. Kontro band	French	‘illegal imports,

From the above samples, we can observe that there are words introduced into Tigrigna legal language through borrowing directly from English, Greek and French. People use them in the justice system. Most of the words are borrowed from English and this may be due to frequency of use by lawyers in the legal system and adaptation of many legal concepts from English codes. So, borrowing from non indigenous languages could be another mechanism of lexical introduction in the legal system.

4.1.2 Loan translation

Loan translation refers to borrowing of not the word itself directly but the concept of the word from other language. According to Zelealem (2009:80), ‘loan translation is a special type of borrowing where individual words in the donor language are translated separately into the recipient language and new words are formed carrying relatively new concepts.’ There are certain new words in the justice system that have introduced through loan translation as illustrated below.

English	Amharic	Tigrigna
72. a. cross-examination	məsk’əlləḥna t’ijak’e	məsk’əlləḥna hitto
	‘cross’ ‘examination	‘cross’ ‘examination’
b. examination in chief	wanna t’ijak’e	wanna hitto
	‘chief’ ‘examination’	‘chief’ ‘examination’

c. crime investigation	wəndʒəl mɪrmərra	‘gəbbən mɪrmərra’
	‘crime’ ‘investigation’	‘crime’ ‘investigation’
d. pre-conflict	k’idmə k’irane	k’idmi gons’i
	‘pre’ ‘conflict’	‘pre’ ‘conflict’

As can be seen from the examples above, new words has introduced from English into Amharic and Tigrigna through direct translation of concepts. This is because most of the legal concepts in Ethiopia are adapted from English codes. Most probably, Amharic has first borrowed the concepts from the source language (English), as it is the former legal language in the country and Tigrigna has introduced the new words from Amharic. These words are commonly used in speaking by legal officers in the justice system. And we can say English is the donor language while Amharic and Tigrigna are the recipient languages. As illustrated above, individual words in the donor language are translated separately into the recipient language and new words are formed carrying relatively new concepts. This implies that new words are introducing into the justice system by applying the approach of loan translation.

4.1.3 Compounding

4.1.3.1 Genuine compounds

Compounding is a process of joining two separate words to produce a single form (Yule 1985). Genuine compound are compounds in which each of its component parts can be identified as heads and none heads. There are new words in the legal language which has introduced through compounding. Most of the compound words still contain their original meaning. Tigrigna

compound words are most commonly left headed and head initials are rare (Zealelem 2009). The followings are examples of left headed compounds.

Word₁+ word₂	new word	Gloss
73.a. ʕak’abi + ʔiggi ‘saver’ ‘law’	ʕak’abi ʔiggi	‘prosecutor’
b. təhannəs’i + ʔiggi ‘constructed’ ‘law’	təhannəs’i ʔiggi	‘prisoners’
c. bet + hins’ət ‘house’ ‘construction’	bet hins’ət	‘prison’
d. ʔiggi + mængisti ‘law’ ‘state’	ʔiggə mængisti	‘constitution’
e. s’ərə + giʕzinna ‘anti’ ‘corruption’	s’ərrə giʕzinna	‘anti corruption’
f. sinnəj + sirrʕat ‘well’ ‘system’	sinnə sirrʕat	‘discipline’
g. bet + fiʔi ‘house’ ‘justice’	bet fiʔi	‘justice’
h. miʕri + ʔiggi ‘advice’ ‘law’	miʕrə ʔiggi	‘legal advice’
i. liʕlinnət + ʔiggi ‘supreme’ ‘law’	liʕlinnət ʔiggi	‘supreme law’
j. bet + fiʕdi ‘house’ ‘verdict’	bet fiʕdi	‘court’

As indicated above, a number of new compound words have developed from two independent words and are mainly used in speaking in the justice system. When we take the compound word *liṣlinnət ḥiggi* ‘supreme law’ in 73i, it is formed from two independent words ‘*liṣlinnət*’ and ‘*ḥiggi*’ which mean *supreme* and *law* respectively. We can also examine that the word ‘law’ is the head of the compound which means supreme of law. Then this compound word is left headed. Besides, we can see that some compound words are formed by making simple modification on their initial component part. For instance in 73h, the word *mikrəḥiggi* ‘*legal advice*’ is formed from two words *mikri* and *ḥiggi*’ by modifying the phoneme [i] in the first word into [ə] in the second word. Besides, we can also observe that some words have Geez bases and others have Amharic bases as in *ḥiggə mǝngisti* ‘constitution’ and *bet firdi* ‘court’ respectively.

4.1.3.2 Hybrid compounds

Hybrid compound refers to the formation of new words through combination of two independent words from two different languages. In the justice system, there are new words introduced into the legal language through hybridization as indicated below.

New words	From languages	Gloss
74.a. taktik mirmorra	English/Tigrigna	‘tactic investigation’
b. teknik mirmorra	English/Tigrigna	‘technique investigation’
c. kodifikəfɪn ḥiggi	English/Tigrigna	‘codification law’
d. S’ərrə- dimokrasi	Tigrigna/Greek	‘anti-democracy’
e. s’ərrə-polisi	Tigrigna/English	‘anti-policy’

f. t'abija polis	Tigrigna/English	'police station'
g. maḥbərrə səb polis	Tigrigna/English	'community police'
h. trafik ḥiggi	English/Tigrigna	'traffic law'

Based on the above illustrations, one can say that each of the compound words has formed from two different languages. Besides, we observe that most of the borrowed words are technical to legal profession. And this may imply that people can form new words by merging some technical terms with their own vocabulary to express things easily, especially in work places. Spolsky (1998) stated that people who work at a particular occupation develop new terms for new concepts. This may also indicate that when people of different speech community come to gather, they can form shared or hybrid words that enable them to have some kind of shared understanding. So, hybridization process plays its own important role in the introduction of new words in the legal system.

4.1.4 Semantic extension

Semantic extension refers to the encoding of new additional meanings to the already existing words (Zealelem 2009). There also new words in the justice system which have introduced into the language through semantic shift or extension of meaning from the ordinary or natural language. The new meanings could be slightly or completely different the old meaning as indicated below.

Word	Old meaning	extended meaning
75. a. miʔisar	‘tied up’	‘imprisoned’
b. giʕzijna	‘dust’	‘bad ethics, corruption’
c. miħaz	‘hold’	‘arrest’
d. gəbbən	‘mystery’	‘crime’
e. mirmməra	‘health investigation’	‘crime investigation’

From the above examples, one can possibly observe that all the words have made semantic extension or shift from the original meaning. As indicated above, people used the term ‘*miʔisar*’ originally with the meaning ‘tied up’. But in the legal system, it contains extended meaning, which means *imprisoned* (taking into prison) and has slight change in meaning from the original one. This implies that new words are introducing into the justice system through semantic extension from the natural or ordinary language.

4.1.5 Abbreviation

Abbreviation involves taking the initial letters of two or more words but not pronouncing as a single word. In the justice system, it is possible to see people using words which are abbreviations as indicated below.

Abbreviations	full form
76. a. g/m/h	gəbbən məx’is’s’iʕi ħiggi ‘Criminal law’
b. p/m	polis mirmira ‘polis’ ‘investigation’

c. g/m

gəbbən mīrrmira

‘Crime’ ‘investigation’

From the above data, it is clear to observe that the abbreviated forms in the first column are taken from the initial letters of the long expressions stated in the second column. They have been introduced in the form of abbreviations in to the system. They are commonly used by lawyers mainly in writing in the justice system. From this, it is possible to suggest that new elements are introducing into the legal language in the form of abbreviations.

4.1.6 Derivation

Derivation is a process of word formation through addition of affixes to the beginning or end of a word (Yule 1985). In the justice system, there are words developed or introduced into the legal language through prefixation or suffixation process. The following are some examples.

4.1.6.1 Addition of prefixes

Prefix +base	new word	Gloss
77. a. bizzəj-fɪθi NEG- justice	bizzəj fɪθi	‘un justice’
b. zəj- miffis’am NEG-commit	zəjmiffis’am	‘not commit’
c. zəj- mixɪbar NEG- respect	zəjmixɪbar	‘violet’

d. zəj- mɪdlaw	zəjmɪdlaw	‘impartiality’
NEG- partial		
e. zəj- ɡɪddəd	zəjɡɪddəd	‘not forced’
NEG- force		
f. zəj-ɡɪbbəʔ	zəjɡɪbbəʔ	‘forbidden’
NEG-must		

In light with the above analysis, we can examine that words have developed or expanded their dimensions by adding prefixes into their stem or root. As indicated above people use the base word ‘*miffis’am*’ which means ‘*to commit*’ in the justice system. They also form another word by adding the prefix [zəj-] to the word *miffis’am* and it becomes *zəjmiffis’am* which means ‘*not to commit*’. People use them both in writing and speaking in the criminal justice. This indicates, new words are introducing into the legal language through addition of prefixes into the existing words or bases.

4.1.6.2 Addition of suffixes

base+ suffix	new word	Gloss
78. a. ɡəbbən-əŋŋə crime -ADJ	ɡəbbənəŋŋə	‘criminal’
b. hɪgg-awi law -ADJ	hɪggawi	‘legal’
c) kəsas-i accuse-3SM	kəsasi	‘accuser’ (m)

d. kəsas-i -t	kəsasit	‘accuser’(f)
accuse-3SM-3SF		
e. kəsəs-ti	kəsəsiti	‘accusers’(pl)
accuse-3PL		
f. ?agbbab-nət	?agbbabnət	‘legality’
legal-N		

As illustrated above, new words have developed through addition of suffixes into the existing stem or base. When we observe the base ‘kəsas’ which means *accuse* from the above list, we can see that it has expanded into three new words by adding the suffixes [-i], [-t] and [-ti] to indicate 3rd singular masculine, 3rd singular feminine and 3rd plural respectively. Addition of suffixes into a root or stem doesn’t bring meaning differences rather can show number, person, gender, etc differences. People use them both in writing and speaking in the criminal justice. So, addition of suffixes into the existing word or stem is another method of new word introduction in the legal system.

4.1.6.3 Addition of prefix and suffix

There are also words introduced in the system through addition of prefixes and suffixes. Here are some examples.

Prefix + base+ suffix	new word	Gloss
79. a. bizəj-ħigg-awi	bizəjhiggawi	‘illegally’
NEG- law-ADJ		

b. tə-kəsas-i təkəsasi ‘accused’ (m)

PASS-accuse-3SM

c. tə-kəsas -i -t təkəsasit ‘accused’ (f)

PASS-accuse-3SM-3SF

d. bɪzəj-ʔagbbab- nət bɪzəjʔagbbabnət ‘illegally’

NEG- legal- N

As indicated above, both prefixes and suffixes have important contribution in the development or expansion of legal terminologies in the justice system. For instance if we see the base word ‘*kəsas*’ which means accusee, it has developed into two new words; *təkəsasi* and *təkəsasit* which means accused through affixation process. The prefix [tə-] shows passive whereas the suffixes [-i] and [-t] indicates male and female genders respectively.

To sum up, it seems possible to generalize that new words are introducing into the legal language of Tigrigna mainly through borrowing, compounding, semantic extension, loan translation, derivation, blending and abbreviations.

CHAPTER FIVE

Summary, Conclusion and Recommendation

The main purpose of this study was to describe and analyze language use and to assess language related problems in the criminal justice process in Raya Alamata Woreda. To ensure this, a mixed research method that is qualitative and quantitative methods was used. All the legal officers were selected based on their availability for the study as their number was easy to handle. Besides, one hundred (100) clients were included in the study through quota sampling technique.

Different data gathering instruments were employed to implement the study. This includes questionnaire, interview, observation and document analysis. Questionnaire was distributed for legal officers and clients. Interview was made with legal officers and clients. Moreover, examination was made during courtroom interactions and police interrogations. Furthermore, a careful observation of documents was made.

In chapter two, the conceptual framework and the review of literatures were presented to put a ground for the final discussions of the study. The conceptual framework presents mainly the general concepts on language and its functions, bilingualism and language adequacy and the interaction between language and law. The review of literature also discusses language use in the courts, as well as Tigrigna and its historical development as language of legislation.

The presentation and analysis of data were presented in the third and fourth chapters. An attempt was made to describe and analyze language use in the criminal justice. Besides, it was attempted to describe the reasons for using code mixing/switching in the criminal justice. A brief

description was made on how new legal terms are being introduced in Tigrigna. The results obtained from questionnaire were tabulated and calculated in terms of numbers for each item. Open ended questions were described qualitatively. Finally, after completing the analysis and interpretation of data, the findings are generalized in each section.

It has been discovered in the finding that people use direct and indirect speech acts to convey intended meanings in the criminal justice. The finding of the study reveals the following results:

- Before complainants come to the court of law, they use certain verbal and non verbal expressions, at the time when crime is committed, with the intention of creating psychological tension on the offenders to be arrested and be brought into the law. Such expressions are also intended to make things more serious and to use the law as a means of protection. The utterances are intended to have an illocutionary force of command.
- When people present their claims into the police, the investigation department uses mostly eight ‘WH’ questions as a tool for criminal investigation. The result reveals that the investigators use the Eight ‘WH’ questions mainly for *transitive actions*, as in theft, murder, hitting, etc but the number varies for *intransitive actions* as in caution. The utterance is intended to have illocutionary force of interrogation and the intention of their language use is direct to the case under investigation.
- When charge records are presented into the court, lawyers (judges and prosecutors) use the technique of presupposition and entailment to draw questions for examination of witnesses. The intention of their language use is mainly to triangulate the linguistic evidences found between and across witnesses for judicial decision. The questions have

an illocutionary force of interrogation. Besides, lawyers use certain language expressions which have cross references to the context as in '*bet firdu*', which literally means the court or the verdict house, to refer to the one who leads up the court session or the judge.

- Disputing parts (complainants and accused) use language mainly to present their arguments in favor of their respected parties and to destroy the argument of the opposite side in the court. Accused use rhetorical language expressions¹ with the intention of convincing the judges by triggering certain behavioral patterns through the perlocutionary effects created on them. This includes falsifying their opponents in favor of their arguments through a series of questions to win a case. When accused are found to be guilty, they use sympathetic² and regressive³ language expressions to request the judges for humanitarian mercy or light penalty.

- Mostly, both complainants and accused use circumlocutory expressions⁴ that have passive construction with unspecified agents to express objection and to appeal for higher court when they feel the decision is unfair. The expressions may be used due to the social and moral values (respectation) that they give for lawyers, particularly for judges. Besides, they use expressions which have pragmatic⁵ and metaphoric⁶ connotations to express their emotions for unfair decisions after the case has been finished. They use such

¹ Stylistic expressions which seems to be true for an intention. ²Caring or considerate expressions which result from shared feelings, pity or compassion of an action. ³Expressions which indicate a return to an earlier state or act and think that it was wrong. ⁴ Meandering expressions which rounds about the intention of the speaker. ⁵ Indirect ways of expressing an intention. ⁶ Emblematic expressions which have symbolic connotation to the context.

expressions as they are not free of the psychological impacts of lawyers to express emotions openly. Moreover, it is found that parties use words or expressions which have cross reference to the context as in ‘kibur bet firdu’ which literally means ‘the respected court’ to refer to the one who leads up the court session, the judge and has an intention of respect in the context.

People use code mixing and code switching for different reasons in the court during interactions. It has been identified from the study that lawyers use code mixing at word and phrase level for the following reasons:

- Due to lack of technical terms that have special connotation for the context in the matrix language (Tigrigna). Some of the expressions has special meaning in the area of criminal justice and might not be easy to find equivalent words from Tigrigna as it is a developing legal language.
- Due to habitual use of language unconsciously. The result of the study illustrates that judges mix Amharic terms into the matrix language during courtroom interactions unconsciously.
- Due to professional adaptation of terms. Lawyers were seen to use professional English terms unconsciously in their speech. It is also stated that lawyers use code mixing if they found words which are more economical and precise to the context.

Besides, they use code switching at sentences level for better comprehension of language with their parties and witnesses. As secured from observation, lawyers especially judges use code switching if they see their parties or witnesses fail to understand what they have said in the matrix language (Tigrigna).

Moreover, it is identified that parties and witnesses mix two languages within a sentence at word and phrase level for elaboration of terms, as a matter of habit unconsciously and due to mother tongue interference. In addition, they use code switching at sentence level for the following reasons:

- For better comprehension of language. If they feel the expression they use is not suitable to express their idea, they switch their language at sentence level into the embedded language. This is mainly due to unbalanced bilingualism.
- To exclude others. Parties and witnesses also use language to exclude their opponents from their communication or to exchange secret information with their own groups.

It has been discovered in the finding that people in the justice system are using newly developing Tigrigna legal terminologies. According to the study, these new legal words are introduced into the legal system through different methods as indicated below:

- The majority of the new words are introduced into the legal system through compounding (including hybridization), derivation and semantic extensions.
- A considerable number of new words are also introduced through borrowing from indigenous and non indigenous languages. Some of the words are taken directly from other language and others are taken through modification. Still significant numbers of words are developed through loan translation from other language. There is also a way that new words can be introduced through abbreviations into the legal language.

An attempt was also made to examine language related problems that can affect language use in the criminal justice. As a result, the findings indicate the following results:

- There is a difference of legal terminologies between lawyers and parties and witnesses in the criminal justice. The analysis of the study reveals that the majority 11(55%) of parties and witnesses were not familiar with Tigrigna legal terminologies. Most of the legal terms that the lawyers use in the criminal justice are not used outside the court. As secured from results of documents, some of the legal terms are newly developed in the justice system and people are not aware of them. So, this can affect language use in the criminal justice.
- There is some problem in comprehension of the legal language in the criminal justice. The results obtained from respondents illustrate that even though the majority of parties and witnesses understand the legal language, a considerable number of them fail to understand it due to difficulty of Tigrigna legal terms. The result obtained from document analysis also reveals that the written legal language is complex in terms of syntax or structure. It contains long expressions, and many co- ordinations and abbreviations linked together which may lead to communication gaps.
- There is asymmetrical distribution of speech acts between lawyers and parties during courtroom interactions and the environment is highly controlled by lawyers (as replied by 69 of the respondents). The study reveals that even though people have the right to express their idea in the court, they are not free from the psychological impacts of the legal officers. This can affect people's language use in the court.
- There are also other linguistic and non linguistic barriers that can affect language use in the criminal justice. The result of the study shows that parties and witnesses' language inadequacy, lack of knowledge on legal jargons, dialectal variations and problems of

translating what parties or witnesses said into the working language are found to be obstacles for legal officers in the criminal justice (as replied by 28 of the legal officers).

In addition, fear, anxiety and unfamiliarity with the new setting are the main non linguistic barriers that can affect language use in the court. According to the result of the analysis, parties and witnesses' fear of expressing idea comes from different factors but the main sources are lack of knowledge on law, coming with false evidence/witness to the law and the social pressures they encountered from outside. The nature of the crime is also found to be a barrier in language use. That is parties and witnesses have problems in using their language effectively in big crimes like murder due to social pressures. These non linguistic barriers can affect people's language use in court.

- There is inadequate skill of solving meanings of new words in the criminal justice. The study illustrates that the majority (31) of the legal officers find meanings of new words by asking from their colleagues and only 8 of the respondents use the context to find meanings of new words. There are also some problems in translation and interpretation of legal documents. There is variation in translation of legal documents. As secured from interview, it was stated that there are words in the justice system which are wrongly translated and interpreted by lawyers. This can bring problems in language use in the criminal justice in the area.

To alleviate the problems that can affect language use in the study area, the following recommendations are proposed in view of the above findings.

- Law is about language and effective use of language leads to effective implementation of law. So. Lawyers should make their language as simple as possible to be understood easily by parties and witnesses and to have better interaction.
- From the findings of the research, it is observed that there is a difference on legal terminologies between parties and lawyers in the criminal justice. And this can lead to a communication gap. So, it is better if awareness is created on meanings of legal terms for parties and witnesses or else use commonly used terms during interactions.
- Respondents of the study also forwarded that since most of the problems arise from parties and witnesses linguistic and non-linguistic factors, legal officers should
 - ❖ accept parties and witnesses' language choice
 - ❖ provide legal awareness for the people and
 - ❖ provide translation services
- From the result of the study, it seems lawyers don't have awareness on how to find meanings of new words from contexts. There is also some problem on translation of legal documents. So, the management bodies need to create situations on how lawyers can get access to new words and improve their vocabulary skills, and how to develop their translation skills. Lexicographers should give attention for the jargons in Tigrigna
- Finally, since language and law are inseparable, everybody should work for effective use of language in the justice system.

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Glossary of some legal terms in Tigrigna

ሓላፍነት ብዘይጎግብ ምግልጋል ‘halafnət bizəj ?agbab migilgal’ = abuse of power

ሕገ ጳኸባሪ ‘higgi ?axbari’ = prosecutor

መስቀነኛ ሕቶ məsk’əlləjjə hitto = cross-examination

መከላኸሊ ምስክር ‘məkəlxəli miskir’ = defense witness

መጋባእያ ‘məgəba?ijja’ = bench or session of court

መትሐዚ ‘mətəhəzi’ = arrest warrant

ምርመራ ‘mirməra’ = examination

ምክርኻር ‘mikrixar’ = litigation

ቀሊል ክስራት ‘k’əlil ?isat’ = simple imprisonment

ቀደማይ መጋባእያ ‘k’ədəmaj məgəba?ijja’ = first instance of court

ነብሲ ምጥፋእ ‘nəbsi mi tifa?’ = homicide

ወዕል ‘wufil’ = contract

ቤት ህንፀት ‘bet hīns’ət’ = prison center

ብገደብ ምቕፃል ‘bigədəb mix’is’aŋ’ = suspension of penalty

ብይን ‘bijjin’ = decree

ተሃናዊ ሕገ ‘təhanas’i higgi’ = prisoner

ክሕደካ ምክርኻር ‘kihdixa mikrixar’ = plea of not-guilty

ካሕሳ ‘kaḥsa’ = compensation

ናዶ ዓቃቢ ሕገ ምስክር ‘naj ሰak’abi ḥiggi miskir’ = prosecution witness

ናዶ ሕገ ስሕተት ‘naj ḥiggi siḥitət’ = error of law

ተኸላኸሊ ጠበቃ ‘təxələxali t’əbəx’a’ = defense lawyer

ናዶ ማእከል ዳኛ ‘naj maʔixəl daḥna’ = presiding judge

ናዶ ጊዜ ቆፀሮ ‘naj gize k’os’əro’ = adjournment

ናዶ እምነት ቃል ‘naj ʔimnət k’al’ = plea of guilty

ናዶ እምነት ክሕደት ቃል ‘naj ʔimnət kiḥdət k’al’ = plea of guilty or non-guilty

እድ ብእድ ʔid bid =flagrant offence

ኣመክሮ ‘ʔaməkiro’ = parole

እምነት ምጉዳል ‘ʔimnət miḡudal’ = breach of trust

ዓርሰ ግዥት ‘ʔarsə x’itlət’ = suicide

ዕድመ ልክዕ እስራት ‘ʔidmə likiʔ ʔisrat’ = life imprisonment

ፅኑዕ ማእሰርቲ ‘S’inuʔ ma’ʔiserti = rigorous imprisonment

ገበን ምትሕሊላፍ ‘gəbən miḥililaf’ = commission of crime or violation of law

ግዕዚና ‘giʔizina’ = corruption

ጠበቃ ‘t’əbəx’a’ = advocate

ደርጋ ዘመን ‘jirga zəmən’ = limitation period

ደግገኒ ‘jiḡbəʔəni’ = appeal

Appendices -A

Addis Ababa University

College of Social Sciences and Humanities

Department of Linguistics

Part one: Questionnaire for lawyers and the police

Dear Respondents,

The main purpose of this questionnaire is to collect data on Language use in the criminal justice process in Raya Alamata Woreda. Your responses are essential for the success of the study. Therefore, you are kindly requested to give your responses for the following questions. Your responses will be kept confidential. No need of writing names. Thank you for your cooperation in advance.

NB: In this questionnaire the word **Parties** is used frequently to mean **accused**, and **complainants**.

Give your answers by writing in the blank spaces and by making tick (✓) in the boxes for each of the following questions.

1. Sex: male Female
2. First language-----Second language-----Third language-----
3. Age: <20 20-25 26-35 36-50 ≥ 50
4. Educational back ground: Diploma Degree
5. Work experience in year -----
6. Status: police judge prosecutor
7. What languages are spoken in the justice process?

Tigrigna Amharic both

If other please specify-----

8. What language do most parties and witnesses use during the criminal justice process to present their ideas? Why?

9. While interacting with your parties and witnesses, have you ever faced linguistic barriers (like vocabulary difference, language difference, etc) that can affect your interactions?

Yes Not

Please give justification for your answer.

10. What solution do you take if there is a language problem during interactions with your parties and witnesses?

11. How do you evaluate the language adequacy of second language speakers (L2) in Tigrigna language use during courtroom interactions?

Excellent Very good Good poor

Please give justification for your answer.

12. Are there communication barriers during interactions with your parties and witnesses?

Yes No

13. If your answer for question Number 12 is **yes**, mention the type of communication barriers. -----

14. How do you overcome the problems of communication for those who do not have adequate skill in Tigrigna?

15. How often does each parties and witnesses speak in Tigrigna during case interactions?

always many times sometimes

16. If you find words which don't know their meanings in the criminal justice, how can you find their meanings?

By using dictionary By using the context

By asking colleagues By using all the above methods

If you have other mechanism, please specify it-----

17. Which court cases are difficult for your parties and witnesses to express their idea (e.g murder, theft, corruption, etc)?

Write your reason-----

18. Do you understand clearly what your parties and witnesses intend to say during investigation in the criminal justice?

Yes, most of the time yes but with problem

Their idea is not clear

Write your reason for your answer -----

19. Read the following words and phrases and write your answer to what extent do you use these words /phrases in the justice system by saying mostly used, sometimes used and rarely used in the table below using the symbol (√)

No	Words/phrases	Mostly used	Sometimes used	Rarely used
1	እምነት ምጉዳል (ʔimnət miɣudal)			
2	ጠበቻ (t'əbəx'a)			
3	ናይ እምነት ክሕደት ቃል (naj ʔimnət kiħdət k'al)			
4	ብገደብ ምቕጥዕ (biɣədəb miχ'is'aፍ)			
5	ፅነዕ እስራት (S'ɪnuፍ ʔisrat)			
6	ክሕደካ ምክርኻር (kiħdixaxa miχriχaxar)			
7	ብይን (bijjɪn)			
8	ዕድመ ልክዕ (ʔɪdmə likiፍ)			
9	ተመክር (təməkɪro)			
10	መከላኸሲ ምስክር (məkəlxəli miχkir)			
11	ቀሲል እስራት (k'əlil ʔisrat)			
12	መጋባእያ (məɣəbaʔija)			
13	ቀደማይ መጋባእያ (k'ədəmaj məɣəbaʔija)			
14	ናይ ማእኸል ዳኛ (naj maʔixəl daɳna)			
15	ናይ ሕገ ምስክር (naj hiɣgi miχkir)			
16	ይርጋ (jirga)			
17	ናይ ሕገ ስሕተት (naj hiɣgi siħitət)			
18	ሕገ ኣክባሪ (hiɣgi ʔaxbari)			
19	ምርመራ (mirməra)			
20	ግዕዚና (giፍizina)			
21	ሓፍነት ብዘይኣግባብ ምግልጋል (ħalafnət biχəj ʔaɣbab miɣilgal)			
22	ካሕሳ (kaħsa)			
23	ይግበኝ (jiɣbəʔəni)			
24	ተሃናዊ ሕገ (təħanas'i hiɣgi)			
25	ናይ ሕገ ጠበቻ (naj hiɣgi t'əbəx'a)			
26	ናይ እምነት ቃል (naj ʔimnət k'al)			
27	ገበን ምትሕሲናናይ (ɣəbən miħiɪlif)			
28	ወዕል (wuፍil)			
29	መትሐዚ (mətiħəzi)			
30	ምክርኻር (miχriχaxar)			

20. Based on the above lists of words:

a. if your answer is 'mostly used', write the reason briefly' -----

b if your answer is 'rarely used', write the reason and the solution to be taken

21. Do you think that the following points do have negative impacts on people's language use in the court or not. Write your answer on the space provided below.

A, fear-----

Why-----

b, anxiety-----

Why-----

c, happiness-----

Why-----

d, If there are others, please mention here-----

22. Would you list some major language problems you observed during the justice process?

23. What do you suggest for the growing of Tigrigna as a legal language in the criminal justices? Would you mention its strong and weak sides in the justice system? -----

24. What suggestions do you have in terms of language use in the criminal justice? -----

ክፍሊ ሐደ፡ ንሕጊ ባዓል ሞያን ፖሊሲን ዝተሰናድኦ ናይ ፅሑፍ መሕተት

ዝኸበርኩም ተሳተፊቲ እዚ መፅናዕቲ፤

ናይዚ ፅሑፍ መሕተት ቀንዲ ዓላማ ኣብ ወረዳ ራዶ ኣላማጣ ኣብ ከይዲ ስርዓት ገበን ምፅራይ ዘሎ ኩነታት ቋንቋ ኣጠቓቕማ ብዘምልከት ንመፅዕቲ ዝኸውን መረዳኣታ ንምእካብ እዩ። ስለዝኾነ እውን ናትኩም ምላሽ ኣብ ምዕዛት እዚ መፅናዕቲ ዓብይ ተራ ኣለዎ። ስለዚ ነዞም ስዕቦም ቐርቦም ዘለው ሕታታት ብዘግባእ ተረድእኩ ምላሽኩም ንክትህቡ ብኣክብርት ይላቦ። ንክትህቡዎ መልሲ ምስጥራዊነቱ ዝተሓሰወ እዩ። ስም ምፅሓፍ እውን ኣየደልደን። ንእትገብርዎ ምትሕብባር ኣዘዩ የመስገን።

መተሓሳስቢ፡ ኣበዚ መሕተት ተኸራኽርቲ ወገናት ዝብል ቃል ኣመልካቲን ተከላሲን ዝብል ትርጉም ኣለዎ።

ትእዛዝ ሐደ፡ ነዞም ቀፅሎም ዘለው ሕታታት ብምንባብ መልስኩም ኣብቲ ባዶ ቦታ ብምፅሓፍ ከምኡ ውን ኣብቲ ዝተወሃበ ሳንዲቕ ናይ ማርክ ምልክት(✓) ብምግባር መልሱ።

1.ፆታ፡ ተባ ኣን

2.ዕድሜ <20 20-25 26-35 36-50 ≥ 50

3.ናይ መጀመርያ ቋንቋ ----- ካልኣይ ቋንቋ ----- ሳልሳይ ቋንቋ-----

4.ደረጃ ት/ቲ፡ ድፕሎማ ድግሪ

5.ናይ ስራሕ ልምዲ ብዓመት፡ -----

6. ስራሕ፡ ፖሊስ ዳኛ ዓቃቢ ሕጊ

7. ኣብ ከይዲ ፍትሒ ስርዓቱ ዝዘረቡ ቋንቋታት እንመን እዮም?

ትግራኛ ኣማርኛ ክልትኦም

ካልእ እንተሃልዩ ይግለጹ-----

8. ብኣብዝሓ ተኸራኽቶቲ ወገናትን ምስክራታትን ኣብ ከይዲ ፍትሒ ስርዓቱ ሓሳቦም ንምቕራብ ዝጥቀምዎ ቋንቋ ኣየናይ እዩ? ----- ንምንታይ?-----

9. ምስ ተኸራኸርቲ ወገናትን ምስክራትን ኣብ ኣትገብርዎም ንግግራት ቋንቋ ነክ ዘኾኑ (ከም ናይ ቃላት ኣፈላላይ፤ ናይ ቋንቋ ኣፈላላይ ወዘተ ኣኣመሰሱ) ኣብ ንግግርኩም ፅልዋ ከሕድሩ ዘኸኸሱ ፀገማት ኣጋጥሞምኩም ዶ ይፈልጥ?

እወ ኣይጋጠመኒን

ንዘሃብኩምዎ መልሲ ምክንያቱ ፀሓፊ -----

10. ምስ ተኸራኸርቲ ወገናትን ምስክራትን ኣብ ኣትገብርዎም ንግግራት ናይ ቋንቋ ፀገም ኣንተጋጥም ኣንታይ መፍትሒ ትወስዱ? -----

11. ኣስኪሩ ቋንቋ ተናገርቲ ዘኾኑ ተኸራኸርቲ ወገናትን ምስክራትን ብኸካሉኩም ኣጠቓቕማ ቋንቋ ትገርኛኦም በኸመይ ትገምግምዎ?

ኣዚዩ ልዑል ብጣዕሚ ፅበኻ ፅቡኻ ደካማ

ንመልስኩም ዘኸውን መብራህርሂ ቀፅሎ ኣብ ዘሎ ባዶ ቦታ ፀሓፊ -----

12. ምስ ተኸራኸርቲ ወገናትን ምስክራትን ኣብ ኣትገብርዎም ንግግራት ንግግርኩም ዕውት ንክደኸውን ፅልዋ ዘሕድሩ ነገራት ኣሎዎ? እወ ዩስን

13. ኣብ ተራ ቁፅሪ 12 ዘሃብኩምዎ መልሲ 'እወ' ዘብል ኣንተደኣ ኮይኑ ኣቶም ፅልዋ ዘሕድሩ ነገራት ፀሓፊዎም::-----

'ዩስን' ኣንተኣልኩም ደማ ምክንያቱ ፀሓፊ-----

14. ኣብ ቋንቋ ትገርኛ በቂ ክህሎት ዘይብሎም ሰባት ኣንተጋጥሙኩም ንዘህሉ ናይ ንግግር ፀገም ብኸመይ

ትፈትሐዎ?-----

15. ተኸራኽርቲ ወገናትን ምስክራትን ጉዳዮቶም እንተቐርቡ ክንደይ ዝኣክል ብ ቋንቋ ትግርኛ ይጥቀሙ ትብሉ?

ኩሉ ጊዜ ብኣብዚሓ ሓልሓልፉ

ንመልስኩም ዝኸውን ምክንያት ቀፅሎ ኣብ ዘሎ ባዶ ቦታ ፀሓፉ-----

16. ኣብ ከይዲ ፍትሒ ስርዓት ዘይትፈልጥዎም ሓደስቲ ቃሳት እንተጋጥምኩም ብኸመይ ትፈትሑዎ?

መዘገብ ቃሳት ብምጥቃም ንመሳርሕተይ ብምሕታት

ብዓውዱ መስረት ብምትርጋም ኩሎም ይጥቀም

ካልእ ዘዲ ትጥቀሙ እንተደኣኣይንኩም ግስፅዎም-----

17. ኣየናይ ናይ ፍርድቤት ጉዳይት እየም ተኸራኽርቲ ወገናትን ምስክራትን ሓሳቦም ንምግላፅ ዘፀገሙሎም(ሞት፣ ስርቆት፣ መስና ወዘተ) ?

ንመልስኩም ዝኸውን ምክንያት ቀፅሎ ኣብ ዘሎ ባዶ ቦታ ፀሓፉ-----

18. ምስ ተኸራኽርቲ ወገናትን ምስክራትን ኣብ እትገብርዎም ንግግራት ክብልዎ ዘደሎ ነገር ብቐሊሎ ይርድእና እየ ዶ ትብሉ?

እወ ብኣብዚሓ እወ ግን ምስ ፀገም ሓሳቦም ግልፂ ኣይኮነን

ንመልስኩም ዝኸውን መብራህረሂ ቀፅሎ ኣብ ዘሎ ባዶ ቦታ ፀሓፉ-----

19. ቀፅሎ ኣብ ዘሎ ሰደቓ ንዘሰው ቃላት/ሓረጎች ምስ ኣንበብኩም ክንደይ ዝኣክል ኣብ ከይዲ ፍትሒ ስርዓቱ ከምትጥቀሙም ‘ኩሱሻዕ ንጥቀሞ’፣ ‘ብኣባዚሓ ንጥቀሞ’ ፣ ‘ሓልሓልፉ ንጥቀሞ’ ኣብዘብሉ እዚ ናይ ማርክ ምልክት(✓) ብምጥቓም መልስኹም ኣቕምጡ።

ተ.ቁ	ቃላት/ሓረጎች	ብኣባዚሓ ንጥቀሞ	ብመጠኑ ንጥቀሞ	ሓልሓልፉ ንጥቀሞ
1	እምነት ምጉዳል			
2	ጠበቓ			
3	ናይ እምነት ክሕደት ቃል			
4	ብገደብ ምቕጻዕ			
5	ፅነዕ እስራት			
6	ክሕደካ ምክርኻር			
7	ብይን			
8	ዕድመ ልክዕ			
9	ተመክሮ			
10	መከላኸሲ ምስክር			
11	ቀሲል እስራት			
12	መጋባእያ			
13	ቀደማይ መጋባእያ			
14	ናይ ማእኸል ዳኛ			
15	ናይ ሕገ ምስክር			
16	ይርጋ			
17	ናይ ሕገ ስሕተት			
18	ሕገ ኣክባሪ			
19	ምርመራ			
20	ግዕዚና			
21	ሓላፍነት ብዘይኣግባብ ምግልጋል			
22	ካሕሳ			
23	ይግበኣኒ			
24	ተሃናዒ ሕገ			
25	ናይ ሕገ ጠበቓ			
26	ናይ እምነት ቃል			
27	ገበን ምትሕሲላፍናይ			
28	ውዕል			
29	መትሓዚ			
30	ምክርኻር			

20. ኣብ ሳዕሲ ዘተዘርዘሩ ቃላት ዝሃብኩም መልሲ መሰረት ብምግባር፡

ሀ. 'ኩሉሻል እንጥቀሞ' ዘብል እንተመልስኩም ምክንያቱ ብሓፅሩ ፀሓፊ-----

ለ. 'ሓልሓልፉ እንጥቀሞ' ዘብል እንተመልስኩም ደማ ምክንያቱን ፀሓፊ-----

21. ቀፅሎም ዘለው ነጥቢታት ኣብ ሰባት ኣብ ፍርድቤት ዘህልዎም ናይ ቋንቋ ኣቓቓቓዎም ደረጃ ኣሉታዊ ፅዕንቶ ኣለዎም ዶ ትብሉ ወይስ ይብሉዎን? መልስኩም ኣብቲ ባዶ ቦታ ፀሓፊ::

ሀ. ፍርሓት-----

ምክንያቱ-----

ለ. ጭንቀት-----

ምክንያቱ-----

ሐ. ታሕንሕ-----

ምክንያቱ-----

መ. ካልኦት እንተሃልዮም ይገኘዎም-----

22. ኣብ ከይዲ ፍትሒ ስርዓቱ ዝተዓዘብኩምዎም ቀንዲ ቋንቋ ነክ ዝኸኑ ፀገማት እዮም እትብሉዎም ነጥቢታት ዘርዘርኩም ፀሓፊዎም::

23. ቋንቋ ትግረኛ ኣብ ምዕባይ ዘሎ ናይ ሕገ ቋንቋ ስለ ዝኾነ ኣብ ከይዲ ፍትሒ ስርዓቱ ዘለዎ ጠንካራን ደካማን ገኑ ብኸመይ ትገልፅዎ?

24. ኣብ ከይዲ ፍትሒ ስርዓት ዘሎ ሓፈሻዊ ናይ ቋንቋ ኣጠቓቓቓ ኩነታት ዘለዎን ንክኸውን እንታይ

ርእየ ኣለኩም?-----

Part two: Questionnaire for Parties and witnesses

Dear Respondents,

The main purpose of this questionnaire is to collect data on Language use in the criminal justice process in Raya Alamata Woreda. Your responses are essential for the success of the study. Therefore, you are kindly requested to give your responses for the following questions. Your responses will be kept confidential. No need of writing name. Thank you for your cooperation in advance.

Instruction one: Give your answers by writing in the blank spaces and by making tick (✓) in the boxes for each of the following questions.

1. Sex----- male female 2 Age <20 20-25 26-35 36-50 ≥ 50

3. First language-----Second language----- third language-----

4. Education : literate illiterate

5. Residence Rural Urban

6. Status: accuser accuse witness

7. In what language do you write applications to the police or the court?

Tigrigna Amharic both if other specify-----

8. Which language is best in your view to be language of the court?

Tigrigna Amharic other-----

Why?-----

9. Have you ever faced any communication barriers during interaction in the criminal justice process?

Yes No

If your answer is **Yes**, write the reason-----

If your answer is **No**, write the reason-----

10. How do you see your level of language use during the justice process?

Very good Good Poor

Why-----

11. Do you understand clearly what the judge or the investigator speaks to you during investigation in the court session?

Yes No

If your answer is **Yes**, write the reason.

If your answer is **No** write your reason.

What about their writing?-----

12. What do you feel as you stand in front of the judge in the court session?

Why? -----

13. How do you evaluate your level of language interaction with lawyers during investigation in the court session?

High Medium Low

What is your reason for the answer?-----

14. Do you think that the situation in the court enables people to use their language effectively? Yes No

If your answer is Yes, write the reason-----

If your answer is NO, write the reason-----

15.Instruction two: Read the following words and phrases and write your answer to what extent do you understand these words in the justice system by saying well understood, medium understood and difficult to understand in the table below using the symbol (√)

No	Words/phrases	well understood	Medium understood	Difficult to understand
1	እምነት ምጉዳል (ʔimnət miɓudal)			
2	ጠበቅ (t'əbəx'a)			
3	ናይ እምነት ክሕደት ቃል (naj ʔimnət kiħdət k'al)			
4	ብገደብ ምቕጥጥ (biɓədəb miχ'is'aʕ)			
5	ፅኑ ጸሎት (S'ɪnuʕ ʔisrat)			
6	ክሕደካ ምክርካር (kiħdixax miχrixar)			
7	ብይን (bijjɪn)			
8	ዕድመ ልክዕ (ʕɪdmə lɪkiʕ)			
9	ተመክር (təməkiro)			
10	መከላከሊ ምስክር (məχələxəli miχkiχ)			
11	ቀሲጽ ጸሎት (k'əlil ʔisrat)			
12	መጋባእያ (məɓəbaʔija)			
13	ቀደማይ መጋባእያ (k'ədəməj məɓəbaʔija)			
14	ናይ ማእኸል ዳኛ (naj maʔixəl daɓɓax)			
15	ናይ ሕገ ምስክር (naj ħiɓɓi miχkiχ)			
16	ይርጋ (jirɓa)			
17	ናይ ሕገ ስሕተት (naj ħiɓɓi siħitət)			
18	ሕገ ኣክባሪ (ħiɓɓi ʔaxbari)			
19	ምርመራ (mirməra)			
20	ግዕዚኛ (ɓiʕizina)			
21	ሓገገት ብዘይኣገባብ ምግልጋል (ħalafnət biɓəj ʔaɓɓab miɓilɓal)			
22	ካሕሳ (kaħsa)			
23	ይግበኝ (jigbəʔəni)			
24	ተሃናዊ ሕገ (təhanas'i ħiɓɓi)			
25	ናይ ሕገ ጠበቅ (naj ħiɓɓi t'əbəx'a)			
26	ናይ እምነት ቃል (naj ʔimnət k'al)			
27	ገበን ምትሕሊላይ (ɓəbən miħililaf)			
28	ወዕል (wufil)			
29	መትሐዚ (mətiħəzi)			
30	ምክርካር (miχrixar)			

16. Based on the above lists of words:

a. if your answer is 'well understood', write the reason briefly' -----

b if your answer is 'difficult to understand', write the reason and the solution to be taken.

Instruction three: Write short answer for the following questions

17. Would you write your idea on language use in the criminal justice?

18. Would you list some major language problems you observed during the justice process?

19. Provide any suggestion that can help to improve language use in the justice process?-----

ክፍሊ ክልተ፡ ናይ ፅሑፍ መሕተት ንተኸራኸርቲ ወገናትን ምስክራትን ምስክርን

ዘኸበርኩም ተሳተፍቲ እዚ መፅናዕቲ፡

ናይዚ ፅሑፍ መሕተት ቀንዲ ዓላማ ኣብ ወረዳ ራዖ ኣላማጣ ኣብ ከይዲ ስርዓት ገበን ምፅራይ ዘሎ ኩነታት ቋንቋ ኣጠቓቕማ ብዘምልከት ንመፅዕቲ ዘኸውን መረዳእታ ንምእካብ እዩ። ስለዘኾነ እውን ናትኩም ምላሽ ኣብ ምዕዋት እዚ መፅናዕቲ ዓብይ ተራ ኣለዎ። ስለዚ ነዞም ስዕሮም ቐርቦም ዘለው ሕቶታት ብዘግባእ ተረድእኩ ምላሽኩም ንክትህቡ ብኣክብርት ይላቦ። ንክትህቡዎ መልሲ ምስጥራዊነቱ ዘተሓሰወ እዩ። ስም ምፅሓፍ እውን ኣየድልደን። ንእትገብርዎ ምትሕብባር ኣዘየ የመስገን።

ትእዛዝ ሓደ፡ ነዞም ቀፅሎም ዘለው ሕቶታት ብምንባብ መልስኩም ኣብቲ ባዶ ቦታ ብምፅሓፍ ከምኡ ውን ኣብቲ ዘተወሃበ ሳንዲቕ ናይ ማርክ ምልክት(✓) ብምቕማጥ መልሱ።

1.ዓታ፡ ተባ ኣን 2 ሰድመ፡ <20 20-25 26-35 36-50 ≥ 50

3.ናይ መጀመርያ ቋንቋ -----ካልኣይ ቋንቋ ----- ሳልሳይ ቋንቋ-----

4. ደረጃ ት/ቲ፡ ዘተመሃረ ዘይተመሃረ 5. መኖርያ፡ ገጠር ከተማ

6.ኩነታት መሳሲ፡ ኣመልክቲ ተከሳሲ ምስክር

7. መመልክቻ ናብ ፖሊስ ወይም ፍረድቤት እንትፅሕፉ እትጥቀሙዎ ቋንቋ መን ይበሃል?

ትግርኛ ኣማርኛ ክልትኦም ካልእ እንተሃልዩ ግለፁ-----

ንምንታይ?-----

8. ብናይ ባዕልኩም ግምት ናይ ፈረርድቤት ቋንቋ እንተዘኸውን ኣዚየ ተመራፂ እዩ እትብልዎ ቋንቋ ኣየናይ እዩ?

ትግርኛ ኣማርኛ ካልእ እንተሃልዩ ፀሓፊ-----

ኣብ ሳዕሲ ናይ ዝሃብኩምዎ መልሲ ምክንያት ፀሓፊ-----

9. ኣብ ከይዲ ፍትሒ ስርዓቱ ንንግግርኩም ዘተዓንቐፉ ነገራት ኣጋጥሞምኩም ዶ ይፈልጡ?

እወ ኣይኣጋጠመኒን

መልስኩም እወ እንተኾይኑ ምክንያቱ ፀሓፉ-----

መልስኩም ኣይጋጠመኒን ዘብል እንተኾይኑ ድማ ምክንያቱ ፀሓፉ-----

10. ኣብ እዋን ገበን ምርመራ ኩነታት ኣጠቓቕማ ቋንቋኩም እንታይ ይመስል ነይሩ?

ብጣዕሚ ፅቡቕ ፅቡቕ ፅቡቕ ኣይኮነን

ኣብ ላዕሊ ናይ ዝሃብኩምዎ መልሲ ምክንያት ፀሓፉ-----

11. ኣብ መገባእዎ ኣብ ጊዜ ምርመራ ዳኛኹ ወይድማ መርማሪኹ ዝናገረኩም ጉዳይ ግልፂ ኮይኑ ዶ ይርደኡኩም?

እወ ኣይርደኡኒን

መልስኩም እወ እንተኾይኑ ምክንያቱ ፀሓፉ-----

መልስኩም ኣይርደኡኒን ዘብል እንተኾይኑ ድማ ምክንያቱ ፀሓፉ-----

ፅሕፍም ኻ ብኸመይ ትገልጹዎ? -----

12. ኣብ ጊዜ መገባእዎ ኣብ ቅድሚ ዳኛ ሓሳብኩም ንምቕራብ እንትቆሙ እንታይ ይስመዐኩም?

ንምንታይ ይመስሎኩም?-----

13. ኣብ መገባእዎ ምርመራ ኣብ ዝካየዱኦ እዋን ብ ቋንቋ ሓሳብ ናይምንሸርሻር ደረጃኹም ብኸመይ ትገልጹዎ ?

ልዑል ማእኸላይ ትሑት

ምክንያቱ እንታይ ይመስሎኩም-----

14. ኣብ ውሽጢ ቤት ፍርዲ እባት ቋንቋኹም ብዝገባእ ንክጥቀሙ ዘክእል ሃዋህው ዘሎ ዶ ይመምስሎኩ?

እወ የሰን

መልስኹም እወ ዘብል እንተኾይኑ ንምንታይ

መልስኹም የሰን ዘብል እንተኾይኑ ንምንታይ

15. ትእዛዝ ክልተ፡ ቀጳሎ ኣብ ዘሎ ሰደቓ ንዘሰው ቃላት/ሓረጎት ምስ ኣንበብኩም ትርጉም ክንደይ ዘኣክል ከምዘተረደክኩም ‘ብዝገባእ ተረድኡኒ’፣ ‘ብመጠኑ ተረድኡኒ’ ‘ንምርዳእ ኣጸጋሚ ዩ’ ኣብዘብሉ እዚ ናይ ማርክ ምልክት(✓) ብምጥቓም መልስኹም ኣቕምጡ፡፡

ተ.ቁ	ቃላት/ሐረጎች	ብዝሃዎች ተረድኦ	ብመጠኑ ተረድኦ	ንምርዳክ ኣገገሚኦ
1	እምነት ምጉዳል			
2	ጠበቻ			
3	ናይ እምነት ክሕደት ቃል			
4	ብገደብ ምቕጻዕ			
5	ፅኑዕ እስራት			
6	ክሕደካ ምክርኻር			
7	ብይን			
8	ዕድመ ልክዕ			
9	ተመክር			
10	መክላኸሲ ምስክር			
11	ቀሲል እስራት			
12	መጋባእያ			
13	ቀደማይ መጋባእያ			
14	ናይ ማእኸል ዳኛ			
15	ናይ ሕገ ምስክር			
16	ይርጋ			
17	ናይ ሕገ ስሕተት			
18	ሕገ ኣኸባሪ			
19	ምርመራ			
20	ግዕዚና			
21	ሓላፍነት ብዘይኣግባብ ምግልጋል			
22	ካሕሳ			
23	ይግበኣኒ			
24	ተሃናዒ ሕገ			
25	ናይ ሕገ ጠበቻ			
26	ናይ እምነት ቃል			
27	ገበን ምትሕሲላፍናይ			
28	ውዕል			
29	መትሐዚ			
30	ምክርኻር			

16. ኣብ ላዕሲ ዝተዘርዘሩ ቃላት ዝሃብኩምዎ መልሲ መሰረት ብምግባር፡

1. 'ብዝገባኔ ተረድኤ' ዝብል ኣንተመልስኩም ምክንያቱ ብሓፅሩ ጸሓፊ-----

2. 'ንምርዳኡ ኣጸጋሚ ዩ' ዝብል ኣንተመልስኩምዎ ደማ ምክንያቱን መፍትሕኹን ጸሓፊ-----

ትእዛዝ ሰለስተ፡ ቀፅሎም ንዘሰው ሕቶታት ሓጭር መልሲ ጸሓፊ

17. ኣብ ከይዲ ፍትሒ ገበን ሀሎ ናይ ቋንቋ ኣጠቓቕማ ስርዓት ኣንታይ ከምዘመሰል ርእቶኹም ቀፅሎ ኣብዘሎ ባዶ ቦታ ጸሓፊ፡፡

18. ኣብ ከይዲ ስርዓት ፍትሒ ዝተዓዘብኩምዎም ናይ ቋንቋ ጸገማት እዩም ኣትብሎዎም ነገራት ዘርዘርኩም ጸሓፊዎም፡፡

19. ኣብ ከይዲ ስርዓት ፍትሒ ዘሎ ናይ ቋንቋ ኣጠቓቕማ ኩነታት ከመሓይሽ ደክኻል እዩ ኣትብልዎ ሓሳብ ቀፅሎ ኣብዘሎ ባዶ ቦታ ይፅሓፉ

Appendices -B

Observation Checklist in the courtroom

Part one: language use

- 1 Word of swear
2. Language used by lawyers (judges and prosecutors)
 - Language of Questioning witnesses
 - ❖ Pre-examination
 - ❖ Examination in chief
 - ❖ Cross examination
 - ❖ Re examination
3. Language of defendants (Suspect/detainee)
4. Language of Advocate/ attorney
5. Language of regression, accepting or denying, Offering, apologizing, etc
6. Language of emotions - Language of pleasure
 - Language of complain, thanks, etc
7. Language of polite expression
8. Language of departure

Part two:

Code switching and code mixing

Appendices - D

Interview guide for head officers

1. What languages are used in the criminal justice process?
2. What language(s) do most parties and witnesses use during the criminal justice process to present their ideas?
3. Is any language problem that you observe during interaction with parties and witnesses?
4. Is there any support for those who do not have adequate skill in the local language e.g. non- native persons, disabled persons (deaf)? Is there Translator?
5. What do you suggest for the growing of Tigrigna as a legal language in the criminal justices? What weak and strong sides does it have?
6. What do you suggest about language use policy in the court? Is there any stated language use policy at country, region and woreda level?

ን ሓበፍቲ ቤት ፅሕፈት ዝቐረበ ናይ ቃል መሕተት

1. ኣብ ፍትሒ ስርዓቱ ኣትገብሮምሎም ቋንቋታት ኣንታይን ኣንታይን ኣየም?
2. ኣብ ከይዲ ፍትሒ ስርዓቱ ብኣብዘሓ ተኸራኸርቲ ወገናትን ምስክራትን ሓሳቦም ንምቕራብ ዘገብሎም ቋንቋ ኣየናይ ኣየ?
3. ምስ ተኸራኸርቲ ወገናትን ምስክራትን ኣብ ዘትገበሩዎም ንገገራት ዘተዓዘብኩምዎም ናይ ቋንቋ ፀገማት ዶ ይህል?
4. ኣብ ቋንቋ ትግርኛ በቂ ክህሉት ዘይብሎም ወይም ፍሉይ ሓገዝ ዘድልዮም ሰባት ኣንተጋግም ንዘህሉ ናይ ንገገር ፀገም ንምፍታሕ ኣንታይ ሓገዝ ይገበረሎም? ተርጓሚ ይገበረሎም ዶ?
5. ቋንቋ ትግርኛ ኣብ ምዕባይ ዘሎ ናይሕጊ ቋንቋ ስለዘኾነ' ኣብ ከይዲ ፍትሒ ስርዓቱ ኣንታይ ደካማን ጠንካራን ገኒ ኣለዎ?
6. ኣብ ፈርድቤት ኣትገብሮምሎ ናይ ቋንቋ ኣጠቓቕታ ፖሊሲ/ ስርዓት ኣንታይ ኣይ ዘመስል? ብሃገር፤ ብክሊልን ብዞገን ደረጃ ባዛዕባ ናይ ቋንቋ ኣጠቓቕታ ፖሊሲ ኣንታይ ዘተቐመጠ ነገር ኣሎ ትብሉ?