

Interpreting and Markers in Nigerian Courtroom Discourse

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ABSTRACT

It has already been affirmed that power and control embedded in questions varies according to question type (Luchjenbroers 1999, Rigney 1999 etc). The paper ranges question types according to their degree of control and observes that those with high degree of control lost their power and control through the process of interpreting. It is further observed that since lawyers always maintain power and control through the type of questions they ask (such as declarative, yes/no, alternative questions) they are at the losing end whenever there is the need for court interpreter. Similarly, the use of discourse markers in the court (such as now, so, and, ok), also signifies lawyer's power and control over the witnesses and defendants and these are always used to further enhance the power, coercion and challenging nature of the lawyers (see Hale 1999). The study further notes that the power and control of questions coating discourse markers are always reducing through the process of interpreting. The paper opines that the presence of courtroom interpreters in court reduces the power and control of lawyers in court.

INTRODUCTION

Nigeria is an heterogeneous society and in such a society, multilingualism thrives. The history of Nigeria shows from the earliest times that Nigeria (through a natural phenomenon, the Niger- Benue Y shaped river) is divided into three major areas which are the North, the West and the East. This division tallies with the three major languages groups in Nigeria: the Hausa in the North, the Yoruba in the West and the Igbo in the East.

Beyond these three major languages groups, it is estimated that there are more than 400 indigenous languages spoken in Nigeria. It is not possible, of course, to name all the over 400 languages and the numerous ethnic groups. The multiplicity of languages is such a noted phenomenon in Nigeria that within these prominent ethnic groups, there are still differences in languages and dialects found within a linguistic group that are not mutually intelligible. That is speakers of these dialects do not understand each other, though they belong to the same linguistic group.

Despite the fact of this multilingualism in Nigeria, English is still the only language used to hear trials and to keep the court record. This is as a result of English being the

official language of Nigeria. Even though, the three major languages in Nigeria, that is Hausa, Igbo and Yoruba have been given official backing as official languages (see the 1979 constitution of the federal republic of Nigeria, chapter 4 part B, section 51, and the national policy on education, 1997 as revised in 1981) what has been noted is that over the years, these three languages have not risen up to the status of being adopted and used as national languages. This can be attributed to the fact that every major ethnic group or linguistic community in Nigeria seems to have one major language and several other languages and dialects. More often than not, language constitutes very serious barriers among the Nigerian citizens belonging to different linguistic backgrounds. That is why English language still continues to act as the official language and lingua franca in Nigeria.

RESEARCH PROBLEM DESCRIPTION

Forensic discourse analysis is a field of study that has enjoyed fairly little attention from scholars in Nigeria. Even the few works in existence in this area of study: Ogunsiyi (1989), Farinde (1997), Oyebade (2009), Adebowale (2010), Farinde (2011), Oyebade (2011), Sadiq (2011) and Terebo

(2012) have concerned themselves with the application of some form of Discourse Acts as proposed by Sinclair and Coulthard (1975) and Speech Acts in the analysis of language use in police-suspect discourse and courtroom conversation. Ajayi (2016) makes use of politeness and impoliteness tools of pragmatics to study police-suspect discourse. They all have however, either covertly or overtly, left unexamined the intricacies of courtroom interpreting and discourse markers. Also neglected is the correlation between courtroom questions and courtroom interpreting.

In view of the issues raised above, this work therefore adopts a new approach to the study of courtroom discourse in Nigeria, with the application of Discourse Markers proposed by Deborah Schiffrin (1987) and Sandra Hale (1999) and courtroom interpreting proposed by Berk-Seligson (1990; 1997).

AIMS AND OBJECTIVES OF THE RESEARCH

The overall aim of the research is to investigate power management strategies in Nigerian courtroom discourse focusing on the asymmetrical distribution of power between the courtroom officials such as Judges, Lawyers on one hand and the defendants and the witnesses on the other hand so as to bring about the positive change in the Nigerian courtroom discourse in line with the Nigerian government change agenda. And the objectives of the research are to:

- (i) identify and analyse power management strategies in the use of the English Language by the courtroom officials in the Nigerian courtroom discourse;
- (ii) identify and discuss various dimensions of context in Nigerian courtroom discourse;
- (iii) examine the role of interpreters in Nigerian courtroom discourse; and
- (iv) evaluate the status of discourse markers in Nigerian courtroom discourse.

THE EMPOWERMENT OF ENGLISH LANGUAGE IN NIGERIA

The role of English Language in Nigeria is highly prominent. It could rightly be described as the pivot on which the international and integrational lives of the people of Nigeria revolve. Unlike any of the indigenous languages, the English language, because of its neutrality, does not engender any ethnic hostility; rather it ensures peaceful co-existence in Nigerian linguistic diversity (Farinde and Ojo 2005: 54).

The English language enjoys enormous prestige in Nigeria. Success in English is the key to decent employment. English is the language of the Executive, Legislative and the Judiciary. Admission to post-primary institutions depends on ones performance in English which is the medium of instruction from the last three years of primary education to the university. English Language also serves as the language of trade. It is also the language of the media, both electronic and print media. In short, English is the language of the institutions left behind by the colonizer, e.g. education, technology, administration, judiciary and executive (Akindele and Adegbite 1999:61).

Because of the central position of English Language in Nigeria, English it also serves as the language of the court. Despite the fact that the defendants and witnesses are allowed to choose from any of the three major languages to be used for them: Hausa, Yoruba and Igbo, the law is still coded in English Language. Already, to average citizens who are laymen, language use in court proceedings is mystified, coded and strange (Tiersma, 1999). This situation becomes more aggravated when the language of the law which is the English language alienates the majority of the Nigerian populace.

The vast majority of witnesses and defendants are Nigerians who are illiterates in English language, yet the language of the court is English. They are therefore disadvantaged in the court because of the language barrier. Because of this, the courtroom represents a hostile and frightening environment for them. There is a popular case in Nigeria that involves a farmer who is illiterate in English. After the farmer had been sentenced to prison, he then asked the question in Yoruba 'E dakun kini won n wi naa?' which means 'Please what are they saying'? This can result in these people losing their case and being sentenced innocently. Moeketsi speaking along the same vein asserts that this disadvantaged linguistic position of lay participants, as well as the low status of the typically untrained court interpreter, may be contributory factors for miscarriage of justice (Moeketsi 1999:12)

These lay participants therefore depend on courtroom interpreters to translate effectively English language to their own languages. The courtroom interpreter is their haven and succour and even their mouth piece.

Dwelling on the role of courtroom interpreters in an Aboriginal Australian court, Cooke (1995) affirms that the interpreter was far more than a language decoder-he was seen as one who was known to them, who could take stand with them and who could articulate their mouth-pieces. In short, he was someone who could be their articulate mouth piece (Cooke 1995:103).

In Nigeria, unlike western countries where the court employs the services of a court interpreter, the court clerk is always the interpreter in all courts. Before going on, it is necessary to give the definition of interpreting. Moeketsi (1999:97) defines interpreting as a communication activity that occurs in various situations where a message is transferred from one language to another in a setting where language and culture present themselves as barriers rendering communication impossible. Court interpreting is not just mere translation of words, phrases and sentences in one language from one language into other.

Apart from being a bilingual person, a court interpreter must have a functional knowledge of the two languages in question (Moeketsi, 1999:101). Moeketsi emphasises that the interpreter must master his A and B languages before he starts to practise. He must know them so well that he is sensitive to the differences in all their linguistic properties, including lexical terms, syntactic structures and pragmatic usages. There is no one to one correspondence between the two languages. For example, in Yoruba Language there are some onomatopoeic words that cannot have the same

translation in English but a court interpreter must find the nearest equivalents to such words.

Speaking along the same vein, Rigney (1999:91) explains that utterance meaning has linguistic aspects (such as phonological, semantic and lexical structure) and extra linguistic aspects context. Therefore, equivalence in interpreting is not merely a linguistic and semantic issue, but also a pragmatic one. This is why court interpreters have to make a special effort to transfer the pragmatic meaning of the source text (i.e. speech acts, illocutionary force, conversational maxims, politeness elements, etc.). These elements have considerable influence on the interpretation of meaning, and on the image the participants project to their interlocutors (Rigney 1999:91). For example, in our data, there are many discourse markers that are used by the lawyers that the interpreter omits during translation thinking that they are unimportant, such as 'ok' and 'well', etc.

In reality, it is very difficult for a court interpreter to do all these without any mistake. In our data, there are various omissions, deletions, wrong translations that are abundant. But before going on, it is necessary to remind us about categorisation of questions according to their power relationship because they have great effect on the role of interpreters in the courtroom discourse.

BACKGROUND LITERATURE

Questions

Power and asymmetry are very obvious in courtroom discourse. This is because there are rules and procedures guiding the overall courtroom discourse. All these rules and regulations favoured the judges, barristers, and the prosecutors. The defendants and witnesses are at the receiving end of these rules and procedures which suppress and oppress them. For example, only the judges, lawyers and prosecutors can be the questioner and ask questions from the defendants and witnesses. Also, it is they that can also introduce the topic and dictate the turns in the courtroom interaction. Their power is even so pervasive that they dictate the length of talk of the witnesses and defendants and even control their responses. In this regard, the defendants and witnesses are constrained in giving narrative details about the case in question. In other words, the witnesses and defendants are restrained from telling their own story in their own way. They have been denied the opportunity to tell the court exactly what actually happened (Gibbons 2003, Taylor 2004, Zajac & Hayne 2006, Zajac & Cannan 2009).

Much of the literature on legal interpreting has focussed on the interpreters omitting and reducing the pragmatic force and coercive structure of questions asked by the lawyers to the witnesses. There are force and coercion in the questions asked by the lawyers to the witnesses which depend on their format of questions. But during interpretation the interpreters omit and reduce the force and coercion of these questions.

Berk-Seligson's (1999) work focuses on the discussion of the categorization of question types according to their coerciveness. Following Woodbury (1984) the paper suggests different types of questions ranging from yes/no questions,

prosodic questions, truth questioning questions (positive or negative) to tag questions, noting that tag questions in whatever forms (copy tags, confirmatory tags, checking tags) are the most coercive and also the most leading. It is also worthy of note that she also believes that they are frequently used during cross-examination because of their coercive nature. Using five trials as examples, she further asserts that interpreters usually reduce the pragmatic force, and thus the coerciveness of barrister's questions in their translation. She believes that their grammatical structure and propositional content are still intact.

Similarly, Rigney's (1999) work focuses on the interpretation of the lawyers' questions into Spanish with the database of a testimony of Spanish-speaking witness in the O.J. Simpson trial. The paper argues that since questions are the only means lawyers have to challenge, blame suggests and direct witness's testimony, their form is of crucial importance. Like Berk-Seligson, he also categorises questions according to their degree of control. For example, low control questions comprise of open WH-questions, modal questions, embedded questions and high control questions which are made up of alternate questions, yes/no questions, declarative questions, tag questions and factual questions. The high control questions are the most coercive with factual questions as the most coercive.

The study claims that court interpreters frequently ignore the pragmatic meaning of the source text. In other words they ignore the speech acts, illocutionary force, conversational maxims, politeness elements and these elements have considerable influence on the interpretation of meaning and on the image of the interaction participants project to their interlocutors. Furthermore it is also observed that declarative questions are highly conducive, but during the interpreting process, usually the conduciveness of the questions gets lost because of the mismatch of structures in the two languages.

Discourse Markers

Discourse markers are defined as the units of pragmatic rather than grammatical, as their presence or absence can affect the illocutionary force of the utterance leaving intact the grammatical structure of the sentence and its propositional content (Hale, 1999:58). Illocutionary act is the act the speaker performs as a result of his/her making an utterance (Crystal 1994) such as command, reward, threats etc. Discourse markers bracket units of talk and are syntactically independent from the sentence, so that they can be detached from the sentence without altering its propositional content (Schiffrin, 1987:31).

They are usually at the beginning of the sentence e.g. well, so, now, and, ok, etc. Interpreters normally omit these discourse markers because they feel that they are not important and irrelevant in as much as they are not altering the propositional content or the grammatical structure of the sentence.

Hale's (1999) paper focuses on the problems the interpreters face in the translation of discourse markers lawyers make use of during cross-examination. The paper asserts that interpreters frequently ignore the discourse markers such as

“well”, “now” and “see”, which can adversely affect the illocutionary force of the utterance despite the fact that the grammatical structure of the sentence and its propositional content are still intact. These markers are frequently used during cross-examination by competent lawyers and Hale believes that they are devices of argumentation, combativeness and control.

The study further observes that these markers are usually used in questions that serve as a preface for starting a disagreement or that seek an answer to suit the lawyer’s purpose of discrediting the opening case. For example, “well” is used by lawyers to indicate rejection of the witness/defendant’s previous answer and to provoke him/her by proposing something different. Also, “see” connotes a lying evidence, while “now” prefaces disagreement. Hale asserts that these markers are always omitted by the interpreters whereas they are used as assertive, contradictive and confrontational devices by lawyers and barristers.

TYOLOGY OF QUESTIONS ALONG THE RELATIONSHIP OF POWER

Non-restricted WH-questions

These are questions that request an informative answer. WH-questions are of two different types. These are restricted WH-questions and non-restricted WH-questions. Along the relationship of power, non-restricted WH-questions are the least powerful. This is because they demand highly informative answer. In my data, they are most frequently used in direct examination by the prosecutor to elicit more facts from his witness. They are the least coercive, controlling and less powerful because of their function which is to ask for elongated information. Non-restricted WH-questions usually accept what, why and how. Although their degree of non-restricted varies according to contexts, for example they can be used as noun and verb. When they are used as verbs, they are very open. When they are used as nouns they are more close to restricted questions in that they also request specific details. In our data, prosecutors make use of them maximally especially the verb ones to request for elongated information and narrative details. Consider:

5 *After that, what happened?*

6 *What question is that?*

Restricted WH-questions

These are more powerful than their non-restricted counterpart. The reason being that they require minimal answer. These are questions that require specific details and naming a particular person, name, place or thing. They are used both in direct examination and cross-examination. The cross-examining lawyers use them to request for specific details from the witnesses. The witnesses are usually called to order by the cross-examining lawyers when they want to use this as an opportunity to resort to narrative and factual details e.g. where, when, who, whom.

7 *Where did the police met you on that day?*

Alternative Questions

These are also powerful questions because they limit the required response to a choice between two or more alternatives. The more choice of answer available, the less the power held by the questioner. They function like Yes/No questions in that they limit the possible answer by specifying choices but along the reins of power they are trailing behind yes/no questions in the sense that yes/no questions are more direct. It is either yes/no. They are more controlling than WH-questions because they are offering choice of answer which the witness must pick from. Consider:

8 *Do you prefer English or Yoruba?*

Yes/No Questions

Along the ladder of power, Yes/No questions are only next to declarative questions. They are more powerful than WH-questions and alternative questions. As their name implies, they are questions that demand Yes/No answer. They are also called polar questions because they can only be answered by either Yes/No. Many defence lawyers in our data are acutely aware of the power of this type of questions so much that they will be telling the witnesses that they must either answer “yes or no” and that no differing answer is acceptable to them except those. They are very powerful questions because they effectively limit the required answer to one of the two options Yes/No.

9 *Is there any agreement between you and the accused person?*

Declarative Questions

These are questions that contain the propositions of the questioners. They are very powerful because they contain the proposition of the questioner. They are also called prosodic questions because they are semantic statement uttered with a questioning intonation. They are very powerful and controlling because they are uttered with falling intonation ending with pause which makes the questions more powerful and controlling. Declarative questions are mostly used in cross-examination by the defence lawyers to drive their points home. Consider:

10 *You will not know if anybody was around when your wife was counting the money*

IFIDs Declarative Questions

Illocutionary Force Indicating Devices (IFID) is any expression whose sense determines that a literal utterance of a sentence containing a certain occurrence of that expression has a given illocutionary force. In other words, a verb that names the illocutionary act being performed is included in the sentence. Such a verb is known as performative verb. They always occur in discourse of unequal encounter such as courtroom discourse where power and asymmetry prevails. The most powerful and coercive questions are IFIDs declarative questions. In our data on Nigerian courtroom system, they are the most powerful questions a lawyer can

ask. They usually start with the performative “I put it to you” or “I am putting it to you” followed by the declarative statement. By first uttering the statement “I put it to you”, the lawyer is implying that he has belief in his statement and he is challenging the witness with it. They are the most powerful, challenging, coercive and combative questions that can be asked in the courtroom because they usually have the illocutionary force of accusations. They are always used in cross-examination by the defence lawyers.

11 *I put it to you that you wouldn't know what happened since 8am till about 5pm after you had left*

Having considered the different types of question along the relationship of power, it is now necessary to see how the interpreter interprets them to the witnesses.

THE DATA

The analysis of courtroom discourse which will be shown in the following chapters is derived from 20 hours of audio-taped cases recorded at the High Court of Nigeria and the Magistrate Court of Nigeria over a period of 4 months. The cases recorded include initial appearances, examinations, cross examinations, postponements, and full trials. Among the cases covered were cases of assault, assault and battery, rape, theft, house breaking, land mutiny, rental, and law breaking.

IFIDS DECLARATIVE QUESTIONS

In the typology of questions along the relationship of power, IFIDs declarative questions are the most powerful a lawyer can ask. This is because of the performative clause added at the beginning of the declarative questions, which makes them to be more powerful, challenging and coercive: ‘I put it to you’ or ‘I am putting it to you’. These performative clauses are also called ‘confrontational utterance initiator’. For example:

12 **Lawyer:** *Momo, I put it to you that the reason why you are bitter and you want this accused person to be prosecuted at all cost was because he was watching*

Court clerk: *Momo, idi ti inu yin ko fi dun ni wipe nigbati*

INT: *(madam Katen lu yin, ko gbija yin rara Momo the reason why you are bitter and you want this accused person to be prosecuted at all cost was because he was watching you when madam Kate was beating you).*

13 **Lawyer:** *Momo, I am putting it to you that you were not happy with the accused person because he was watching you when Kate was beating you.*

Court clerk: *Momo, inu yin ko dun si odaran yii nitoripe nigba*

INT: *ti Kate n lu yin, se ni o n wo yin. (Momo you were not happy with the accused person because he was watching you when Kate was beating you).*

14 **Lawyer:** *Momo, with these, I put it to you that, that is why you are in court now to tell lies against the accused person*

Court clerk: *Nitori eyi ni e se wa si ile ejo lati wa puro mo odaran yii.*

INT: *(Momo, that is why you are in court now to tell lies against the accused person)*

In these examples, one can see that all the IFIDs/performative clauses at the beginning of the English sentences are removed when the court clerk interprets them into Yoruba thereby removing their powerful and challenging force. The reason for their power and control is that the lawyer is implying that he has belief in his statement and he is challenging the witness with it. In all places that it appears in my data, the court clerk always removes the performative clause. ‘I put it to you’, thereby rendering the statement less powerful, challenging and coercive. She imagines these clauses to be unimportant and superfluous. But they make the declarative sentences they are added to, to be more powerful, controlling and coercive. This shows that the power of the lawyers in courtroom rests on the type of questions they ask. By asking these type of questions, the defendant and the witnesses are always find it difficult to refute the lawyers’ proposition embedded in them.

Declarative and Yes/No Questions

After IFIDs declarative questions, declarative questions are the next most powerful. This is because declarative questions already contain embedded propositions, which the listeners are encouraged to accept. Another reason for their powerful nature is that they are asking questions as if they are stating facts. They are also called leading questions because of these embedded propositions. Although, the witness has the ability to disconfirm the propositions contained in the declarative sentence, they usually do not do so because these propositions cannot be denied with the same effectiveness and success.

English differentiates formally declarative questions from Yes/No questions. The major difference between the two is that there are subject verb inversions in Yes/No questions, which do not occur in declarative questions. But in Yoruba language, there is no clear cut division between declarative questions and Yes/No questions. This is because, in Yoruba, there are no subject/ verb inversion in Yes/No questions. Therefore, there is tendency for a Yoruba interpreter to interpret declarative questions and Yes/No questions into Yes/No questions. In my data all the declarative questions were turned to Yes/No questions thereby reducing their power and coercion, for example:

15 **Lawyer** *When the policemen came, nobody was arrested?*

- Court clerk:** *Ni igba ti awon olopa wa se ko si enikeni ti won rimu?*
- INT:** *(When the policemen came, was anybody arrested?)*
- 16 Lawyer:** *And you are aware that there is land dispute between the Ondo's and the Ijebu's?*
- Court clerk:** *Baba, won ni se e mo pe oro lori ile yii wa laarin ile oluji ati awon ondo?*
- INT:** *(Are you aware that there is land dispute between the Ondo's and the Ijebu's?)*
- 17 Lawyer:** *It was not the clothes given to you that you were wearing at the police station. It was the torn clothes that was on you*
- Court clerk:** *Se aso ti o faya ni o wa ni orun re tabi eyi ti won fun e?*
- INT:** *(Was it the torn clothes that was on you or the one you werem given?)*

In all the examples above the lawyer put his questions in declarative forms to convince and coerce the witness, but when the court clerk is interpreting them, she converted them to Yes/No questions in Yoruba. In essence, the power and coercion embedded in them has been reduced. In the same vein, in example 13, the lawyer asked his question in the declarative form, but the court clerk translated it to alternative question in Yoruba, thereby reducing its force and power even more. To really drive the point home, I will give more examples of this:

- 18 Lawyer:** *You remember that time in 1989 during the ileya festival?*
- Court clerk:** *Se e ranti odun 1989 ni igba odun ileya?*
- INT:** *(Did you remember that time in 1989 during the ileya festival?)*
- 19 Lawyer:** *You remember that about fifteen years ago, the first witness had a motor-cycle accident at Iragbiji near the magistrate court?*
- Court clerk:** *Se e ranti wipe ni odun medogun seyin, baba yii ni ijamba alupupu ni Iragbiji ni egbe ile-ejo magistrate?*
- INT:** *(Did you remember that about fifteen years ago, the first witness had a motor-cycle accident at Iragbiji near the magistrate court?)*
- 20 Lawyer:** *He fell into a ditch, gutter, about twelve feet deep*
- Court clerk:** *Won ni se e ranti wipe won subu sinu koto nla kan ti o jin gidi ?*
- INT:** *(Did you remember that he fell into a ditch, gutter, about twelve feet deep)*

Also, in examples 18-20 above, the lawyer put his questions in declarative forms, but the court clerk when

translating into Yoruba, converted them to Yes/No questions. In essence, their power, coercion and challenging nature have been reduced. The reason for the court clerk's translation is that, she is trying to give understandable equivalents of the questions in Yoruba.

DISCOURSE MARKERS

These are words that are usually placed at the beginning of sentences, which are often overlooked as insignificant but which really play a part in the overall meaning of a sentence.

Although many people overlooked their functions, they can have implications in sentences as their presence or absence can affect the illocutionary force of the utterance while leaving intact the grammatical structure of the sentence and its propositional content.

Our intention here is not to describe the structure of all the discourse markers but to consider those that occur frequently in our data, especially during cross-examination. Cross-examination is a hostile phrase. Because of the power and asymmetry, cross-examination usually favours the lawyers. Since almost all the discourse markers present in our data occur during cross-examination, they are used to further enhance the power, coercion and challenging nature of the lawyers. They usually start questions that are either challenging the witness, or stating disagreement.

In our data, the most frequently used discourse markers are 'now', 'so', 'and', and 'ok'.

'Now' in Cross-examination

In our data, "now" is the discourse marker used with the highest frequency. In cross-examination, *now* is used to preface disagreement, and it is also used to present the lawyer's version, either contrast or disagreement. This finding corroborates with the situation of cross-examination in the courtroom which is found to be confrontational, combative and coercive. In all the uses of *now* found in the data, the court clerk omitted all of them. This may be due to the fact that the court clerk considered them superfluous and irrelevant. Consider the following examples;

- 21 Lawyer:** *Now, you must have gone back later to give them the clothes because as at the time you were given the statement the clothes were still on you?*
- Court clerk:** *Ni igba ti won n gba oro enu re sile ni ago olopa, se aso yen si wa lorun re nitori o pada lo awon olopa ni?*
- INT:** *(You must have gone back later to give them the clothes because as at the time you were given the statement the clothes were still on you?)*
- 22 Lawyer:** *Now, coming to my question now, as at the time*

you were laying your complain and you were writing statements to be recorded, the alledged torn clothes were not on you

Court clerk: *Ni igba ti won n gba oro enu re sile ni ago olopa,*

INT: *se aso ti o so pe won faya yii ko si nibe? (Coming to my question now, as at the time*

you were laying your complain and you were

writing statements to be recorded, the alledged

torn clothes were not on you)

In examples 21 and 22 above, the marker 'now' is omitted in the two examples. What is found to be consistent in the data and also in the example above is that 'now' usually prefaced declarative questions. Since declarative questions are found to be confrontational and coercive, it then follows that these questions above are confrontational and aggressive. They are asked to express disagreements. In essence, then, by omitting 'now' in the translated questions, the interpreter reduces the force, power and aggressiveness of those questions.

23 Lawyer: *Second world war. Now we have come to the third world war which is the area I want to address now.*

You said the man in the dock came and destroy your goods?

Court clerk: *O so fun ile ejo yii wipe odaran yii wa lati adio lati wa ba n kan re je?*

INT: *we come to the third world war which is the area I want to address now. You said the man in the dock came and destroy your goods?*

24 Lawyer: *Now after you had been to Mr Ajayi, you came back with that wrapper and nothing more*

Court clerk: *Ni igba ti e de ile, se e tun pada si ago olopa pelu aso yen nikan?*

INT: *(After you had been to Mr Ajayi, you came back with that wrapper and nothing more)*

25 Lawyer: *My lord, I want to take these one after the other sir.*

Now, you agree with me that you didn't mention

any destruction of properties, tearing of clothes in

your statements

Court clerk: *Won ni ninu ejo ti e ro, o soro wipe won ba eru re je*

tabi wipe won won fa aso re ya.

INT: *(You agree with me that you didn't mention any destruction of properties, tearing of clothes in your statements)*

In examples 23-25 above, all the manifestations of the marker 'now' were omitted during translation from English into Yoruba. In the above examples, the lawyer is trying to present his own version of events to the witness. He is trying to convince the witness to agree with him over the points he is raising. So, 'now', in the above questions, prefaced questions used by the lawyer to convince the witness to agree with his points and ideas. And that is the essence of cross-examination which is to convince the witness to agree with lawyer's opinions and ideas. The omission of 'now' in the above questions reduces the persuasive power of those questions.

The third function of 'now' that I can deduce from my data is that it is also used to control the flow of information, a clear indication of the speaker's desire to control the topic of conversation and regain power. For example:

26 Lawyer: *Now listen, in your statement you made, this statement was made when the whole incident was even fresh in your memory. What transpires, your grievances, your annoyance against the man in the dock was still very fresh in your memory.*

Clerk: *Won ni ni igba ti e n ko iwe irojo yin ni ago olopa, won ni oro yen se sele ni, ti e si le mo nkan ti o sele ni igba yen.*

INT: *(In your statement you made, this statement was made when the whole incident was even fresh in your memory. You would have known anything then)*

27 Lawyer: *Momo, you are an old woman and by now, it is presumed that you will be speaking the whole truth.*

Now, I want you to answer one question, the accused person did not touch you that day. I want you to confirm that.

Clerk: *Momo, se odaran ti o duro yii ko fi owo kan yin rara?*

INT: *(The accused person did not touch you that day.)*

In examples (26) and (27) above, the uses of *now* in English are omitted by the court clerk when interpreting into Yoruba. She thinks they are unimportant and irrelevant, but they perform a crucial pragmatic function. They are used by the lawyer to control the flow of information, as well as to control the conversation. This is a power indicating device on the part of the lawyer. With the use of *now* in the above questions, he is demonstrating his power and control and at the same time limiting the speaking chances of the witness. The controlling power of the lawyer has been reduced during the process of interpreting.

'So' in Cross-examination

'So' is another marker that is used frequently in my data. It also occurs mostly during cross-examination. "So" is used to enhance the communicative flow and narrative structure of the cross-examination. During cross-examinations, lawyers dominate the stage and do the talking for the witnesses. Also, during cross-examination, lawyers always want to control and dominate the topic of the discourse. By doing this, they also want to minimise the discursual options of the defendants and witnesses. They do this by asking leading and narrative questions, and "so" is a marker that enhances this. The mere fact that "so" occurs only in cross-examination in my data serves to buttress its usefulness in dominating and controlling the flow of discourse by the cross-examining lawyers. For example:

- 28 **Lawyer:** *So momo, immediately kate beat you, you fainted, you didn't know, you were unconscious?*
- Court clerk:** *Ni igba ti Kate lu yin, se o subu lule, o daku?*
- INT:** *(Momo, immediately kate beat you, you fainted, you didn't know, you were unconscious?)*
- 29 **Lawyer:** *So, when the police came, Kate was not at home and the police had to arrest this man, because he was the one at home*
- Court clerk:** *Ni igba ti awon olopa wa, Kate gan ko si nile, se nitori eyi ni olopa se mu okunrin yii nigba ti o je pe oun ni o wa nile?*
- INT:** *(When the police came, Kate was not at home and the police had to arrest this man, because he was the one at home)*

In the above examples, 'so' as a marker is omitted when the court clerk is translating the questions from English to Yoruba, thereby reducing their narrative power. One fact that can be deduced from its use is that it always prefaces declarative questions. Since declarative questions are considered as powerful and controlling questions which are favoured during cross-examination, it follows that 'so' is a marker of power and control in the courtroom discourse.

Another function of 'so' in courtroom discourse is that it is used to make the witnesses agreed with lawyers' opinion which they did not believe in. Wherever 'so' is used, it always prefaces declarative questions, which invariably contain cross-examining lawyer's opinion and ideas. By prefacing with 'so', the proposition and argument embedded in declarative question become more convincing to the witness. So is functioning semantically "as a matter of fact" when added to declarative questions. Consider the following examples:

- 30 **Lawyer:** *So, your earlier evidence that you were given a wrapper was a lie*

Court Clerk: *Eri ti o je wipe ile baba Ajayi ni won ti fun e ni*

INT: *(Your earlier evidence that you were given a wrapper was a lie)*

31 **Lawyer:** *So, in this one, your properties were not destroyed?*

Court clerk: *Won ni o ko so wipe won ba n kan re je tabi won fa aso re ya?*

INT: *(In this one, your properties were not destroyed?)*

32 **Lawyer:** *So, they come without any quarrel and started beating you up?*

Court clerk: *Won kan wa laise nkankan, won sibere si lu yin?*

INT: *(They come without any quarrel and started beating you up?)*

In examples 30-32, 'so' is omitted by the court clerk when translating from English to Yoruba because of the fact that she considers it unimportant, superfluous and irrelevant. In doing this, she reduces its convincing force. It is worth saying here also that all these examples of 'so' occur during cross-examination, which makes them tools for power, control and coercion.

'So' can also be used to control the turns in courtroom discourse. In my data I observe that 'so' is also used when the dominating lawyer wants to give the witness some chance to agree with his/her opinion. So in this manner is used to summarise or rephrase his speech at the end of his/her turn. In this way 'so' is used by the cross-examining lawyers to control and dictate the turn-taking exercise in courtroom discourse.

33 **Lawyer:** *So, by the time the police came back Kate was not around, that day?*

Court clerk: *Igba ti olopa wa, Kate gan ko si nibe.*

INT: *(The time the police came back Kate was not around, that day?)*

34 **Lawyer:** *My lord, we want to distinguish why we are here when I was mentioning the First World War. So, in the third world war you did not mention that?*

Court clerk: *Won ni igba keta e ko daruko iyen*

INT: *(In the third world war you did not mention that?)*

In the two examples above, the use of 'so' by the lawyer is omitted by the court clerk during translation, thereby reducing its controlling nature. In the two examples above, 'so' also prefaces declarative sentences and this also leads credence to their controlling power.

'And' in Cross-examination

And is another discourse marker that is used frequently during cross-examination by the lawyers. It is used by the

lawyers to dominate the stage and also to control the flow of information.

In courtroom discourse and in my data it is used during cross-examination to control, dominate and maintain the floor. With the use of 'and'-prefaced questions, the lawyers can prolong their turns and minimise the turns of the witnesses. With this they will be able to convince and orientate the witnesses to their opinions and ideas.

35 **Lawyer:** *And it was on basis of this that your statement were taken?*

Court clerk: *Se nitori eleyi ni won se gba ohun re sile?*

INT: *it was on basis of this that your statement were taken?*

36 **Lawyer:** *And that he will kill you if you come there?*

Court clerk: *Ti iwo ba wa sibe, oun maa pa e?*

INT: *(He will kill you if you come there?)*

37 **Lawyer:** *And, you are aware that there is land dispute between the Ondo and Ile-Oluji's?*

Court clerk: *Baba, won ni se e mo pe oro ija lori ile wa laarin ile-oluji ati Ondo?*

INT: *(Are you aware that there is land dispute between the Ondo and Ile-Oluji's?)*

In examples 35-37 above, the court clerk also omits 'and', thereby making the questions lack continuity and dominance. Another notable factor about 'and' in my data is that it is also always prefaced declarative questions which also lends credence to its dominant and controlling nature.

'Ok' in Examination

Another discourse marker that emphasizes that power and control lies with the lawyers and prosecutors and not with the witnesses and defendants is 'ok'. It is a discourse marker that is used both in examination and cross-examination. The way it is used in our data, is very evaluative. It serves as an evaluative comment from the lawyer/prosecutor to the witnesses and defendants. It is a person occupying a higher role that can utter an evaluative comment. Let us consider the following examples:

38 **Prosecutor:** *Ok. Who is baba Akinrinjoye?*

Court clerk: *Tani baba Akinrinjoye?*

INT: *(Who is baba Akanrinjoye?)*

39 **Prosecutor:** *Ok. When this happen, how did you report to the police?*

Court clerk: *Bawo ni e se lo si odo awon olopa lati lo fi ejo sun*

INT: *(When this happen, how did you report to the police?)*

In examples (38) and (39) above, the relationship between the prosecutor and the witness is asymmetrical. The use of 'ok' in the two examples shows the asymmetrical relationship between the two interlocutors. The prosecutor is more powerful, dominating and in control of the discourse. That is why he is in a position to use the evaluative marker 'ok'. This also relates to the power and control that the lawyers and prosecutors have over the defendants and the witnesses.

It is of note that the court clerk also omits them during interpreting from English to Yoruba, considering them unimportant and irrelevant.

CONCLUSION

The intricacies of courtroom interpreter discussed above reveal the power of the lawyer over the witness. The power and control of the lawyers rest on the type of questions they ask such as Illocutionary Force Indicating Devices (IFID) Declarative Questions, Declarative Questions, Yes/No Questions and Alternative Questions. These are powerful and control questions that contain the propositions of the lawyers and which the defendants and witnesses are expected to agree with. During courtroom interpreting the power and control of these questions were lost due to the nature of the two languages and courtroom interpreting. The omission of illocutionary force indicating devices, discourse markers such as "so", "and", and "now" by the courtroom interpreters shows the power of the lawyers. It is during cross-examination that they are greatly favoured which indicates that cross-examination stage is an unfriendly and hostile phase. This omission by the courtroom interpreters reduces the power and control of the questions asked by the cross-examining lawyers.

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