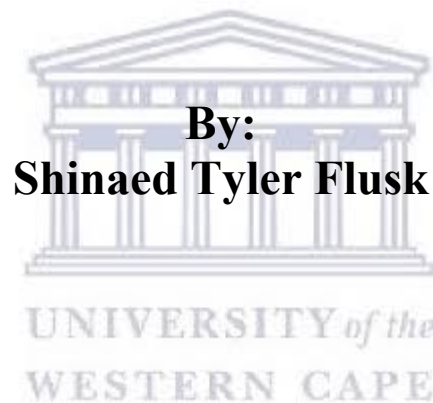




UNIVERSITY *of the*
WESTERN CAPE

An analysis of linguistic errors in translations of
complainants' sworn statements



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A thesis submitted in fulfilment of the requirement for the degree of Master of
Arts in the Department of Linguistics, University of the Western Cape

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ABSTRACT

English remains the official language of record in South Africa and is used in most, if not all, aspects of the justice system (Ralarala, 2014). As a result, sworn statements made by complainants in any of the other official languages are translated by police officers into English to be used as evidence in a court of law. Police personnel are not sworn translators or interpreters and are not required to be. This has major implications for the legal process as well as for the complainant. When evidence is presented in court in South Africa, a sworn statement supersedes any oral story, and therefore inaccuracies in the translated version have profound consequences. Linguistic errors which creep into written translations made by police officers alter the authenticity of the sworn statement and result in discrepancies between oral testimony and written testimony. These discrepancies have serious legal implications and could constitute a miscarriage of justice, impeding complainants' access to justice. The study of linguistic errors is usually found in research related to language learning and teaching; to the best of my knowledge, such research is sparse in relation to Forensic Linguistics.

From a methodological perspective, this study employs existing data drawn from ongoing forensic linguistic research. Drawing on Error Analysis (EA) as the analytical framework and basis of analysis, the study sought to unearth the linguistic errors made in written records of police interviews and sworn statements. Critical Discourse Analysis (CDA), the theoretical framework and basis of analysis, focuses on group power, dominance and inequality (Machin & Mayr, 2012). Much of CDA centres on the underlying power structures that contribute to the reproduction of or opposition to dominance and inequality. Therefore, this theoretical basis is used to unpack the effects of the dominance of English in the police setting, and the extent to which errors in translations of sworn statements can lead to inaccurate translations that reduce readability and understanding. Ultimately these linguistic errors can result in miscarriages of justice and lack of access to justice.

KEY WORDS

Forensic Linguistics; Linguistic errors; Sworn statements; Complainants; Translation; Language of record; Miscarriage of justice; Access to justice; South African Police Service; Error analysis; Critical Discourse Analysis.

DECLARATION

I declare that *An analysis of linguistic errors in translations of complainants' sworn statements* is my own work, that it has not been submitted for any degree or examination in any other university and that all sources I have used or quoted have been indicated and acknowledged by complete references.

Full name: Shinaed Tyler Flusk

Signed: SFlusk **Date:** 11 May 2023



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CHAPTER 1

INTRODUCTION

1.1. Background and introduction

An encounter with the police at a local police station in South Africa is a typical example of a language incident that combines language, law and crime (Harding & Ralarala, 2017). In such encounters, members of the public give their testimony in their home language, which are translated by the police into English and written down; such statements constitute one of the basic components of the criminal justice system, initiating the functions of the court (Ralarala, 2015). The translated documents are intended to provide access to the facts to English members of the judiciary. South African police officers, or *transpreters*,¹ are continually at the cutting edge when it comes to the creation of documents, since they interview and take statements from complainants and perpetrators (Ralarala & Rodrigues, 2019). The interviews will invariably be conducted in a different language from the one in which the statement or report is written, which may lead to inaccuracies creeping into the written sworn statement. This scenario may be aggravated by disparities in police officers' communication abilities, linguistic skills, relative literacy and fluency as a result of potentially being undertrained.

Failure on the part of police officers to correctly translate sworn statements can result in significant alterations to the complainant's original statement. Convictions in the South African criminal justice system are based mostly on written or oral statements provided during police interviews (Ralarala & Rodrigues, 2019). If the sworn statements are founded on false testimony as a result of linguistic errors made, the courts are unable to perform their obligation to discover the truth, as described by Elek (2016). In addition, these officers' English and literacy skills are, in some cases, extremely low, potentially rendering them inadequate to meet the standard of linguistic and discursive ability required in frontline work with the public. Moreover, many police officers are second language speakers of English (Harding & Ralarala, 2017). Sworn statements from individuals of the public are regularly translated, mainly from African languages into English, and used in court as evidence for proceedings in South Africa. English remains the language of record in the South African courts and is used in most, if not

¹ Monwabisi Ralarala (2012:56) coined the term *transpreter* to describe “the designated police officers informed by the type of dual dramatic competence and performance required on the job in order to render the cognitive and social service of message production and reception within the framework of both translation and interpreting of sworn statements.”

all, aspects of the justice system (Ralarala, 2014). According to Docrat, Kaschula and Ralarala (2021), speakers of the 11 official African languages, with the exception of those whose mother tongue is English, are at a disadvantage in court proceedings. The problem arises because in practice there is an ongoing failure to recognise the linguistic diversity of South Africa's citizens and to give due recognition and status to all 11 official South African languages.

1.2. The reality

The unjust reality of the language event is demonstrated in the notorious case of Henri van Breda, who was accused of murdering his parents and brother and of attempting to murder his sister. Within Van Breda's trial, another trial took place, in effect, as a result of Sergeant Malan's incorrect recording of Van Breda's first statement at the police station (cf. *S v Henri Christo van Breda* 2018 SA (SS 17/16)). Initially, the accused was given the opportunity to read the statement and was satisfied with it, even though it contained spelling and grammatical errors. The statement was not a direct and precise reflection of what was said by Van Breda. During the trial, Van Breda expressed dissatisfaction with the statement; he did not accuse the police officer of lying, but said that the statement was inaccurate and that as a consequence thereof, unfair conclusions could be drawn. The statement was said not to convey the detailed version of events which he had explained to the officer. The accused maintained that at the time, he had been unaware of the implications of such inaccuracies and what they would mean for him in court. In the case, he was held accountable for the words uttered in the sworn statement.

The spelling and grammatical errors made in the statement were a result of Sergeant Malan's mother tongue being Afrikaans. As the statement was given in English, it was the police officer's duty to translate this statement for use in court. Sergeant Malan stated that he typed what he understood the accused to be saying. The battle in court arose because the police officer did not use the words of the accused. This highlights the significance of linguistic errors in sworn statements. In this case, the transpreter's linguistic errors in the sworn statement did not exempt Van Breda from being found guilty of all three counts of murder. However, the confusion and delay caused by the errors reflect the reality of the situation in South Africa, highlighting the potential effects of inaccuracies in translated sworn statements.

1.3. Translation and Forensic Linguistics

The goal of translating and interpreting is to capture the precise words used by someone, whether their words are spoken or written, rendering them in a different language from the one originally used. Legal translation is the branch of translation that converts legal texts and documents from one language into another while maintaining the original meaning (Dissake, 2021). Legal translation is a specialised field of translation, since it calls for a translator with not only strong linguistic abilities but also in-depth knowledge of the law, various pieces of legislation and international standards. To obtain a precise and expertly rendered outcome, the translated material must be sufficient from a legal standpoint (Dissake, 2021). Linguistic skills, foregrounded in language practice, are essential in every legal situation involving two or more languages. However, there are other areas in which language and law are combined, apart from legal translation; one of them is known as Forensic Linguistics (Barral, 2021).

Forensic Linguistics (FL) is a branch of applied linguistics that focuses on bringing linguistic approaches into the forensic realm of law. The definition of FL is "the study of language and the law", and it includes themes such as plagiarism and the use of legal terminology in courtrooms. FL involves the applied (forensic) linguist who participates in offering testimony as an expert witness for the defence or prosecution in cases involving things such as blackmail, trademarks and warning labels (Dissake, 2021).

Forensic Linguistics is a discipline that began in the United Kingdom in 1968, when professor and linguist Jan Svartvik asserted that language might be detected and used as forensic evidence. According to Dissake (2021), the field was sparked by an incident in the early 1950s when Timothy John Evans was accused and executed for the murder of his wife and child based on his confessions. However, his written confessions raised concerns for many, including journalist Ludwig Kennedy, who published them. To clear any doubts, Svartvik analysed the confessions using linguistic techniques, and discovered that they were written in two different styles, indicating that they did not come from the same person. This finding proved Evans' innocence. As a result of this linguistic analysis, the British judiciary began implementing measures to prevent the acceptance of false confessions during proceedings; these included the use of handwritten, audio recorded and video recorded confessions (Dissake, 2021).

Dissake (2021) notes that Eades (2012) conducted an analysis of Australian courtroom discourse that extended beyond an examination of interactional practices. Her research focused on the study of language ideologies present in the discourse, which are beliefs and attitudes that influence how speakers perceive and use language in relation to themselves and others. These ideologies act as a mediator between the social use of language and the political and socioeconomic structures in which it occurs. This concept has been primarily studied in relation to minority languages and dialects, where power dynamics are often revealed through everyday language use (Dissake, 2021). Linguists have expanded FL discussions in recent decades. The discourse now covers topics such as question types, genres, multilingualism and litigants' actual linguistic competence, rather than being restricted to courtroom speech analysis, legal translation and interpretation.

In the South African context, FL is a relatively new and growing field (Ralarala, Kaschula & Heydon, 2019). Dissake (2021) asserts that Forensic Linguistics studies have recently gained momentum in Africa, with several research studies conducted in South Africa shedding light on the non-inclusive language policy of the legal system. Kaschula et al. (2020), Lubbe (2008), Hlophe (2000), Madumetsa (2010) and Ralarala et al. (2019) identified various legal language problems in South Africa. Ralarala et al. (2019) conducted research on themes and perspectives in language and the law in Africa and beyond, which is an innovative contribution because it goes beyond the traditional focus on Europe and America, and instead showcases original investigations on language and the law in Africa and other countries (Dissake, 2021). Despite having become a well-established area of study, Forensic Linguistics is still lacking in a number of African countries, with the African setting still largely missing in the literature. Most studies on legal language issues have been conducted in highly industrialised countries. The current study aims to expand on the field of Forensic Linguistics in the South African context by addressing the issue of linguistic errors in the translated versions of complainants' sworn statements.

1.4. Statement of the problem

Local police departments and courts are obligated to translate and interpret source text utterances as concisely and accurately as possible. Before qualifying, the majority of South African police officers receive little literacy training (Docrat, Ralarala & Kaschula, 2020). In total, police officers in the country complete 24 months of basic training, 10 of which consist

of a foundational phase, in which they acquire basic policing knowledge and skills, according to SAPS. Police personnel are not sworn translators or interpreters, nor are they required to be. This has major implications for the legal system. When evidence is presented in court in South Africa, the statement supersedes any oral story. As a result, the sworn statement occupies an important position in the legal system. Linguistic errors made by police officers during the translation process can alter the authenticity of sworn statements and result in discrepancies between what a complainant or defendant says and what has been written down as their statement. This naturally causes problems in the execution of justice, as it results in lack of certainty about the truth of the matter. This study, therefore, is concerned with an analysis of linguistic errors of translations of complainants' sworn statements, and the implications of such anomalies with regard to the delivery of justice.

1.5. Research questions

The following research questions guided this research:

- What kind of errors are presented in translations of complainants' sworn statements?
- What are the legal implications of the linguistic errors for the delivery of justice and access to justice on the part of complainants?
- To what degree do linguistic errors affect the veracity and accuracy of complainants' sworn statements?
- How frequently do such linguistic errors arise in translations of complainants' sworn statements?

1.6. Research objectives

The objectives of this study are:

- to investigate the types of error that are presented in translations of complainants' sworn statements;
- to establish the legal implications of the linguistic error in terms of the delivery of justice and access to justice on the part of complainants;
- to investigate the extent to which linguistic errors affect the veracity and accuracy of translations of complainants' sworn statements;
- to establish the frequency of linguistic errors in translations of complainants' sworn statements.

1.7. Preliminary literature

1.7.1. Linguistic errors

Linguistic errors are common among second language speakers of English, and have been widely studied in the field of language learning and teaching. Xie (2019) emphasises that linguistic accuracy is a crucial component of the L2 (second language) writing construct. Several studies have shown that ESL (English as second language) student writers face significant challenges when expressing ideas in written English, translating concepts accurately, adhering to conventions of written English, and using vocabulary correctly. According to Xie (2019), errors and accuracy are two sides of the same coin. Studies that analyse learners' errors differentiate between systematic and non-systematic errors. Systematic errors are stable indicators of the learner's interlanguage, whereas non-systematic errors, or random errors, may result from a variety of performance factors and do not necessarily indicate a deficiency in the learner's knowledge of the target language. Errors of competence are considered systematic errors, while mistakes are non-systematic errors of performance. In addition, errors of high gravity, which are viewed as more serious or severe than other types of error, must be given priority attention in written work, as they can distort meaning and seriously compromise comprehension (Xie, 2019).

According to Shorpour, Farahmandi and Kheradparvar (2021), non-native English speakers may find it exceedingly challenging to attain linguistic accuracy even if they are able to write in grammatically correct English. This is partly because native speakers of English are perceived to have an inherent advantage, having acquired the language naturally, while non-native speakers must dedicate more time, effort and financial resources to acquiring it formally, which can lead to greater difficulties when writing in English.

According to Nzerem and Bob (2021), errors in second language learning refer to systematic deviations from the norms of native speakers, arising from a learner's lack of proper knowledge of the language rules. These errors often repeat and are not always recognised by the learner, even with feedback. Syntactic structures will differ from those used by native speakers, and will be deemed inappropriate or unacceptable by native speakers (Nzerem & Bob, 2021). The authors suggest that errors offer insight into the learner's thought processes and that gaining such insight is an important step in the learning process, necessary before correct grammar can be acquired. The linguistic competence of a speaker can be inferred from the errors that occur in their language data. It is worth noting that errors are not necessarily bad in second language

learning. Once identified and corrected, errors can be helpful in improving the language learner's performance. However, problems arise when errors go unidentified and uncorrected. (Nzerem & Bob, 2021).

Linguistic errors are thought to provide clues to the linguistic sender–receiver behind the text (or the speaker–writer–speller–hearer–reader behind the text), as well as the processing of knowledge in language comprehension and production (Luelsdorff, 1987). The organon-model of language is a representation of language as a speaker's communicative competence, as expressed through speech events in context. The concept of a norm–theoretical speech event is included in this theory of linguistic factors and functions. Luelsdorff (1987) states that within the confines of the individual's competence, the sender–receiver selects, combines and recombines only those conceptual archetypes that conform, on average, to those semantically representable attitudes and intentions they wish to actualise. They use their linguistic performance as an instrument to communicate these aptitudes. Clearly, there is a significant difference between general language norms and the language norms that an individual sender–receiver has internalised; thus there is a difference between what an individual sender–receiver intends to produce and what he actually produces. Linguistic errors provide very strong evidence of this (Luelsdorff, 1987).

Given that linguistic errors provide clues to the underlying linguistic sender–receiver, it is important to understand what linguistic errors are and how they manifest. Linguistic errors are systematic deviations from the norms of a language, which arise from a lack of proper knowledge of the rules of the language. They are referred to as mistakes or inaccuracies in the use of language (Nzerem & Bob, 2021). These errors can take various forms, including errors in pronunciation, vocabulary, grammar, spelling and syntax, and they can be caused by a variety of factors, such as interference from the learner's native language, overgeneralisation of language rules, and lack of exposure to the language. An extensive discussion on the various classifications of errors is presented in Chapter 2.

1.7.2. Monolingual language of record

According to Docrat and Kaschula (2019), the language of record refers to the language used to litigate in courts of law, the language in which the judicial process is carried out, the language in which the proceedings are recorded, and the language of written judgments. According to Docrat and Kaschula (2019), English became the official language of record in 2017, with both

English and Afrikaans recognised and used before that date. According to the Chief Justice, Moegoeng Moegoeng, removing Afrikaans as a language of record would contribute to needed changes in the legal system and correct some of the historical inequalities experienced under apartheid (Docrat & Kaschula, 2019). Judge President Justice Hlophe indicated that having English as the single official language of record would result in faster and more effective adjudication and finalisation of all matters. Regarding the submission of court documents, the directive specified that each document was to be submitted in English only.

According to Docrat and Kaschula (2019), the effect of limiting the language of record to English cannot be determined abstractly. The determination necessitates evidence of the impact on society in the form of sociological and statistical data. This includes taking linguistic data into account, which shows that the majority of South Africans do not speak English as their first language (Docrat & Kaschula, 2019). Evidence can take the form of facts and/or policies, and it can also include academic research on the impact of the monolingual language of record on the right to a fair trial, the right to equality on linguistic grounds, and compliance with Constitutional provisions.

The provisions of the Constitution with regard to language use in South Africa aim at promoting the status of indigenous languages. However, police officers with low proficiency in English are often required to translate sworn statements from non-English languages, leading to possible linguistic inaccuracies and potential miscarriages of justice. This issue is of great concern as it undermines the principles set out in the Constitution, perpetuates historical injustice, and leads to exclusion and inequality. To obtain evidence that might reveal problems with the use of English as the sole language of record, this study examines both the macro- and micro-level factors that contribute to the occurrence of linguistic errors in the South African criminal justice system. Through the use of a mixed methodology incorporating both qualitative and quantitative aspects, the research seeks to yield in-depth insight on the specific linguistic errors made in translated statements, and the reasons for them. In addition, it provides numerical data to enable measurement and comparison of the frequency of errors, so that accurate conclusions may be drawn on the nature and significance of the errors. This approach may provide objective and empirical evidence that English as the sole language of record may be problematic, having a deleterious effect on the implementation of justice in society.

The term ‘transformation’ may be defined as a change from a prior state of circumstances. In South Africa’s bid to transform itself from a racially unequal and non-democratic society to one characterised by equality, democracy and justice for all, language and language policy play a key role. Kaschula (2016) states that a just language policy is crucial in the process of transformation because it allows the African voice to be recognised. According to Ntlama (2014:15), Chief Justice Moegoeng Moegoeng agreed that the process of transforming the judiciary entails:

- ensuring the demographic representation of the country without sacrificing the quality of justice that has to be delivered;
- taking into account the injustices that were often meted out by courts to black people during the apartheid era;
- the inaccessibility of the courts and lack of access to real justice for black people in the past;
- our commitment as a nation to make a decisive break from the institutionalised evils of the past; and
- our new constitutional values and the related imperative to bring into being a justice system that South Africans can relate to and proudly call theirs.

According to Docrat and Kaschula (2019), it is paradoxical and contradictory that the Chief Justice later announced a decision to make English the single official language of record, effectively excluding all ten official languages on the basis of transformation. Ntlama (2014:15) adds that these factors were also echoed by the Court in *Barnard*, as it held that:

*[b]eneficiaries of affirmative action must be equal to the task at hand. **They must be suitably qualified people in order not to sacrifice efficiency and competence at the altar of remedial employment. [The process of transformation] sets itself against the hurtful insinuation that affirmative action measures are a refuge for the mediocre or incompetent. Plainly, a core object of [the transformation project] is to employ and retain people who not only enhance diversity but **who are also competent and effective in delivering goods and services to the public.*****

Ntlama’s (2014:15) words above relate to the quest for transformation in the judiciary, making the point that affirmative action notwithstanding, all appointed judges must have the competence to hold the positions they hold. In the context of this study, the quest for

transformation involves questioning whether police officers, who also “deliver goods and services to the public” are “competent” and “suitably qualified people” to translate sworn statements into the language of record. This is not to suggest that all police officers are incompetent; rather that the decision to make English the sole language of record puts certain police officers, whose mother tongue is not English, at a disadvantage in their execution of their duty. This disadvantage may show itself in an inability to translate sworn statements accurately, possibly resulting in linguistic errors. Moreover, in a study conducted by Kekana and Montle (2022), it was found that the SAPS do not provide its officers with high-quality training, and that this has a negative effect on how well South African police officers perform their duties. Police officers have the potential to be “suitably qualified people” if their police training is effective in teaching them aspects of the English language and how to accurately translate sworn statements.

1.8. Significance of the study

This research aims to be useful in pointing out the need for substantial change in the language and legal system in South Africa, and in encouraging thorough linguistic training for South African police officers who act as translators of sworn statements for courts of law. The study of linguistic errors is most densely found in research related to language learning and teaching; such research is sparse in areas that have to do with police interviewing and sworn statements. This research will provide knowledge on linguistic errors made during the transcription of police interviews and sworn statements. The ways in which the citizens of South Africa may experience injustice because of miscommunication resulting from poor police translations are examined in this study, which also highlight the potential implications thereof. It is hoped that as a result of this study, the language rights of all South African citizens will be more fully respected in practice. In addition, this research aims to contribute to the field of Forensic Linguistics by extending the body of knowledge on linguistic errors in sworn police statements, which will help fill a gap in this area.

1.9. Chapter outline

Chapter 1 has introduced the study, providing the context and background of the study, a statement of the problem, the research objectives, research questions, a review of the preliminary literature and a discussion on the significance of the study. The following chapter (Chapter 2) comprises a detailed literature review supporting the notions set out in Chapter 1,

thus giving further context to the study. The chapter discusses Language and the Constitution, South African Police Service training, the South African Police Service Act and the 2016 Independent Police Investigative Directorate (IPID) language policy. The review reveals the broader, institutional issues related to linguistic errors in sworn statements and explains issues to do with the taking of sworn statements and their translation. Furthermore, the chapter provides comprehensive definitions of terms such as “error” and “mistake”, the classification of errors, the causes and implications of errors, and the issue of the right to a fair trial.

Chapter 3 presents the analytical and theoretical frameworks of the research – Error Analysis (EA) and Critical Discourse Analysis (CDA). Both frameworks are complementary in that they conceptualise linguistic errors at the micro and macro levels of analysis, respectively. The two frameworks are interconnected in the sense that both unearth the reasons for and implications of linguistic errors in sworn statements, showing how issues at the one level affect issues at the other level. EA is concerned with the narrower, in-depth manifestation of linguistic errors and CDA takes this a step further by looking into the deeper, broader societal issues that give rise to linguistic errors. Thus, they are both useful tools for investigating the causes and effects of linguistic errors in sworn statements.

Chapter 4 covers the research methodology used in this study, explaining and justifying the research design and approach used. The study uses a mixed methods approach, making use of both qualitative and quantitative methods. The rationale for the use of mixed methods is discussed in some detail. Furthermore, the chapter discusses the secondary data used in this study for analysis, comprising five sworn statements kindly provided by my supervisor.

Chapter 5 presents and analyses the data. The purpose of the analysis is to identify linguistic errors in the five statements using Error Analysis, as described in Chapter 4. Through EA, I uncover various linguistic errors made by police officers in five sworn statements, and present them in tabular form. Thereafter, a bar graph is presented to illustrate the frequency of errors made in each statement, which essentially quantifies the data. Finally, a possible corrected version of each of the five sworn statements is provided. CDA is used in the discussion of the statements.

Chapter 6 serves as the conclusion, discussing the findings, drawing conclusions and making recommendations. The research questions theoretical frameworks and methodology are

recalled, and the major findings are highlighted. The discussion takes into account the research questions, the research objectives and the two methods of analysis, Error Analysis and Critical Discourse Analysis. On the basis of the findings, recommendations are made that, if followed, may alleviate the problem of linguistic errors in sworn statements and the resultant inaccuracies and confusion that such errors may cause. The following chapter will delve into a comprehensive literature review of existing research and scholarly works related to this study.



CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

The review of the literature in this chapter contextualises the topic under investigation. First, the chapter examines languages and their influence on South African citizens, examining documents such as the Constitution of the Republic of South Africa, the South African Police Services Act and the 2016 Independent Police Investigative Directorate (IPID) language policy. The chapter examines the policies and regulations put in place by the State, and discusses how non-compliance with these policies and regulations has the potential to negatively affect South African citizens. Second, in this chapter, the findings of researchers are discussed in relation to sworn statements, errors found in incorrectly translated sworn statements and the implications of these errors for complainants. Third, the chapter examines the use of Error Analysis. The classification of linguistic errors is explored, followed by the causes of these errors in the translation process. Finally, attention is paid to the implications of errors for complainants, and the ways in which linguistic errors contribute to miscarriages of justice.

2.2. Language and the Constitution

The Preamble of the South African Constitution Republic of South Africa 1996 (Act No. 5 of 2005, 1) outlines a fundamental ‘vision statement’ for the future:

*We, the people of South Africa,
Recognise the injustices of our past;
Honour those who suffered for justice and freedom in our land;
Respect those who have worked to build our country; and
Believe that South Africa belongs to all those who live in it, united in our
diversity.
We therefore, through our freely elected representatives, adopt this
Constitution as the supreme law of the Republic so as to –*

*Heal the divisions of the past and establish a society based on democratic
values, social justice and fundamental human rights;*

*Lay the foundations for a democratic and open society in which government
is based on the will of the people and every citizen is equally protected by
law;*

*Improve the quality of life of all citizens and free the potential of each person;
and*

Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

This vision statement highlights the country's commitment to democratic values, social justice and fundamental human rights. English remains the dominant language, particularly in official contexts such as the justice system. This is highly problematic, as it leads to linguistic barriers and injustices, particularly for those whose first language is not English (Ralarala, 2014). Despite constitutional provisions aimed at promoting the use and status of indigenous languages, police officers who have a low proficiency in English are often tasked with translating sworn statements from non-English languages, resulting in linguistic errors and potential miscarriages of justice. In this context, it is crucial to examine the Constitution and its implementation.

According to Section 6 (1) of the South African Constitution, “The official languages of the Republic are Sepedi, Sesotho, Setswana, isiXhosa, isiZulu, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isizulu.” The Constitution ascribes equal value and importance to all 11 official languages in terms of their development and use. However, English has been given precedence over the other ten official languages in courts of law.

Section 6 (2) of the South African Constitution states: “Recognising the historically diminished use and status of the indigenous languages of our people, **the state must take practical and positive measures to elevate the status and advance the use of these languages.**” In light of the fact that English is the only language of record, this point is not upheld, since indigenous languages are not given equal status or attention when it comes to advanced use. This perpetuates the historical marginalisation and diminishment of these languages.

Section 6 (3) (a) of the South African Constitution states: “The national government and provincial governments may use any particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances all the balance of the needs and preferences of the population as a whole or in the province concerned; but the national government and provincial government must use **at least two official languages.**” This point is evidently not being upheld, since English is the only language of record, even though the Constitution states that “government must use at least two official languages”. There is only one official language of record, with no consideration for the other

10 official languages. Evidently there is little or no representation of the other languages and little consideration of the needs and preferences of the whole population in terms of language.

According to Section 6 (4) of the South African Constitution, “The national government and provincial governments, by legislative and other measures, **must regulate and monitor their use of official languages. Without detracting from the provisions of subsection (2), all official languages must enjoy parity of esteem and must be treated equitably.**” If English is the only language of record, this point is not upheld because there is no regulation or monitoring of the use of the other official languages. This results in an inequitable treatment of these languages and perpetuates the historical marginalisation of indigenous languages.

According to section 6 (5)(a)(i) of the South African Constitution, “A Pan South African Language Board established by national legislation must- (a) **promote, and create conditions for, the development and use of- (i) all official languages ...**”. As English is the only language of record, the promotion and development of other official languages is not actively pursued or encouraged. This results in the continued marginalisation of these languages and contributes to a lack of recognition for the linguistic diversity in the country.

Overall, the use of English as the only language of record in a multilingual society such as South Africa undermines the principles set out in the Constitution, perpetuates historical injustices and leads to exclusion and inequality. It is evident through the points listed above that the system fails to be inclusive of a multilingual society. Grave reservations have recently surfaced about the government's commitment to implementing the constitutional provisions pertaining to linguistic rights. Some argue that while the state proclaims multilingualism, it is effectively practising monolingualism (Fredericks, 2011). This issue needs to be addressed to ensure that all citizens are equally protected by the law and that the foundations for a democratic and just society are laid, as outlined in the Constitution's vision statement and the content of the Constitution.

2.3. South African Police Service training

While constitutional provisions aim to promote the use and status of indigenous languages, police officers' inadequate language training can lead to linguistic errors and potential miscarriages of justice. South African Police Service (SAPS) training is another area where

language has been identified as a concern. According to Section 32 of the South African Police Services Act No. 68 of 1995, "The National Commissioner shall determine the training that members shall undergo." The section on training is problematic on its own because training should be designed not by an individual but by relevant stakeholders in collaboration with the National Commissioner, who enforces compliance (Mvabaza, 2018). Furthermore, translation is not considered part of training at police recruitment and training colleges.

According to Calteaux (n.d), the lack of language training and existing language proficiency gaps affect the quality of instruction and the outcome and effectiveness of training conducted and received. In a study on the language needs of SAPS, Calteaux (n.d.: 4) revealed some evidence of ineffectiveness in this regard, with participants in that study making the following comments:

- "... in class where we conduct training, usually the language is English ... the Afrikaans-speaking people they do not understand English ... (it) becomes a barrier for learning."
- "Some members that come on course are not equipped to speak English and that is a very big problem."
- "In the townships near Kimberly ... mainly the people are speaking English there and we lecture in Afrikaans."

In another study conducted by Kekana and Montle (2022), it was found that the SAPS does not provide its officers with high quality training, which has a negative effect on how well South African police officers perform their duties (Kekana & Montle, 2022). In the field, police officers must demonstrate critical social communication abilities. This should include the ability to write coherently in English, which requires that English language proficiency form part of the training offered to recruits in police academies. There is a gap in the literature on the nature of the language training offered (if any), with studies in this area concentrating on other components of police training (Kekana & Montle, 2022). Police training should be provided in all topics or subject areas in which police officers will be working to enhance their performance and that of the entire organisation. The training should enhance police officers' core and functional abilities, increase individual on-the-job performance and fulfill organisational performance criteria.

As part of their research Kekana and Montle (2022) examined the Basic Police Development Learning Programme (BPDLP), a relatively new training programme used by SAPS. The duration of the new BPDLP is 24 months, double that of the previous programme's 12 months. There are two phases to it: a 12-month academy phase and a 12-month workplace learning phase. As shown in Table 1 below, the learning programme consists of six distinct learning areas.

Table 1: The South African Police Service programme (2015), called BPDLP

Learning area	Name of learning area
Learning area 1	Orientation to the SAPS
Learning area 2	Law
Learning area 3	Community service centre
Learning area 4	Crime investigation
Learning area 5	Crime prevention
Learning area 6	Steet survival

In their study, Kekana and Montle (2022) asked respondents if police instructors were well suited to teach English writing during their basic training. All the respondents in the study responded that the police trainers were not suited to imparting English skills and knowledge, and provided numerous reasons for why they thought this was so. The following are some their responses:

- **Respondent 3:** “Nah ... I think the trainers, they are not teachers, so why do I expect them to teach English? They are not trained teachers, finish.”
- **Respondent 4:** “It was not enough 'cause they don't teach us how to put the words, they just teach us how to write the statement. If I remember very well there was no subject specifically for these things.”
- **Respondent 10:** “No, they did not train to be teachers.”

From both studies elaborated on above, it is evident that the training received by police officers is insufficient in terms of the full range of skills they require for the job. The issue is that members of the public who are not fluent in English have to sign sworn statements produced by police officers who are not fluent in English, and who have received no training to boost their abilities. In such cases, linguistic errors in the sworn statements are likely to go unnoticed. An officer may interpret specific parts of the complainants' statement incorrectly, inaccurately

paraphrase a complainant's words, or simply opt to exclude facts that they deem too complicated to capture in writing. Even if an interpreter is present at the trial, the problem will not be rectified since the faulty written statement will contradict the complainant's oral testimony, raising questions about the facts and the credibility of the witness.

The current study therefore shines a spotlight on the issue of quality and content in the SAPS training programme, with its deficiencies clearly affecting the perception of truth when inaccurate or contradictory statements are read out in court. The lack of language training in the SAPS training course, and the language barrier experienced by trainees during general training, may well contribute to the occurrence of linguistic errors in translations of sworn statements. It seems that the training is flawed and that the flaws negatively affect police officers, and ultimately have negative consequences for civilians and their right to justice.

2.4. The South African Police Service Act of 1995

The language barriers experienced during South African Police Service training and the consequential impact on translation of statements may be attributed to the flawed policies and regulations that are meant to regulate and control the organisation. According to Section 24 of the South African Police Services Act No. 68 of 1995, "The Minister may make regulations regarding- (a) the exercising of policing powers and the performance by members of their duties and functions." The purpose of the regulations is to ensure better service delivery and to allow corrections of particular police members, so the regulations are upheld (South African Police Service Discipline Regulations, 1996). The Minister may regulate the performance of duties and functions by police officers; however, if this regulation were applied amidst better service delivery, poorly translated sworn statements, such as the one made in the Van Breda case mentioned in Chapter 1, would not occur – or would be dealt with to prevent re-occurrence. The lack of action to rectify a problem that is currently widespread suggests that the Minister does not detect improperly translated statements as an injustice or problem in the service, which is a problem in itself. By going against the Act intended to regulate it, SAPS perpetuates injustices to South Africans and their right to access to justice.

In addition, according to Section 24 of the South African Police Services Act No. 68 of 1995, "The Minister may make regulations regarding – 45 (g) (ii) conduct by members that will constitute misconduct." The code of conduct of the South African Police Service holds all

South African Police Service employees accountable for particular work responsibilities. According to the code of conduct, members of the SAPS are expected to “uphold the Constitution and the law”, “render a responsible and effective service of high quality which is accessible to every person and continuously strive towards improving this service” and “uphold and protect the fundamental rights of every person”. It is evident that the code of conduct is being disregarded or overlooked by the members of SAPS, as they are failing to uphold the Constitution, render responsible and effective service of high quality, improve the service and uphold and protect the rights of every person – as was shown in the case of *S v Henri Christovan Breda* 2018 SA (SS 17/16).

The injunction to uphold the Constitution, render responsible and effective service of high quality and improve service is being broken by South African police officers who produce poorly translated sworn statements as a result of their own inadequate grasp of English and the poor to non-existent training they received with respect to language. Poorly translated statements affect the reliability and truthfulness of a complaint, especially if the sworn statement is ambiguous or differs in content to the individual’s verbal testimony in court. This constitutes a miscarriage of justice. It shows that the service being provided by SAPS is in fact not of high quality and that no improvement has been made by means of training these police officers to the necessary high standard.

The fundamental right of every South African which is currently not being protected by SAPS and the State at large is therefore the language and linguistic right. Botha (2021) notes that the terms “language rights” and “linguistic rights” refer to human rights that affect language preferences and language use by government institutions, people and other entities. Linguistic rights are a set of obligations placed on government employees to use specific languages in specific situations and not to interfere with the linguistic choices and expressions of private parties. These include the need to acknowledge or promote the use of minorities' or indigenous peoples' languages (Gogolin & Oeter, 2012). A number of sections of the 1996 South African Constitution deal explicitly with the protection of languages and linguistic rights.

SAPS continually undermines these rights by allowing untrained officers to translate complainants’ sworn statements into English. The translated statement must be read and signed by the complainant who, in so doing, agrees that what has been written reflects what they said. According to Alexander (2023), 9,6% of the population speak English as a home language. The

other 90,4% of South Africans speak one of the other 10 official languages as their home language. It is important to note that African language speakers' English proficiency is often low or non-existent (Ralarala, 2014). Therefore, to make an African language speaker sign an English translated sworn statement produced by an undertrained police officer is unjust, as their proficiency might be low, making their chances of identifying errors in the statement extremely slim.

According to Section 24(1) of the South African Police Service Act, 1995 (Act No. 88 of 1995), the Minister of Police has responsibility for upholding the regulations in the South African Police Service Discipline Regulations Schedule. According to Regulation 5(1) in the schedule, "Employee conduct that shall warrant disciplinary action is listed in regulation 5(3)." According to Regulation 5(3), "An employee will be guilty of misconduct if he or she - (aa) gives a false statement or evidence in the execution of his or her duties; (bb) falsifies records or any other documentation." In the translation process of sworn statements, additions and omissions can be made, where, for instance, a police officer adds an extra piece of information that was not stated by the complainant or excludes something important that was stated by the complainant. Additions or omissions in an official sworn statement can lead to the statement being "falsified" if the translated statement is inconsistent with the original statement made by the complainant. The continued production of statements that are, in effect, falsified could very well be considered ongoing misconduct. The misconduct may not be intentionally committed by the police officer and therefore the police officer cannot be fully blamed; rather, the blame lies with those who implement these regulations and policies.

It is evident that the South African Police Service Act and regulations set in place by the State are not being followed or monitored, which is apparent in their lack of action to rectify or acknowledge the problem. These policies and regulations are put in place in order to provide for the establishment, organisation, regulation and control of the South African Police Service and for the good of the people. The State's disregard for compliance with the South African Police Service Act and regulations continues to force marginalised speakers of African languages to bear the brunt of the consequences. They are at the mercy of improperly trained police officers who are meant to render effective services of high quality. In reality, they may be producing translations of sworn statements riddled with errors, ultimately resulting in a miscarriage of justice. This study aims to provide evidence to support the claims made above.

2.5. Independent Police Investigative Directorate Language Policy of 2016

An additional policy set in place by the state is the 2016 Independent Police Investigative Directorate (IPID) language policy. The IPID language policy provides a framework and guidelines for language use within the South African Police Services (SAPS). The objectives of the IPID language policy (2016:3) is to:

- To promote the equitable use of the 11 official languages;
- To **promote multilingualism** and respect for all languages used in the country, including South African Sign Language;
- To promote previously marginalised official indigenous languages;
- To **support, develop and sustain multilingualism** within Provincial Offices of the Independent Police Investigative Directorate in their communication and interaction with the public; and
- To protect language diversity **and promote respect for multilingualism and unity.**

Evidently, this policy aims to promote multilingualism as it is mentioned three times in the objectives. Additionally, this policy aims to “promote the equitable use of the 11 official languages.” The contradiction lies in the fact that while the policy aims to promote multilingualism and the equitable use of the 11 official languages in South Africa, it also designates English as the language of record. By giving English the status as the language of record, it may inadvertently downplay the importance of other official languages and marginalize their use in official police procedures.

This contradiction can be problematic when it comes to accurate police translations of sworn statements. The promotion of multilingualism suggests that the SAPS should have the capability to effectively communicate with citizens in their preferred language, including during the translation of sworn statements from African languages to English. However, designating English as the language of record might lead to situations where the proficiency of police officers in other official languages could be insufficient, leading to linguistic errors in the translation process. The policy's objective to promote previously marginalized official indigenous languages is also contradictory if the SAPS primarily relies on English for official documentation. It could inadvertently perpetuate the marginalization of certain languages and their speakers within the police services.

Concerns regarding this policy and its promotion of multilingualism, has been expressed by Dave Stewart, the chairman of the FW de Klerk Foundation. According to Stewart (2023) the foundation is deeply concerned about claims that Lieutenant-General, Thembisile Patekile, the head of the South African Police Service (SAPS) in the Western Cape, has issued an order mandating the use of English in all A-1 statements at police stations in the province. People commonly fill out A-1 statements when reporting crimes to police stations. This is a clear violation of Section 6(3)(a) of the Constitution, which states that the national and provincial administrations "must use at least two official languages." The languages chosen by the government must take into account the needs and preferences of the province's population (Stewart, 2023). Afrikaans is by far the most widely spoken language in the Western Cape and must be one of at least two national languages used by provincial and national departments in the Western Cape, including the South African Police Service. General Patekile's failure to recognize this fundamental constitutional requirement may be attributed to his apparent ignorance of the requirements of the 2012 Use of Official Languages Act (UOLA).

The issues raised by Dave Stewart concerning the exclusive use of English in A-1 statements and the contradictions of the IPID language policy, directly align with the research questions and objectives of this study. It emphasizes the significance of respecting and promoting multilingualism in South Africa, in a state where English remains the only language of record.

2.6. An overview of sworn statements

Even though regulations and policies are in place to provide for the establishment, organisation, regulation and control of the South African Police Service for the good of the people, the lack of compliance with these regulations and policies means that the quality of translations, and hence the accuracy and reliability of sworn statements, cannot be relied upon. For this reason, it is important to have a clear understanding of what a sworn statement entails and its significance in the legal system.

Law is a linguistic matter and therefore sworn statements and record construction occupy a central place in the criminal justice system. A statement is a verbal explanation of events and evidence that relates to the crime committed, as explained by Tsotetsi (2019). According to Ralarala (2015), members of the public are obliged to rely only on police officers, who aid them in writing their sworn statements using pen and paper, with the goal of gathering evidence

for court proceedings in a language that the court will accept – in this case, English. The police officer leads the encounter, which ends in the compilation of a hand-written translated sworn statement (in English). As mentioned by Komter (2019), the primary component of the police report is the complainant's statement, which is surrounded by various texts that serve to turn the police report into official evidence. The fact that the reports are written down by police officers who are bound by their oath of office adds to the reports' factual significance. The translated text of the complainant's statement is intended to provide readers with information about what was said during the police interrogation.

According to Ralarala (2016), a sworn statement is "anatomical", meaning that the various parts must be related in some way for them to make sense and have meaning. The pre-statement session refers to the scenario of the complainant verbally describing the events of the crime to the police officer and how they occurred. The police officer leads this conversation by asking relevant questions relating to the crime (Ralarala, 2015). Once the police officer has all the relevant information about the crime, a translated English version of events described in the pre-statement is written by the police officer. This final written translated version is referred to as the sworn statement. As a result, the pre-statement taking sessions begin with a lengthy "chat" and the relating of a narrative. The latter serves as an introduction and feeds into the "commencement" portion of the sworn statement itself. The pre-statement taking session progresses from the beginning stages into the actual crime narrative, or the "core," before leading to the "close" phase (Ralarala, 2016). The context of the incident is established in the introduction, with particular attention paid to the period of time and the events leading up to the unlawful act. The core provides a thorough narrative of the criminal action, including a description of the crime scene and the participants, as well as the complete incident that ultimately qualifies as a crime. The closing paragraph outlines the actions that were taken after the incident.

Rock (2001) gives a more nuanced perspective of the statement-taking process. Rock (2001) notes that there are four versions that might constitute the foundation of a statement. The first version is called "the witness's offer". This occurs, with little assistance from the interviewer (the police officer), when the witness describes the incident. Version 2 is referred to as "co-construction". Here, the interviewer asks about the occasion, setting and actors. The witness rarely introduces topics, and mostly gives replies to queries that range substantially in length. This version most closely mirrors the process generally referred to as interviewing. Detailed

notes are also taken during this stage. During “note taking”, known as Version 3, the interviewer relays the information back to the witness, who either confirms the accuracy of the information or suggests corrections. In addition, the statement-taker may ask for more information on a few key issues at this stage. Version 3 of the statement text, which appears to be the first version, is written based on notes collected during Version 2 of the interview. The final version is called “text construction.” Here, the interviewer now reads aloud a draft of the statement. He builds the written text phrase by phrase and reads it aloud as he writes or prepares to write each one, implicitly demanding the witness's approval each time and usually obtaining it. Therefore, this version is equivalent to the final statement.

Statements offer the fundamental framework guiding the course of an investigation, the choice of defendants, and the choice of the crime with which the defendant will be charged (Heaton-Armstrong & Wolchover, 1999, cited in Ralarala, 2014). They make it possible for the case to be prosecuted and defended cogently and for the trial to be overseen fairly, providing an early guide of the structure of the evidence. The maintenance of original accounts, however, is their primary purpose. They serve three purposes. First, they offer a narrative structure so that witnesses can refresh their memories about the order of events. Second, they provide a text that may be used to compare consistency claims made during the trial. Third, they offer a documentary account that, in extreme cases, may be read out at trial in place of live testimony (Ralarala, 2014).

The Western worldview upon which the South African criminal justice system is built has unintended negative effects for those people and groups whose English ability is poor or non-existent (Ralarala, 2014). The dominance of English in the judiciary is proof of this, and exacerbates inaccessibility, even though the Constitution states that all 11 languages have equal status and should be used in all official domains, including the legal domain (Ralarala, 2014). Concerns about human and language rights in a democracy are directly impacted by the continued use of English solely, at the expense of African languages, in the official business of the criminal justice system. The human rights component of democracy will always be fanciful if the Constitutional requirement is not upheld and we do not reconsider the ways in which police records are constructed.

The process of giving a sworn statement is an essential component of the administration of criminal justice, often initiating the court process (Ralarala, 2014). The South African Police system of statement-taking could be considered “archaic”, in that sworn statements compiled

between transpreters and complainants/suspects/witnesses are still recorded by hand, irrespective of the seriousness of the crime. The danger of this method is that it opens the possibility that this important evidence may be tampered with, since the sworn statement produced by transpreters has greater authority and official status than complainants, suspects' or witnesses' narratives when evidence is heard in the court of law (Ralarala, 2014).

According to Ralarala (2015), the pre-statement session may influence or leak into the official statement and result in distortions of what the complainant actually said in the note taking and text construction part of the process. Critically, the resulting misinterpretation may have implications for witnesses, as important legal decisions will be made based on the contents of this statement (Ralarala, 2015).

2.7. Interlingual and intralingual translations of narrative texts

While sworn statements require accurate translation, narrative texts may also require both interlingual and intralingual translation to convey their intended meaning to a wider audience. Translation is the process of converting the meaning of a first-language text into a second-language text (Wongranu, 2017). As translation is an interpretive process rather than a simple message transfer from one language to another, the translator must capture the whole meaning of the spoken language in a methodical and precise manner. The rendering of a message or information from one language (the source language) into another language (the target language) is referred to as translation. To put it another way, translation is the process of establishing semantic or meaning equivalency between a source language text and a target language text (Lewandowska-Tomaszczyk, 2014). Translation is a time-consuming process that involves analysing, translating and communicating a message. In the translation process errors may be made. According to Wongranu (2017), a translator has to interpret a source text and then put it into another language, adhering to the meaning, style and purpose of the source text. This requires proficiency in both languages, as well as specialised and cultural knowledge. The translator may be less proficient in one language than the other, which can result in errors (Wongranu, 2017). Translation errors may be the result of many factors, such as lack of comprehension or misuse of words, so there are many classifications or types of error.

Given the complexity of translation, it is clear that in the legal context, this activity is an example of a language event in which language, translation, narrative, power, law and criminal justice are all interrelated (Harding & Ralarala, 2017). Ralarala and Lesch (2022) assert that

the translation of a sworn statement must be preceded by an investigative interviewing session between the transpreter and the complainant, since this collaborative and narrative exchange serves as the foundation for the creation of a comprehensive sworn statement. Such translational efforts take place between English and African languages and between Afrikaans and English in the South African setting. This is an example of interlingual translation. According to Mirzayeva (2017), interlingual translation is the process of translating one language into another language. Intralingual translation, on the other hand, often known as rewording, is the act of translating within a single language, explaining an event using only words from the one language (Mirzayeva, 2017). Intralingual translation takes place between English and English, or Afrikaans and Afrikaans (Ralarala & Lesch, 2022). An example of an instance of intralingual translation would occur when a complainant gives their verbal testimony in English and the police officer has to translate (or reword) the verbal statement to a written English statement.

The process of creating a sworn statements may involve interlingual translation errors resulting from incompetence or lack of ethics on the part of the transpreter. This can ultimately result in incarceration and incrimination for the complainant or accused. Errors may also creep in when the sworn statement involves intralingual translation, as was the case in the Henri van Breda case, mentioned in Chapter 1. The fact that the translation of the accused's sworn statement was from English to English did not stop linguistic errors and inaccuracies from appearing in the text created by the transpreter. However, despite the accused's claims in court that the written statement was inaccurate, the errors did not exonerate him of the crimes, as he was found guilty of all three counts of murder.

Linguistic errors tend to be made in the process of record construction and in sworn statements. In a study conducted by Ralarala and Lesch (2022), it was found that linguistic errors may interfere with the intended meaning of the complainant insofar as the oral narrative is concerned (the source text). They also create the possibility that the target text will be misinterpreted, a situation that could have adverse consequences for concerned witnesses, as the readers have access to the target text at the point that important legal decisions have to be made.

2.8. Translations of complainants' sworn statements

Sworn statements from the public are regularly translated in South Africa, primarily from African languages into English, and then used as evidence in court proceedings (Geldenhuys 2001). Given this context, it is important to take into account the South African language situation, and to recognise that some linguistic complexity arises from having 11 official languages. The situation is made more difficult by the fact that English proficiency among many speakers of African languages is either non-existent or very low (Ralarala, 2014).

However, in South Africa, the official language of record is still English. This is a problem, and the reality of the circumstance is intolerable in a democratic South Africa. The continual disregard for South Africa's linguistic diversity and multilingualism in the legal system endangers the equality of every person's capacity to not only communicate but also be heard in their own language (Kaschula & Ralarala 2004; Ralarala, 2013). In other words, while contact between transpreters and witnesses (complainants/suspects) may occur in a language that is mutually understood (often an African language), the sole officially recognised record of what is said must be handwritten in English. These translated versions are intended to facilitate access for English speaking judges, magistrates and prosecutors during courtroom hearings (Ralarala, 2014)

With this understanding in mind, the problem escalates as the complainant places their trust in police officers who often lack the ability to accurately translate sworn statements into the official language of record. The transpreter's responsibility is to accurately translate the incident that the complaint describes and put that information on paper so that the courts may understand it. To clarify, the police officer simultaneously translates the verbal account of events from the pre-statement to written language, and an African language to English – a double act of translation. This certainly makes the task more complex. Although complainants rely on police officers to recount their story, they assume responsibility by signing the statement and acknowledging that the narrative is an accurate depiction of events. They do this even though their original verbal statement may have been quite altered through interlingual translation. The model of record construction and sworn statement compilation that takes the form of translation continues to present a challenge to the administration of justice (Ralarala & Lesch, 2022).

Errors made by transpreters during the translation process of the sworn statement as a result of being undertrained and having low levels of proficiency in English have been shown to have

major implications. In a study conducted by Ralarala (2016), a police statement was allegedly falsified; as a result, the translated statement was inconsistent with the verbal isiXhosa statement made by the witness. Despite these discrepancies and mistakes, the English translated version was given official validity and supremacy by the final readers (judges and prosecutors), and the accused individual was ultimately found guilty. The written statement used contained grammatical errors that resulted from the transpreter's inability to create sentences that are appropriate for record construction.

Moreover, Ralarala (2016) found that in the above case, the transpreters' inability to understand the complainant's intended meaning, let alone the actual meaning conveyed by the words the complainant used, shows the transpreter's lack of linguistic proficiency in both English and isiXhosa, as evidenced in inappropriate code mixing, word order, and use of slang. In addition, Ralarala (2016) found that another error made during the translation process was the addition and omission of information. The authenticity of the original narrative is compromised by frequent serious omissions and distortions in the transpreters' translated narrative. The strength and significance of a case will be impacted by the intentional or unintentional exclusion of crucial material. The inclusion of the transpreter's own additions in the translated version also has significant implications for a case, as these additions are not part of the narrative given by the complainant.

Ralarala (2016) essentially finds that mistranslation has two detrimental effects: One is that it changes the content and, as a result, distorts the original statement's authenticity, whether intentionally or not. Second, if a case ultimately goes to trial, it may be viewed as one of those cases that are based on "alleged verbals", in which the witness denies the accusation in court on the grounds that a police record was falsified. Since the translated sworn statement is available to the real readership when significant legal choices have to be made, the resulting misinterpretation could have adverse effects for concerned witnesses. This study intends to uncover further implications of errors in translations of sworn statements.

2.9. Distinction between an error and a mistake

Understanding the distinction between an error and a mistake in the context of linguistics is crucial to this research, as it allows us to differentiate between errors that are due to linguistic competence and those that are due to performance factors.

2.9.1. Error

The term error is used to describe something that is incorrect. An error, according to Cuc, Nonh and Thin (2019), is a linguistic form or combination of forms that, in the same context and under comparable production conditions, would most likely not be articulated by native speakers of a language. Wood (2017) adds that errors are the result of interference caused by the conventions of the speaker's home language. An individual applies the rules and systems of language of their mother tongue to the target language, which results in errors.

2.9.2. Mistake

According to Fang and Xue-Mei (2007), a mistake is a performance problem that occurs when a known system is not used correctly. Wood (2017) believed that making a mistake was linked to either physical factors (such as tiredness) or psychological factors (such as strong emotions). In addition, Corder (1967) links mistakes with first-language speakers, rather than second-language learners attempting to grasp a target language.

2.10. Errors in translation

Clarifying the distinction between an error and a mistake is important in the field of translation, as the distinction helps one to identify and analyse the different types of errors and mistakes that can occur during the translation process. An error is a language error caused by a speaker or writer breaking the rules or grammar. According to Rahmatillah (2016), the majority of translation errors are caused by a lack of equivalence between the source and target languages. However, good translators with extensive knowledge and linguistic expertise of both the source and target languages know how to deal with them; hence, errors might indicate what is going on in the translator's thinking. A translation error, according to Ali (2020), is a violation of a norm in a language interaction situation. We may conclude from the definitions of translation errors that there are many aspects to translating, which involves not only the ability to create a meaningful text, but also a knowledge of the culture and the conditions in which the text may be used. According to Na (2004), the differences between translation errors and mistakes that might naturally be made when one speaks a native language is what makes translation errors intriguing. Working with a source text causes errors in translation because of the influence of the morphology of the source language; a speaker of a second language may produce something spontaneously where their native morphological system interferes with their expression of the second language system. In the case of second language speakers, it might be difficult to

distinguish translation errors from linguistic errors, which are relatively common to second language learners (Na, 2004).

2.11. Classification of errors

Given the importance of translation accuracy, it is crucial that one understands the different types of error that can occur in translation. There is a need to examine the classification of errors in order to properly identify and address errors made in a text. Rahmatillah (2016) mentions that there are four types of translation error:

- *Pragmatic errors*: Inadequate answers to pragmatic translation challenges, such as a lack of receiver orientation;
- *Cultural errors*: Made as a result of a poor decision about the reproduction or adaptation of culture-specific practices;
- *Linguistic errors*: Faults in language structures, made as a result poor translation.
- *Text-specific translation errors*: These errors are associated with a text-specific translation difficulty and, like the corresponding translation problems, may usually be assessed from a functional or pragmatic standpoint.

Of the four types of error which can occur in translation, linguistic errors are the focus of this study. According to Titi (2021), errors might occur in various elements of the language. This shows that errors are not all the same, and that they may be categorised based on their form. Corder (1973) classified errors into three categories, namely, pre-systematic, systematic and post systematic, as follows:

- *Pre-systematic errors* are errors made when the individual is not knowledgeable about a specific rule in the target language.
- *Systematic errors* are usually made when the individual has acquired an inaccurate rule.
- *Post-systematic errors* are usually made when a known rule in the target language is inconsistently used by the individual.

According to Touchie (1986: 76–77), language learning errors extend to all components of language: phonological, morphological, lexical and syntactic. This author explains these errors as follows:

- *Phonological errors* are made when a learner is unable to differentiate between morphemes.

- *Morphological errors* are made when a learner uses a wrong form of plural, e.g. “womans” instead of “women”.
- *Lexical errors* are made when an inappropriate direct translation is applied, “based on the learner’s native language or the application of wrong lexical items in the second language”.
- *Syntactic errors* are made when a learner arranges words in an incorrect order in the sentence. These may also include the incorrect application of subject-verb agreement and resumptive pronouns.

2.11.1. Surface strategy taxonomy

According to Ummah and Setiawan (2018), the surface structure of a text changes according to the surface strategy taxonomy. The aspects of a language's surface strategy are changed in a methodical and particular way. Addition, omission, misinformation and disordering are some of the most common breakdowns in surface strategy.

- *Addition*: The inclusion of an item that is not grammatical in English characterises an addition error. There are three different types of addition error:
 - *Double marking error*: Occurs when two or more items in a sentence have the same feature. For example: “My father doesn’t goes to the office this morning, because he is sick” (“doesn’t” and “goes” are the same feature for simple present tense). The correct form of that sentence is: “My father didn’t go to the office this morning, because he is sick.”
 - *Regularisation error*: For several members of a class, there are exceptions to the norm in English. For example, the verb “eats” has a past form of “ate” rather than “eated”, and the word “sheep” has a plural form of “sheep” rather than “sheeps”. When writers apply the rules of regular words in a class to irregular words in the class, they make a regularisation error.
 - *Simple marking error*: This is any word or language usage that should not be in a well-formed sentence and that is not a double-marking or regularisation error.
- **Omission**: Omission errors are distinguished by the lack of an item that ought to appear according to grammatical standards. Omissions occur in a wider range than morphemes. The writer may omit noun and verb inflections in this error (e.g., the –s in the plural form of birds, the -ed in looked, the –ing in cooking, and so on). For instance:
 - I bought three doll for my daughter. (Omission of –s for plural form of dolls)

- I study Math last night. (Omission of –ed for inflectional verb studied).

2.11.2. Spelling errors

A spelling error is defined as a mistake in the commonly recognised spelling of a word. Agriani, Nababan and Djatmika (2018) mention that spelling is an essential component of writing and an important feature of language knowledge. To put it another way, spelling is essential for both reading and writing the language. Poor spelling can make it difficult for the writer and the reader to communicate. According to Agriani et al (2018), irregularities in pronunciation, as well as disparities in the numbers and combinations of letters used to represent English sounds, characterise English spelling rules.

2.11.3. Grammatical errors

A grammatical error is made when a writer uses improper grammar. According to Hancock (2005), grammar is an essential meaning builder of a language, governing the arrangement of words to produce meaning. According to Amando (2008), there has always been a belief that breaking grammatical or structural rules is equivalent to making a mistake – that an error is inaccurate and, as a result, a terrible thing, by definition. A good translation clearly transmits meaning, leaving no room for confusion about the message. Umman and Setiawan (2018) concur that grammar is a component of language that must be present for a translation to be successful and understandable. Observing the rules of grammar is one of the most crucial parts of translating. The primary goal of translation is to provide an equivalent message to the original text or spoken words, and the use of correct grammar has an impact on the meaning or message of the translated text. If grammar faults are incorporated in the translation, the reader will receive a confusing, ambiguous or conflicting message. The messages may well be unacceptable and incomprehensible to the reader.

2.11.4. Syntax errors

According to Silalahi, Rafli and Rasyid (2018), a syntactic error is an error made while converting the source language into the target language in terms of comparable syntactic elements, such as subject–verb agreement, noun phrases, adjective phrases, adverbial phrases and verb phrases. When writers are dealing with constructs larger than words, they make syntactic errors. This group of errors occurs when writers have difficulty constructing a phrase, clause or sentence. The use of improper modification, lack of parallelism, strange word order,

and incorrect noun phrase structures are all examples of errors in this area. The error becomes more problematic if faulty syntax alters or distorts the meaning.

2.11.5. Punctuation errors

A punctuation error is the incorrect or improper use of punctuation in a sentence (Dewi, 2017). According to Mogahed and Poe (2012), correct punctuation is essential in the interpretation of a text. Its careless use leads to misinterpretation of the text and, as a result, incorrect translation. Punctuation marks are integral parts of writing and help with decoding and encoding meanings in the translation process. Wang (2018), states that punctuation is an essential aspect of discourse analysis, since it gives a semantic indication of the relationship between sentences and clauses, which may vary according to languages. Punctuation plays a crucial role in creating textual cohesiveness and coherence, according to Wang (2018).

2.11.6. Semantic errors

A semantic error is a violation of the rules of meaning in a natural language. Any mistranslation of words, whether of a single word, of collocations or of idioms, is referred to as a semantic error (Jassim, 2016). According to Frawley (2013), semantics is the study of the links between words and how humans derive meaning from them.

As the basic goal of translation is to convey meaning, a study of the notion of meaning is essential. Windiari (n.d.) states that semantics is the field of linguistics that focuses on meaning. As may be seen, semantics plays a critical part in translation. People may interpret words in a variety of ways and derive multiple meanings from them, with unintended meanings possible from semantic errors made in the translation process. For example, the literal translation of a sworn statement may result in an untruthful statement which was not intended by the complainant. This illustrates how different associated and conceptual meanings may be drawn from a text by a reader.

2.11.7. Lexical errors

Words are combined to form sentences in a lexical pattern. According Manurung, Sinambela and Pakpahan (2015), in learning a language, a distinction is frequently made between grammar and lexical study. For meaning to emerge, it is not sufficient just to join words; it is also necessary to assess whether the combination is meaningful. An example of a lexical error is as

follows; “only one was can place your bed.” The sentence is unclear because it violates the language's syntactic rule. There is a lexical error in the sentence. The correct sentence should read: “Your bed was only for one person.” (Manurung et al, 2015).

2.11.8. Interlingual errors

Shaffer (2005) posits that interlingual errors are analogous to mistakes made by a second language student translating ideas from his or her native tongue. The semantic structure of these L2 errors will be similar to that of equivalent words or sentences in the learner's L1. This means that learners compose sentences in their second language using the norms and knowledge of their first language. Shaffer (2005), adds that this may occur when the second language is used prematurely owing to the pressure to perform in the second language; in most cases, the second language learner is much more exposed in an environment where the second language is used only partially.

2.12. Causes of linguistic errors

The types of linguistic error that may occur during translation are identified and classified above; what follows is an examination of the causes of these linguistic errors. Various language researchers have attributed language errors to causes such as limited linguistic competence, limited reading, language change, the interference of other languages, and personal attitudes that form a barrier to learning.

2.12.1 Macro factors

Linguistic errors may have various causes rooted in different levels of language processing, which in turn may be a product of various macro factors. In the following discussion, I examine the macro factors in detail, discussing their effect on the occurrence of linguistic errors.

2.12.2. Linguistic competence

Before one can understand the notion of linguistic competence, one needs to understand the term “translation competence”. Translation competence may be supported by comprehension – not only of meaning, but also of the entire range of translation-related knowledge, such as understanding of the subject domain, the linguistic genre and the purpose of the source text, along with management of time constraints and creativity (Pietrzak, 2015). Language competence is the fundamental skill required of a translator. Someone who does not speak or

understand a language fully is unable to translate a text from one language to another (Asiri & Metwally, 2020). Translation competence, according to Asiri and Metwally (2020), is the capacity to create a text series making use of more than one plausible term for a term used in the source texts. The ability to choose only one target text from this series to propose as a replacement for the source text demonstrates the translator's competency. Translation competence cannot be attained unless a translator has good linguistic knowledge as well as cultural knowledge of the source language (SL) and the target language (TL) (Asiri & Metwally, 2020).

A person with limited linguistic competence may struggle with vocabulary selection, word order, verb tenses, and sentence structure. These challenges can lead to errors such as incorrect word usage, grammatical mistakes, or awkward sentence constructions. If a person is not fully competent in the language used in the sworn statement, they may struggle to accurately convey their intended meaning, resulting in errors in sentence structure and the use of idiomatic expressions. Linguistic competence also influences spelling and punctuation accuracy. Lack of familiarity with spelling rules and punctuation conventions can lead to mistakes such as misspellings, punctuation errors, or incorrect capitalisation, which can affect the clarity and credibility of the statement. When linguistic competence is significantly low, the likelihood of errors in the sworn statement increases, which can impact the accuracy and credibility of the information provided.

2.12.3. Pragmatic competence

Choraih, Loutfi and Mansoor (2016) define pragmatics as the study of language from the perspective of users, particularly with regard to the decisions they make, the limitations they face when using language in social interaction, and the effects that their use of language has on other participants in the communication process. A popular notion in the field of pragmatics is that pragmatic ability means being able to see further than the literal meaning of what is said or written, in order to obtain the original intent (Roever, 2009). According to Retnowaty (2017), pragmatic competence is a target language communication skill that seeks to use target language characteristics to establish and respond to intended meaning. In addition, Wyner and Cohen (2015) expand on the notion by defining pragmatic competence as knowledge of how to use language to achieve goals in language interaction; or, put differently, competence of language interaction in a sociocultural context. As a result, pragmatic competence may be defined as the knowledge and skill of how language is used appropriately in specific contexts

in sociocultural environments. Failure to attain any one of these elements results in pragmatic failure. Pragmatic failure refers to a situation where a receiver of a message is incapable of comprehending what is being stated because of errors made on the part of the sender (Thomas, 1983). Lu (2019) demonstrated the role of pragmatic competence in translation and claimed that the inability to grasp and/or convey pragmatic meaning is the root cause of miscommunication and errors. Pragmatic competence is vital in ensuring the appropriateness, clarity, and effectiveness of a sworn statement. A lack of pragmatic competence can lead to linguistic errors that affect the overall quality, accuracy, and reception of the statement in a legal context.

2.12.4. Contextual meaning

Brata (2017) states that contextual meaning is the choice of social meaning made by the translator from the meaning potential outside of the text, based on the translator's preferences when conveying the social, interpersonal meaning to the intended reader. According to Idlibi (2018), the meaning of a single utterance varies according to the context. The context determines the meaning intended by an utterance, and contextual factors determine whether or not the use of an utterance is suitable for a given situation. Because translation involves interpretation of one language and the usage of another, context has always been a major worry for translators (Idlibi, 2018). Speech and language are guided by a vast scope of contextual factors, such as social and physical circumstances, participants' identities, attitudes and beliefs, the use of irony, and many other factors. Furthermore, Idlibi (2018) adds that pragmaticists assert that these factors have a significant effect on the meaning of an utterance; they influence the act of creating an utterance and enable the creation of a specific interpretation of it. In fact, in some cases, it is impossible to interpret a portion of a conversation without knowing the exact context in which it occurred.

According to Idlibi (2018), the context includes the speaker's identity, the audience, the time and place of the utterance, the identification of any noted or salient objects, the previous discourse, and anything else that is required for meaning making. According to Soumia (2017), context is crucial in translation because it explains the use of words and expressions in the text being translated. Ijioma (2017) mentions that every language has its own way of expressing itself. Some expressions take on a particular meaning in one context and a different meaning in another; many have both connotative and denotative meanings. To transmit this meaning, a translator must comprehend both the linguistic and extralinguistic aspects of both languages.

A strong awareness of context is critical for optimal translation results (Ijioma, 2017). Contextual meaning plays a significant role in the occurrence of linguistic errors in a sworn statement. Errors can arise when individuals fail to accurately understand and apply the appropriate meaning within the specific context of the statement. This includes understanding the legal terminology, adhering to the formal language required, and conveying information accurately and precisely. Failure to grasp the contextual meaning can result in inaccuracies, misinterpretations, or the use of inappropriate language, which can undermine the effectiveness and credibility of the sworn statement.

2.12.5. Lexical ambiguities

According to Boyarskaya (2019), ambiguity means that one sign has at least two distinct meanings. It is inherent in language and speech. Translation ambiguity arises when a word in one language may be translated into another language in more than one way (Tokowicz & Degani, 2010). In their everyday work, translators encounter the obstacle of ambiguity and its resolution because ambiguity is inherent in human communication, despite being frequently characterised as a challenge. According to Boyarskaya (2019), unlike many general language users who are uninformed about the possibility of ambiguity, translators must consider how to deal with the problem of the simultaneous existence of two (or more) discrete senses or two (or more) possible interpretations when rendering meaning in intralingual and interlingual translation. Lexical ambiguity is the most prevalent but also the most difficult form of ambiguity. Lexical ambiguity occurs when words have multiple meanings and thus multiple translations across languages (Tokowicz, 2014). The English word "bark", for example, means both the outer layer of a tree and the sound made by a dog; these two meanings for the translation of the word are unlikely to appear in another language. In resolving ambiguities, translators will usually consider all the words surrounding the difficult word or phrase, which act as pointers to intended meaning. They will also, of course, consider context, as the subject area or setting in which the original text was produced will have a bearing on which meaning of two possible meanings was intended. When individuals encounter lexical ambiguities and misinterpret the intended meaning, it can result in linguistic errors in the statement. Such errors may include selecting an incorrect meaning of a word, using a word inappropriately or failing to provide clear and precise information.

2.12.6. Legal jargon

Sofyan and Rosa (2021) state that owing to its highly specialised vocabulary and unique structure, legal translation frequently presents difficulties to translators, particularly inexperienced translators. According to Murici (2016), problems in legal translations are primarily based on differences in legal cultures and legal systems, because legal language has evolved to meet the demands of the legal system in which it is expressed. According to Gotti (2016), legal translation is particularly difficult because of the culturally charged nature of legal discourse, and also because of the requirement for formal communication between equally authoritative versions of the same text. Translating legal texts entails transferring legal information from one language and culture to another, while taking into account differences in legal systems and the intent of the translation. As a result, the translator must go through a conceptual analysis process in order to identify and assess the most significant differences between the source and target legal systems. Because each translation is treated as a separate task, errors will accumulate as the text is translated multiple times (DeMatte, Gerter, Shibaike, Bloodgood, n.d.). When individuals are unfamiliar with or have limited knowledge of legal jargon, it increases the likelihood of linguistic errors in sworn statements. Errors can include the incorrect use or interpretation of legal terminology, the misuse of specific phrases, or the failure to convey precise legal concepts. Misunderstanding or misusing legal jargon can lead to inaccuracies, confusion, or the misrepresentation of information within the sworn statement.

2.13. Micro factors

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In addition to the macro-level factors that contribute to linguistic errors in translation, micro-level factors also play a role. These micro-level factors are often related to the individual translator/interpreter. This section examines the ways in which micro-level factors can affect the accuracy and quality of translations.

2.13.1. Attitude

Personal attitude, as explained by Titi (2021), may explain why a person does not perfect the use of a language, and will affect how the individual uses a language, both spoken and written. Owu-Ewie and Edu-Buandoh (2014: 6) refers to language attitude as “the feelings people have about their own language or the language of others”. A biased or negative attitude towards a language can lead to a lack of understanding or appreciation for certain nuances in the text, resulting in inaccurate translations. Therefore, it is essential for translators to approach their

work with a neutral and open-minded attitude, carefully considering the context and intent of the original text and striving for the highest level of accuracy in their translations.

2.13.2. Carelessness

Wongranu (2017) states that another source of errors is carelessness. Users of a language may make two types of careless errors: misreading, and allowing the interference of background knowledge. Misreading occurs frequently when words are spelled similarly and a reader is hurrying, and therefore does not pay close attention. Background knowledge interference may distort a reader's perceptions of what they read, or the choices they make when writing. Carelessness can occur because of a lack of motivation or interest in the task, or as a result of being overworked or having unrealistic deadlines (Wongranu, 2017). Even small, careless mistakes can have serious consequences, causing miscommunication or misunderstandings between parties that may have a negative effect. Therefore, it is important for translators to take their work seriously and ensure that they give their full attention to the task at hand, in order to produce accurate and high-quality translations.

2.13.3. Low self-confidence

Translation errors may also be caused by a lack of confidence (Wongranu, 2017). When a translator lacks confidence in their language skills, they may second-guess their abilities and produce translations that are hesitant and unclear. This can lead to mistakes, omissions and other errors that may compromise the accuracy and quality of the translation. In addition, low self-confidence can lead to a lack of assertiveness in asking for clarification or feedback, which can further contribute to errors and inaccuracies.

2.13.4. Mother tongue and intralingual interference

Mother tongue interference may be seen when translators employ a word-for-word translation technique for English collocations, or construct English word groups or sentences based on a direct translation (Wongranu, 2017). Intralingual errors arise during the second language acquisition process when the learners have not yet fully mastered the language. For example, an individual is still learning the English language and is unable to translate effectively from English to English. This is the transfer of negative items within the target language. In other words, incorrect rule generalisation inside the target language. Intralingual interference causes a deviate form of language because of conflicting information about the target language. This

has been found to be a major cause of translation errors. The translator might mistakenly assume rules in English based on their knowledge of their more known language.

2.13.5. Idiolects in second language English

Idiolects in second language English can significantly contribute to linguistic errors in sworn statements. According to Kuhl (2003) an idiolect is a composite of the Greek words *idios* ('one's own') and *lektos* ('selected expression or word'). It is defined most broadly as an individual speaker's language use, which necessarily incorporates all aspects of an individual's specific speech habits, patterns, and mannerisms. It refers to the unique language variety of an individual, which is shaped by their personal background, upbringing, and linguistic experiences (Kuhl, 2003). When police officers acquire English as a second language, they may incorporate their idiosyncratic language features into their speech and writing. Different police officers may use different vocabulary and word choices based on their idiolects. Certain words or expressions may have specific regional or cultural meanings, leading to misunderstandings or inaccuracies during translation. Idiolectal differences can influence grammar and sentence structure in English. Police officers may use unconventional sentence constructions or grammar patterns that could cause confusion or ambiguity in the translation process.

2.14. Implications of errors

Given the wide range of causes of linguistic errors in translation, it is important to consider the potential implications of these errors. Legal text translation is considered the most difficult translation process because it requires absolute accuracy in a context where even slight errors may result in lawsuits and legal exposure. This section sheds light on the implications of existing practices for access to justice in the South African criminal justice system.

2.14.1. Implications for the accused

2.14.1.1. Incarceration

According to Prinsloo, Alberts and Mollema (2015:135), cited in Ralarala and Rodrigues (2019), incarceration is “the confinement, detainment, jailing, or imprisonment of an individual”. If a statement obtained during the police interviewing process contains errors, the accused or alleged perpetrator may face serious consequences, including incarceration. The police officer may inaccurately translate the sworn statement made by the complainant,

resulting in a false narrative of the events of the crime, which may ultimately lead to or contribute to an individual's undeserved incarceration, or a longer sentence than is appropriate for the circumstances. A faulty translation may also have the opposite result, allowing a perpetrator to get away with a crime as a result of loss of information, or alteration of information, in the translated sworn statement.

2.14.1.2. Incrimination

Prinsloo et al (2015), cited in Ralarala and Rodrigues (2019), describe incrimination succinctly as an accusation of the commission of a particular crime with the intent to connect the accused with the crime. During the police translation process, errors which may result because of police undertraining may lead to the translated version of the sworn statement being quite different from the statement actually given. This is because the translated version is usually a summary of what the person has said, from which much important information may be omitted. Moreover, the inability of police officers to translate correctly may introduce grammatical, semantic, lexical, punctual and structural errors into the statement and thereby cause ambiguity and confusion, which can ultimately lead to implicating the accused or worsening the perception of the crime.

2.14.2. Implications for the complainant

According to Mvabaza (2018), correct and thorough sworn witness statements allow court officials to follow and oversee the evidence given and, if needed, to ask for explanations. Statements also help the prosecutor determine whether or not the witness is consistent in their portrayal of events. In the case of an incorrectly translated sworn statement being used in court, a complainant may be accused of giving verbal testimony that is inconsistent with their sworn statement, which can lead to the case being thrown out. This might be an injustice to the complainant, who fails to obtain justice because of an incorrect and or imprecise translation.

2.14.2.1. Miscarriage of justice

Ultimately, the above situations may be described as miscarriages of justice. According to Nobles and Schiff (2012), a miscarriage of justice may be defined in a variety of ways. In its broadest sense, the term means an inability to achieve justice. A miscarriage of criminal justice is a grossly unfair outcome in a judicial proceeding, such as when a defendant is found guilty despite a shortage of evidence for an important component of the crime (Bohm, 2005). Wrongful charges, indictments and sentences all constitute a miscarriage of justice. Police,

other law enforcement officials, attorneys, prosecutors and judges may commit unintentional or accidental miscarriages of justice (Bohm, 2005). These may result from the implications of linguistic errors made in the translations of sworn statements. In such cases, the complainant or the accused must bear the consequences of a highly flawed language system in the court of law.

2.14.2.2 Right to a fair trial

As mentioned by Namakula (2019), the duty of South African courts to ensure a fair trial is contingent on language guarantees. Language dynamics in democratic South Africa are linked to challenging historical realities that necessitate long-term holistic interventions. The judiciary is grappling with the task of mainstreaming all 11 official languages, which necessitates high standards of judicial interpreting. Namakula (2019) adds that the process jeopardises the courts' core mandate; evidence is distorted or lost in translation, court processes are delayed, and legal representation is put at risk. Leach (2019) states that Section 35(3) of the Constitution specifically and implicitly recognises the right to use one's language of choice and the right to access procedural justice. The emphasis here is on Section 35(3) (k). A fair trial requires effective communication through language and/or interpretation or translation. According to Bambust, Kruger and Kruger (2012), the disadvantages of translation are evident in court proceedings, where a subtle turn of phrase may be interpreted differently by a judge – or police officer – from the way intended by the speaker. The right to a fair trial would be infringed upon in the case of linguistic errors in the translated version of a sworn statement if a judge detects inconsistencies and irregularities between the translated statement and the complainant's verbal testimony in court.

2.15. Summary of the chapter

The reviewed studies reveal that the lack of compliance with language policies and regulations set in place by the State can have detrimental consequences for South African citizens. These policies are meant to protect all languages and all people, and their disregard further marginalises many African language speakers who are already marginalised by a range of socio-economic factors. Furthermore, a review of Ralarala's work unveils that errors made in translations of sworn statements may affect the meaning intended by a complainant, essentially distorting the complainant's words. Critically, the resulting misinterpretation may have implications for witnesses. Among issues that have emerged, it is clear that mistranslation has

two negative implications: first, it alters the content and impairs the original statement's credibility as a result, and second, if a case ends up in court, the accused or any witness might refute the charge on the basis that a police record was falsified. Such circumstances can result in cases being thrown out of court, or of accused persons receiving sentences that are not deserved – or of avoiding punishment where it is deserved.

Ultimately, the literature review has revealed that the current research which seeks to examine linguistic errors in complainants' translations of sworn statements is indispensable, given the lack of in-depth studies on this phenomenon in the South African context. The majority of the reviewed studies focused on errors and error analysis in the learning environment. There is a dearth of literature on linguistic errors in sworn statements. Therefore, the current study intends to fill this gap, making use of insights provided by the reviewed literature. In the following chapter, the analytical and theoretical frameworks of the study will be outlined.



CHAPTER 3

THEORETICAL AND ANALYTICAL FRAMEWORKS

3.1. Introduction

The study focuses on the analysis of linguistic errors in translated sworn statements made by police officers. The study employs two key frameworks: Critical Discourse Analysis (CDA) and Error Analysis (EA). The theoretical framework of CDA provides a lens through which to view and understand the social, political and cultural factors that influence language use, while EA provides a systematic approach to identifying, categorising and explaining linguistic errors. These frameworks are used in combination to analyse the linguistic errors in the translated versions of sworn statements made by police officers, and to understand the broader implications of these errors in the context of the legal system. The use of CDA and EA in this study offers a unique perspective on the complex and multifaceted nature of language and its role in shaping social and political power dynamics. Through this analysis, the study sheds light on the challenges faced by police officers in producing accurate and reliable sworn statements and highlights the need for increased language training.

3.2 The theoretical framework of the study

A theoretical framework in research is a set of interrelated concepts, definitions and propositions that explain or predict a phenomenon or set of phenomena (Lederman & Lederman, 2015). It provides a theoretical lens through which the researcher may view and understand the research problem, and serves as a foundation for developing hypotheses or research questions. The theoretical framework is typically based on existing theories or models in the field and is used to guide the research process. According to Lederman and Lederman (2015), it helps to identify the key variables, factors or components that are relevant to the phenomenon under investigation, and to reveal how they are related to each other. CDA is a multidisciplinary approach that draws on a variety of theoretical perspectives and methods, including linguistics, sociology, anthropology and political science. It provides a critical lens through which to view and analyse language use in social and political contexts, with a focus on power relations. As a theoretical framework, CDA provides a broad perspective on language use and its social and political implications. It is used to guide research by shaping the questions asked, and in this study provides a basis for understanding the findings.

3.2.1. Critical Discourse Analysis (CDA)

The term "discourse" originates from the Latin word *discursus*, which means conversation or speech (Akpati & Adegboye, 2022). There is no widely accepted definition among linguists of the term. Some view it as referring to texts, while others see it as encompassing spoken language. "Discourse" typically refers to a continuous stretch of language that is larger than a sentence and constitutes a coherent unit, such as a sermon, argument, joke or story. Fairclough (1992) views discourse as a form of social practice and discourse analysis as the study of how language functions in society. He places an emphasis on language as a social practice, rather than just a social phenomenon. According to Fairclough (1992), discourse may be analysed based on three aspects: whether it is spoken or written, the interactions between people during production and interpretation, and the role of discourse in social action. Akpati and Adegboye (2022) propose a three-step process for comprehending discourse: understanding the societal factors that led to the creation of a text and how these influence interpretation; examining how the production and interpretation of texts affect other texts; and finally, evaluating the outcome of the previous two stages.

Discourse analysis is the study of language use and its relationship with context. In discourse analysis, language and context are considered intertwined, with context shaping the meaning and function of language (Akpati & Adegboye, 2022). The focus of discourse analysis is the language used by native speakers, both orally and in writing. It also aims to identify the linguistic and cultural features that make up different genres, so that one may understand and interpret them. Essentially, discourse analysis is a branch of applied linguistics that looks at how patterns in communication arise from the circumstances in which they occur, and how these patterns cannot be fully understood only by examining grammar (Akpati & Adegboye, 2022).

Critical Discourse Analysis, on the other hand, as described by Van Dijk (1995), has become a term for a unique approach to the study of text and speech that emerged from critical linguistics, critical semiotics, and, more broadly, a socio-politically conscious and oppositional way of examining language, discourse and communication. All levels and aspects of discourse, such as grammar (syntax and semantics), style, rhetoric, speech acts and so on, may be examined in CDA studies (Machin & Mayr, 2012). CDA focuses on group power, dominance, and inequality, as well as the ways in which these are perpetuated or contested by members of social groups through text and speech. Much of CDA's work centres on the underlying ideas

that contribute to the reproduction of, or opposition to, dominance and inequality. Regarding discursively enacted group dominance or a group's underlying ideology, CDA aims to discover, unveil or disclose what is implicit, hidden or otherwise not readily apparent. The goal of CDA, according to Machin and Mayr (2012), is to establish how and why linguistic features are formed, and what possible ideological aims they may fulfil. As a result, the types of power interests buried in texts are unveiled.

Fairclough (2001), viewing language as a social practice, proposed a three-dimensional framework for analysing discourse, which takes the social context of the discourse into account. The three dimensions are text, interaction and context. Fairclough (2001) uses this framework to illustrate the connection between text and social practice, and the ways in which they are mediated by discourse practice.

The first dimension, text, refers to both spoken and written discourse. Texts are the outcome of production and are also the resources for interpretation (Fairclough, 1989; 2001). Corresponding to this dimension is the description stage, "which is concerned with formal properties of the text" (Fairclough, 2001: 21). When analysing a text, the analyst looks at the linguistic choices that the participants have made, which include linguistic features such as vocabulary, grammar, cohesion and text structure (Blommaert, 2005).

In essence, CDA is a multidisciplinary approach to the study of discourse that aims to examine the ways in which power relations are constituted and maintained through language and discourse.

In this study, CDA is useful in the following ways:

- CDA draws attention to the need to analyse language use in its specific context in order to uncover hidden power relations and biases, and to examine the ways in which language is used to construct and maintain social inequalities and dominant ideologies.
- CDA creates a useful framework for exploring the relationships between language, society and power.
- CDA provides insights on the ways in which discourse shapes our perceptions and understandings of the world.

- CDA helps the researcher to identify the discursive strategies that are used to legitimise or challenge social and political practices and policies.

3.2.2. Tenets of CDA

According to Amoussou and Allagbe (2018), any research project that claims to follow the CDA paradigm must meet a few essential requirements. Fairclough and Wodak (1999:271-280) also laid down the key principles or underlying assumptions of CDA, as follows:

- CDA addresses social problems.
- Power relations are discursive.
- Discourse constitutes society and culture.
- Discourse performs ideological work.
- Discourse is historical.
- The link between text and society is mediated.
- Discourse analysis is interpretative and explanatory.
- Discourse is a form of social action.

3.2.3. The relevance of CDA to this study

According to Van Dijk (1993), social power is the result of having privileged access to socially valued resources, such as wealth, income, position, status, force, group membership, education, and knowledge. Control over others is a crucial element of power, with (members of) one group having control over (members of) other groups. This control may extend to action and cognition, whereby a powerful group may limit the freedom of action of others and also influence their minds (Van Dijk, 1993). The use of force to directly control action is one form of power, but modern and often more effective power is mostly cognitive, and enacted by persuasion, dissimulation or manipulation, among other strategic ways to change the minds of others in one's own interests. Van Dijk (1993) adds that it is at this juncture that discourse and Critical Discourse Analysis (CDA) are useful, given that managing the minds of others is fundamentally a function of text and talk. It is essential to note that such “mind management” is not always overtly manipulative. On the contrary, Van Dijk (1993) notes that dominance may be enacted and reproduced by subtle, routine, everyday forms of text and talk that appear natural and quite acceptable. Therefore, CDA needs to focus on the discursive strategies that legitimise control, or otherwise naturalise the social order, especially relations of inequality.

Power and dominance are usually organised and institutionalised, and the social dominance of particular groups is not enacted only by those groups and their members (Van Dijk, 1993); it may also be supported or condoned by other groups, sanctioned by the courts, legitimised by laws, enforced by the police, and ideologically sustained and reproduced by the media and textbooks. This social, political and cultural organisation of dominance implies a hierarchy of power, with some members of dominant groups and organisations having a special role in planning, decision-making and control over the relations and processes of the enactment of power. Van Dijk (1993) notes that these smaller groups are referred to as the power elites.

An examination of the South African legal system reveals how power and dominance are institutionalised through language. Although the South African Constitution recognises 11 official languages as having equal importance, English is given precedence over the other 10 official languages in the courts of law. This indicates that the dominant group in South Africa, mostly comprising English home-language speakers, has control over the language used in legal proceedings, which reinforces the hierarchy of power that exists in society. This hierarchy of power is supported and maintained by the legal system, which gives preferential treatment to English, the language of the dominant group, over the other official languages.

This situation is an example of the social, political and cultural organisation of dominance that CDA identifies. It shows how power is enacted and reproduced through language – in this case, through the use of English in courts of law. The dominance of the English language is not simply a matter of individual choice or preference; it is supported by legal and institutional practices.

Moreover, the failure of the legal system to be inclusive of a multilingual society and the miscarriage of justice that results from this reinforces the power and control of the dominant group. The language policies and regulations that are put in place to protect the linguistic rights of South African citizens are not being implemented properly, with this failure to implement policies constituting in itself a miscarriage of justice. It also leads to specific instances of miscarriage of justice, as has been explained in Chapter 2. Thus power and control are not only enacted through the choice of language used in official contexts, but also through a failure to act ways that are inclusive and just.

Essentially, the South African legal system is an example of how power and dominance are institutionalised through language. The use of English in courts of law and the failure to be inclusive of a multilingual society reinforces the hierarchy of power that exists in South Africa and demonstrates how language is a powerful tool for maintaining this hierarchy.

While CDA provides a powerful framework for analysing the role of language in reinforcing societal power structures, it is important also to consider the strengths and potential drawbacks of this approach.

3.2.4. Strengths of Critical Discourse Analysis

According to Nguyen (2014), CDA makes notable contributions by adopting a problem-focused research approach and bringing to light crucial social issues. As a problem-focused approach, CDA prioritises social and political problems over linguistic issues, taking an interdisciplinary approach to provide comprehensive insights into the historical, political and social contexts of the problem under examination. This has drawn the attention of social activists and scholars from various fields seeking to understand society, explore the interconnection of social phenomena, and uncover the power structures and ideologies underlying discourse (Nguyen, 2014). Given the importance of these issues, CDA deserves attention and further strengthening. CDA combines discourse analysis techniques, principles, and tools with cultural and political contexts to uncover hidden power relations and ideological processes in linguistic texts, making it a theoretically significant framework for analysing significant issues (Nguyen, 2014). Moreover, as Wodak (1999:187) states, “CDA does not stop once it has analysed a problem. Rather, it attempts to intervene in social processes by proposing verbally and in writing possible changes that could be implemented.”

3.2.5. Weaknesses of Critical Discourse Analysis

While the strengths of CDA are evident, it is important to also consider the weaknesses of this approach to fully understand its limitations when it is used to analyse and interpret discourse. Wodak (1999) highlights an important issue in the field of CDA, which is the potential for subjective influence of the analyst on the analysis. The analyst's personal values, beliefs and political biases can have a significant effect on the way they approach and analyse discourse. This can lead to the selection of texts that support their preconceptions, resulting in an analysis that confirms their subjective views rather than providing an objective examination of the discourse. Furthermore, the analyst's subjective biases can also affect the meaning they

attribute to the discourse they are analysing, so that they shape it to fit their personal beliefs. Given the important social implications of CDA, it is crucial that analysts are aware of their own biases and take steps to minimise their influence on the analysis (Nguyen, 2014). This could involve being more critical and evidence-based in their approach and being transparent about the limitations of their analysis owing to their own bias. Another criticism of CDA is that it often fails to consider context. Some argue that CDA analysts impose their own presupposed context onto the discourse produced by the participants, rather than fully considering the interests and perspectives of the participants themselves. Furthermore, the analysis is often criticised for lacking an ethnographic basis, and for not making sufficient use of common sense (Blommaert, 2001).

3.2.6. The use of CDA in this study

While it is important to be mindful of the potential limitations of Critical Discourse Analysis (CDA), the strengths of this approach make it a valuable tool for analysing the language used in the current research. In this study, CDA is used to examine the ways in which language maintains and reproduces power relationships, particularly in cases where one language, such as English, is privileged over others. CDA provides a lens through which to analyse the language used by police officers in their translations, including their use of specific words, phrases and expressions, and the ways in which these reveal biases, omissions or manipulation of information. In this study, CDA also helped with examining the context in which the translations were made, as well as the relationship between the police officers, the complainants and larger societal power dynamics. This helped with uncovering the reasons for linguistic errors made in the translations, which is particularly important given the unequal treatment of languages in the South African legal system.

3.2.7. CDA as a macro-level tool of analysis

Building on the above discussion of my use of CDA in this research, it is important to note that CDA is often employed as a macro-level analytical tool, enabling researchers to examine the ways in which language reflects and reinforces broader societal power structures and ideologies. According to Keizer (2015), a macro-level strategy concentrates on the overall facets of society. A macro level of analysis examines the wide, protracted social events that affect how social groups are organised and placed within larger social structures. The description and justification of social reproduction and social change processes, examined from

an economic, social and cultural perspective, is the focus of macro approaches to social phenomena. A macro level of analysis is concerned with the overall social factors that are at play in human society, and the ways in which they manifest in social structures, institutions and societal, political and economic development.

Power, dominance and inequality between social groups are typically terms that belong to a macro level of analysis (Van Dijk, 1998). In South Africa, the use of English as the only language in legal situations has significant implications for complainants' access to justice and can result in miscarriages of justice. At the macro level, a CDA approach can reveal how language as an instrument promotes inequality and has a negative effect on society, especially when evidence gets lost in translation. The use of English as the sole language in courts of law in South Africa reflects a historical and cultural context in which English was imposed as a means of cultural domination during colonialism. As a result, English is often associated with cultural and linguistic superiority, which can marginalise non-English-speaking communities and reinforce existing power imbalances. The government exploits its own power in this situation.

The unequal status of languages in the administration of justice can result in a lack of access to justice for non-English speakers in South Africa. This may be attributed, among others, to inadequate training of police officers in translating sworn statements. The result is that non-English speakers are frequently unable to fully participate in legal proceedings and may be at a disadvantage in terms of protecting their legal rights and receiving a fair trial. This can lead to miscarriages of justice, where complainants' sworn statements are misrepresented or accused persons are wrongly convicted or incarcerated. (See Ralarala & Rodrigues, 2019, for a detailed account.)

The impact of a lack of access to justice for non-English speakers has broader societal implications. It can perpetuate existing power imbalances and contribute to a sense of social exclusion, alienation and inequality. Those who are unable to access legal services or protect their legal rights may be rendered more vulnerable to exploitation or abuse, which can have a negative impact on their quality of life. In addition, a lack of access to justice can undermine the legitimacy of the justice system itself, as it may be seen as biased or unfair by those who are excluded from it.

A CDA approach can help to identify the root causes of linguistic injustice in South Africa and can inform new strategies that address the linguistic inequalities in the administration of justice in the South African criminal justice system. The CDA-based analysis can bring these issues to light and, in so doing, help to ensure that complainants have full access to justice and protection of their legal rights. Such an outcome would be highly desirable in a country beset by many injustices and inequality.

3.3. The analytical framework of the study

An analytical framework in research is a structured approach for breaking down and examining a complex system or phenomenon. According to Pahl-Wostl (2015), it provides a systematic way to identify, categorise and analyse the different components of a phenomenon, and to understand how they are related to each other. An analytical framework typically involves a set of concepts, theories or models that are used to guide data analysis and interpretation (Pahl-Wostl, 2015).

Just as Critical Discourse Analysis provides a useful theoretical framework for examining the role of language in reinforcing societal power structures, Error Analysis (EA) as an analytical framework is useful for examining the accuracy of the ways in which language is used. EA provides a systematic approach to analysing language errors and is often used in second language acquisition research and language teaching contexts. EA provides a structured approach to analysing language errors, allowing for a systematic and rigorous analysis of language use. It is used to guide data analysis and interpretation and can provide insights into the underlying causes of language errors.

3.3.1. Error Analysis

Pit Corder is known as the founding father of EA. EA depicts the reality of a learner's linguistic development and may provide insight into the learning process. Nzama (2010) notes that Error Analysis is a subset of linguistic analysis that focuses on the mistakes that students (or others) make. It is based on a comparison of errors made in the target language (TL) and the TL itself. The study of the type and quantity of errors that occur, particularly in the domains of applied linguistics, is known as Error Analysis (Rustipa, 2011). EA is the methodical diagnosis of a non-native speaker's deviations from the rules of the target language with the goal of bringing

about constructive modifications to the pedagogy of the second language. It is concerned mostly with the bilingual person's linguistic deviation.

According to Corder (1974), Error Analysis is a branch of study that aims to confirm or refute psycholinguistic theories of transfer. This involves identifying and interpreting errors through careful examination, covering both overt and covert errors. This includes errors caused by interlingual transfer, as well as errors resulting from the communication setting and the method of learning. Corder (1974) states that error analysis involves examining the language usage of a bilingual person, identifying errors in their production of the target language. Many theorists posit that the errors made by bilinguals are a result of their blending their native language with their second language. There will inevitably be transfer errors when there are structural variations between the two languages. According to Ellis (1985), error analysis is a procedure that entails collecting a sample of the learner's language, identifying the errors in the sample, describing these errors, categorising them based on their hypothesised causes, and evaluating their seriousness.

Several studies (Ababneh, 2017; Darus & Subramaniam, 2009; Kambal, 1980; Khuwaileh & Al Shoumali, 2000; Lin, 2002; Mungungu, 2010; Scott & Tucker, 1977; Smith, 2001) have looked at linguistic errors made by English language learners. These studies show that English learners struggle with tenses, articles, prepositions, subject-verb agreement, spelling, punctuation, capitalisation, word order, word choice and so on (Hamed, 2018). To my knowledge, there are very few studies of linguistic errors found in police records of interviews and sworn statements. As a result, it is critical to use EA to analyse the most common forms of linguistic errors and the frequency with which they occur in the translation of complainants' sworn statements provided by police officers. This research is significant for training providers, who should be aware of the types of linguistic errors made by police officers. The current study is an attempt to fill a gap in the literature and will contribute to Forensic Linguistics research in South Africa.

3.3.2. EA as a micro-level tool of analysis

By acting as a framework for analysing the individual linguistic errors made by speakers or writers, Error Analysis fosters a nuanced and detailed analysis of language use at the micro level, complementing the macro-level analysis of language provided by Critical Discourse Analysis. Language use, discourse, verbal interaction and communication belong to the micro-

level of the social order. According to Keizer (2015), the micro-level approach to analysis is built on social interactions, since it is concerned with how people behave and interact with one another. A micro level of analysis focuses on smaller groups, patterns and trends, primarily at the community level and in the context of people's everyday lives and experiences.

At the micro level and in the context of the current study, an Error Analysis approach would involve examining individual instances of linguistic errors made by police officers in their translations. This might include analysing specific errors in grammar, vocabulary, syntax and punctuation, as well as identifying patterns or trends in the types of errors made. For example, Error Analysis might reveal that police officers frequently make errors when translating complex legal terms, or that they struggle with certain aspects of English grammar that are particularly challenging for non-native speakers. An Error Analysis approach provides a detailed picture of the specific linguistic challenges that police officers face when translating sworn statements.

Error Analysis can reveal several issues that potentially affect the veracity of a statement and, in turn, a complainant's case. If these errors are not identified and corrected, they could potentially affect the accuracy and reliability of the translated sworn statement, which could have negative consequences for the complainant's case. The police officer may not have a strong command of English, or may not be proficient in either the source or the target languages. This can lead to mistranslations or errors in understanding the nuances and cultural context, which could then result in inaccuracies or inconsistencies in the translated version.

3.3.3. Strengths of Error Analysis

Given its micro-level focus on language use, EA offers several strengths that make it a valuable tool for analysing linguistic errors. According to Gaddafi (n.d.), an examination of mistakes made by second language learners is crucial for successful language instruction and acquisition, which makes Error Analysis a vital component of the language learning process. This is because these errors can serve as a gauge of the student's understanding of the language being taught. In addition, the errors can give insight to an instructor on the learning strategies used by the student. The difficulties faced by the learner in acquiring the language can also be highlighted through the errors made. As a result, the teacher can prioritise and address these challenging areas and improve their teaching methods (Gaddafi, n.d.). By paying attention to

the errors, language teachers can devise effective strategies for error correction in the classroom. Error Analysis is a useful tool for enhancing writing proficiency. By identifying areas of weakness, those involved in language education can focus on these areas and use them as opportunities to address students' writing difficulties.

In addition, Gaddafi (n.d.) states that Error Analysis provides learners with feedback, allowing them to gauge their progress towards mastery of the target language. Essentially, Error Analysis acts as a reflection of the student's ability in acquiring the target language. Thus, one of the strengths of Error Analysis is its ability to provide valuable insights into the language learning process. By identifying and analysing errors, researchers may gain a better understanding of what learners know and what they are struggling with, which can inform language teaching methods and materials. Another strength of Error Analysis is its ability to highlight areas of difficulty in a particular language, which can help guide the development of more effective language teaching materials. In the context of this study, an identification of the linguistic errors made by police officers could help SAPS training providers to know the exact errors which occur in sworn statements and to adjust their teaching accordingly. At the very least, there needs to be a component that addresses basic language and translation skills, since this is such an everyday part of the life of police officers.

3.3.4. Weaknesses of Error Analysis

While Error Analysis has proven to be a valuable tool for identifying and addressing linguistic errors, it also has some notable weaknesses that need to be considered. Schachter (1974) notes that the limitations of Error Analysis include the need to examine both errors and non-errors to fully understand the learner's proficiency. Since error analysis focuses on the learner's output, important elements of their competence may not be evident, such as sentence structures they avoid. In addition, it may be difficult to accurately determine the structure the learner intended to produce (Schachter, 1974). The causes of errors may also not always be clear, and there may be multiple factors contributing to a single error. Some patterns of learner error may be attributed to the interference of their first language (L1), others to an inadequate grasp of their second language (L2), still others to the result of a combination factors relating to their L1 and L2. According to Na (2005), the insufficiency of explanatory capabilities constitutes a particular limitation of Error Analysis (EA).

Typically, an Error Analysis approach involves merely categorising errors based on their frequency of occurrence, instead of offering a comprehensive explanation for them. According to Na (2005), some errors are clearly evident; however, many errors are either a combination of grammatical and lexical mistakes or defy categorisation within linguistic parameters. Another limitation of Error Analysis is that it can be time consuming and labour intensive, as researchers must carefully examine and categorise large volumes of data. Furthermore, the interpretation of errors can be subjective and open to different interpretations, which can affect the validity of the results. In addition, the focus on errors could be seen as negative, and may not provide a complete picture of the language learner's abilities and progress.

In essence, Error Analysis is a valuable tool for understanding language learning, but it must be used in conjunction with other methods and approaches to provide a comprehensive picture of language acquisition. In this study, it is used in conjunction with Critical Discourse Analysis. The combination of approaches provides a balanced and comprehensive framework for understanding linguistic errors in statements and the implications of these errors.

3.3.5. The use of Error Analysis in this study

In addition to understanding the weaknesses and strengths of Error Analysis, it is important to consider its specific use in the context of a given study. Error Analysis (EA) is a suitable tool for uncovering linguistic errors in a sworn statement made by police officers in the multilingual South African context. EA involves identifying and categorising errors made by language learners or undertrained speakers in a specific language, in this case, English. In the context of sworn statements translated by undertrained police officers, EA may be used to identify and categorise specific linguistic errors made in the translation process. This information may then be used to address the shortcomings in police training and language proficiency, in an effort to ensure that future translations are accurate and free of errors. In addition, by creating a framework for examining the types of errors made by police officers in their translations, EA can provide insights into the specific challenges police officers face when translating from other languages into English, as well as the difficulties they experience in using the English language accurately. This can be valuable information for policymakers and language training providers, who can use it to address the linguistic challenges faced by police officers in their work and ensure that translations are of high quality.

By applying EA to sworn statements made by police officers, I was able to gain depth of understanding of the linguistic abilities of these officers and the impact of their linguistic errors on the accuracy and credibility of their statements. This information can then be used to improve language training for police officers. In addition, Error Analysis is relevant in this research because it examines errors made in various linguistic components. This includes grammar, syntax, semantics, lexis, spelling and so forth. Examining linguistic errors is the essential aim of this research. EA can be useful in uncovering linguistic errors in several ways:

- It helps to identify specific types of errors, such as grammatical, lexical or pronunciation errors.
- It helps to identify the frequency and distribution of errors in a statement, which can provide insights into the speaker's language proficiency.
- It allows some insight (although not complete) into the causes of the errors, such as interference from the speaker's first language or lack of exposure to the target language.
- It helps to determine the impact of the errors on the overall communicative effectiveness of the statement.

The analysis of data in this study is conducted according to the following EA procedure:

- selection of a sample of the sworn statement;
- identification of linguistic errors;
- explanation of linguistic errors;
- correction of linguistic errors;
- evaluation of frequency; and
- classification of errors.

3.4. Summary

Error Analysis and Critical Discourse Analysis are both useful tools for analysing linguistic errors, and in this study were combined to gain an in-depth understanding of the linguistic errors in translated sworn statements made by undertrained police officers. Each approach has its unique strengths and weaknesses. Critical Discourse Analysis goes beyond analysing linguistic errors and focuses on the ways in which language is used to maintain and reproduce power relationships. In the context of a sworn statement, CDA examines the language used by the police officer to reveal biases, omissions or manipulation of information. It also examines

the context in which the statement was made and the relationships between the police officer and the individuals mentioned in the statement.

Error Analysis, on the other hand, focuses specifically on identifying and categorising errors made by language learners or undertrained users of a specific language; in this case, English. This approach allows a detailed analysis of the specific linguistic challenges faced by the particular police officer, including grammatical errors, vocabulary limitations and difficulties with syntax. This information may be used to address the shortcomings in police training and language proficiency, so as to ensure that future translations are accurate and free of errors. Error Analysis was valuable in this study, as it helped yield answers to the research questions and achieve the objectives of the study, which included specifically identifying and enumerating errors made in translated sworn statements.

3.5. Conclusion

In this chapter, the analytical framework used in the study to analyse the data was discussed in some detail. By using the frameworks of Critical Discourse Analysis (CDA) and Error Analysis (EA), the study aimed to understand the impact of social, political and cultural factors on language use and the production of legal documents. The combination of CDA and EA in this research potentially showcases the intricate and multi-dimensional nature of language and its influence on power dynamics. Ultimately, the analytical framework used in the study provided data and insight on the crucial role of language proficiency in legal contexts and the necessity of language training for undertrained police officers. In the following chapter, the methodological underpinnings of the study will be outlined.

CHAPTER 4

RESEARCH METHODOLOGY

4.1. Introduction

The research methodology is a critical component of any research project, as it ensures that the research is conducted in a systematic and rigorous manner. This chapter presents the research approach employed, which consisted of a combination of qualitative and quantitative research methods, referred to as a mixed methodology. The chapter provides a comprehensive discussion of the data used, including its sources and the sample size. In addition, the chapter discusses secondary data analysis as a technique for data collection, discussing its advantages and disadvantages. The chapter aims to provide a clear and comprehensive description of the methodology used in the study and the rationale behind the chosen approach. It also seeks to establish the credibility and reliability of the data used and the techniques employed to analyse it.

4.2. Research approach

4.2.1. The qualitative approach

Jackson, Drummond and Camara (2007) assert that qualitative research focuses on comprehending people's intricately detailed experiences and their thoughts about those experiences. The qualitative researcher depends on the participants to provide in-depth answers to questions about how they have created or understood their experience, asking open-ended questions to elicit data. As a result of the depth and detail of the discussion that such data makes possible, this humanistic, interpretive approach is also known as "thick-descriptive". The Verstehen tradition of phenomenology and hermeneutics are the intellectual foundations of qualitative research. It includes all sorts of textual analyses, such as content, conversation, discourse and narrative analyses, as well as any form of social inquiry that largely relies on non-numeric data in the form of words (Jackson et al, 2007).

By characterising the intrinsic or fundamental qualities of social objects or human experiences, qualitative inquiry seeks to explain the meaning of human behaviour. The humanistic tradition is compatible with a variety of qualitative research techniques and methods for gathering

qualitative data (Jackson et al, 2007). In essence, qualitative content analysis involves conceptualising, interpreting or making sense of data by first segmenting it into categories that may be classified, then developing a pattern for the full data set by linking the categories to one another. The researcher looks at the goals or objectives of a narrative, how it is constructed and organised, and its beginning and ending. The narratives that are analysed are based on lived experiences, frequently recorded in biographies, autobiographies, memoirs, journals, interviews, life histories and journals. Palmer and Bolderston (2006) claim that qualitative approaches analyse human realities and experiences using words and descriptions that are written from the subject's perspective. A qualitative method may be used to reveal a phenomenon or trend. Qualitative researchers gather data directly from people, whether by observing them, interacting with them or interviewing them. Numerous characteristics of qualitative research are highlighted by Flick (2022), who makes the following points about qualitative research:

- Qualitative research is primarily text based.
- Qualitative research makes use of a spectrum of methods belonging to different approaches in order to answer different research questions.
- Attention is given to the perspective of the participants.
- Context is critical.
- Empathetic understanding, rather than “cause and effect”, is valued as the output of qualitative research.

4.2.2. Methods of data collection in qualitative research

In order to delve deeply into the subjective experiences of individuals and groups, qualitative researchers employ a variety of data collection methods. The term "method" describes the instruments, strategies and practices applied to produce data (Kaplan, 1964). Interviewing is a set of procedures used in qualitative research to collect data from people and/or groups, using organised, semi-structured or unstructured questioning forms. In general, semi- or unstructured, open-ended, informal interviewing is favoured because it gives the interviewer and respondent freedom, allowing reactivity to emergent themes (Kaplan, 1964). The precise methodological technique used will determine how the transcribed interviews are analysed, from the meticulous word-for-word transcription of conversation analysis to the more comprehensive thematic analysis of ethnographic interviews. During the data gathering

process, interviews are frequently combined with additional methods for data collection, such as focus groups, case studies, ethnography and/or participant observation.

Vaughan (1992) states that the case study technique for data collection is another strategy that may be used in qualitative research; the technique is time-consuming, but is preferred in situations where the following apply: First, the researcher may wish to provide "how" or "why" answers. Second, the researcher may have limited influence on the contemporary real-life context to be researched; and third, case studies may be ideal when the lines separating the context and the phenomena of interest are hazy. Analytic generalisation, which is also known as theoretical elaboration, is a sort of generalisation made when a researcher uses a specific set of circumstances, such as a case, as evidence to clarify, challenge, support or elaborate on a concept, model or theory. The example, however, is never viewed or presented as a conclusive test of the idea (Vaughan, 1992).

Fieldwork is conducted through participant observation, which differs from the aforementioned methods of data gathering in that it is the way in which an ethnographer gets to know a culture (Wolcott, 1995). Participant observation calls for a researcher to spend time in a place, participate in the daily activities of the subjects being studied, and record observed actions as directly as possible in the form of fieldnotes. The phrase "fieldwork" refers to all the tasks one does while physically present with a particular cultural group, including listening, observing, speaking, recording, translating and addressing practical, moral and political concerns. The typical approach used in fieldwork is participant observation, while alternative case studies and co-participative inquiries such as life histories, oral histories, action research and others also include features of fieldwork (Wolcott, 1995).

4.2.3. The use of the qualitative approach in this study

Given the unique insights that qualitative research can offer, the qualitative approach was ideal for use in this study as it allowed for an in-depth understanding of the linguistic errors that occur in the five sworn statements under analysis. The experiences and perspectives of both complainants and police officers involved in the translation process were explored. This provided insights into the specific linguistic errors that occurred, as well as the reasons for these errors. The qualitative approach was suited to examining the context in which linguistic errors occurred. By exploring the specific circumstances in which translation occurs, such as time constraints or lack of training, I was able to identify the various factors that contribute to

errors. Thus the qualitative approach yielded the kind of information that could inform a well-designed training course for police officers that might help them reduce the incidence of linguistic errors in the future. In doing so, the analysis reflects the experiences and needs of those who are most affected by linguistic errors in sworn statements. Overall, a qualitative approach provided a nuanced and contextualised understanding of the linguistic errors that occur in sworn statements made by police officers. This understanding can help inform policy and training initiatives aimed at reducing linguistic errors in the criminal justice system and improving the accuracy and fairness of legal proceedings. The qualitative approach thus yielded rich, detailed and descriptive insights about the linguistic errors found in the sworn statements in this study.

4.2.4. The quantitative approach

While qualitative research can provide valuable insights into the subjective experiences of individuals and groups through rich descriptions, quantitative research offers complementary data. With the use of a quantitative approach, data is uncovered and presented in the form of numbers. Quantitative research analysis is “crunching numbers” and determining what those numbers signify in terms of addressing the research questions using statistics (Elkatawneh, 2016). The task of the quantitative researcher is to figure out how variables are related. Elkatawneh (2016) adds that quantitative research is often deductive, relying on existing theories and facts to help generate research questions and determine how data should be collected and processed. The final report of quantitative research is precise and presented in the form of statistics.

In particular, the quantitative research approach focuses on the quantification and analysis of variables in order to generate results (Leedy & Ormrod, 2001). This method involves an analysis of numerical data using specific statistical techniques to answer questions related to who, how much, what, where, when, how many and how. To elaborate on this definition, Apuke (2017) describes quantitative research methods as an approach that seeks to explain an issue or phenomenon through data in numerical form and an analysis of it using mathematical methods, particularly statistics.

Teddlie and Tashakkori (2009) characterise quantitative methods as techniques that involve the gathering, analysis, interpretation and presentation of numerical information. With this research approach, research questions serve as a guiding force, directing the investigation to

uncover unknown aspects of a phenomenon of interest, which are presented in numerical form. In quantitative data analysis, numerical data is analysed using techniques that aim to provide simple descriptions of the phenomenon of interest, and to identify significant differences between groups or variables.

4.2.5. The use of the quantitative approach in this study

In this study, the use of numerical data allowed me to accurately measure the degree to which linguistic errors alter the original sworn statements made by complainants (thus helping to answer Research Question 3). Using statistical techniques, I analyse the frequency and types of linguistic errors that occur, as well as the magnitude of their impact on the veracity of the statement, presenting these in the form of tables. By using a quantitative approach, I was able to systematically identify and count the number of errors, which provided a clear understanding of the extent and severity of the issue.

Second, the quantitative approach helped me to examine the effects of linguistic errors on the notion of access to justice (thus helping to answer Research Question 2). By measuring the occurrence and impact of linguistic errors on statements made by complainants, I was able to draw conclusions about whether these errors hindered the ability of complainants to access justice, and the extent to which they could contribute to unfair outcomes.

Lastly, the quantitative approach helped to determine how often linguistic errors occurred in translated statements (thus helping to answer Research Question 4). By collecting numerical data on the frequency of these errors, I was able to draw conclusions about the prevalence of the problem and the need for interventions to address it.

Overall, the quantitative approach provided precise, quantitative insights that informed the conclusions of this study, and form a useful basis for policy makers who may wish to improve the training of police officers on the basis of hard data.

4.3. The mixed-methods approach

This research uses a mixed method approach, being both qualitative and quantitative in nature. A combination of both these methods was ideal for the objectives of the study, with each method compensating for the weaknesses of the other. For example, data arising from the

qualitative phase could be built on in the quantitative phase, as recommended by Strauss and Corbin (1990). Dawadi, Shrestha and Giri (2021) state that the mixed-methods approach has the greatest chance of answering research questions.

Teddlie and Tashakkori (2009) define mixed-methods research as a research design that combines qualitative and quantitative approaches to address various research questions, collect and analyse data, integrate findings, and draw inferences in a single study or programme of inquiry. The mixed-methods approach has the potential to address both confirmatory and exploratory research questions through the use of both qualitative and quantitative methods, and can thereby generate and verify theory within one study (Teddlie & Tashakkori, 2009). By combining methods, mixed-methods research has the potential to produce better or stronger inferences and conclusions, offsetting the disadvantages that certain methods have when used alone.

When in-depth interviews are used alongside mailed questionnaires, for example, one method provides greater depth while the other provides greater breadth. The use of mixed methods may result in divergent findings, which can lead to a re-examination of the conceptual frameworks and underlying assumptions of the two components and may ultimately lead to the transformation of data types, inference quality audits and the design of a new study or phase for further investigation. Although mixed-methods research is a strength because it allows for diversity of ideas, the convergence of ideas that comes through developing bridges between diverse conceptualisations of mixed methods can be a challenge to the researcher.

In this study, the combination of the two approaches was especially valuable. The qualitative approach helped to yield in-depth insights into the context of the linguistic errors made and the reasons for them. The quantitative approach, on the other hand, was used to analyse the frequency of linguistic errors made by police officers in their sworn statements. It provided numerical data to measure and compare the frequency of errors, identify patterns and trends, and draw conclusions based on statistical analysis. This approach provided objective and empirical evidence to support the findings. Therefore, the quantitative approach builds on to the findings of the qualitative approach. Had either of these two methods been used alone, the validity and reliability of the research findings might have been weaker than they are. By making use of both qualitative and quantitative methods, I was able to produce a more robust

and well-rounded study that addresses the complex issues surrounding linguistic errors in sworn statements.

4.4. Data

This study is based on secondary data from ongoing research on police interviewing and sworn statements carried out in the Western Cape in selected police stations (Ralarala, 2013). The data was kindly provided by the project leader and main supervisor of the current study and belongs to a bigger data set. The data under analysis in this study has not been used for a similar analysis. Specifically, the study draws from 20 voice-recorded and 20 textual translation narratives of sworn statements, some of which were used for analytical purposes. The data under analysis is presented in the form of a table consisting of two columns. The column of the left displays the transcribed pre-statement which was recorded only for the purpose of the study. This column shows the discussion of events between the complainant and police officer in isiXhosa, including a translation in English. In the real scenario, this discussion is not recorded, transcribed or translated. This column displays everything that was said during the chat between the complainant and police officer as well as any interruptions made by other police officers or individuals. The column on the right displays the translated English sworn statement which was written by the police officer. The pre-statement is analysed in conjunction with the sworn statement to pick up on inconsistencies between what was said by the complainant in pre-statement compared to what the police officer has written in the sworn statement which contributes to linguistic errors.

Ethical clearance for the original study was obtained from both the South African National Police Commissioner and the Western Cape Provincial Commissioner's Office. For the purpose of this study, five sworn statements that display linguistics errors were analysed; each of these is representative of the sorts of errors encountered in all 20 of the original texts. For purposes of ethical clearance and consideration, the exact names, locations, dates and times surrounding the language event have not been mentioned and no names of language users have been used.

4.5. Sample size

The sample of this study consists of five sworn statements. The data is sufficiently detailed, since the selected excerpts contain enough words to allow a clear and detailed analysis. The

total number of pages of the sample was 126. Table 2 below shows the number of words used for each analysis, as well as the total number of words.

Table 2: Number of words under analysis

Statement number	Pre-statement	Sworn statement
Statement 1	2560	260
Statement 2	3270	263
Statement 3	1300	134
Statement 4	4812	217
Statement 5	2147	252
TOTAL	14 089	1126

4.6. Secondary data analysis (SDA)

This research analyses secondary data provided by the supervisor of the study, as stated above.

Johnston (2014: 620) defines secondary data analysis (SDA) as

... an investigation to learn what is already known and what remains to be learned about a topic through reviewing secondary sources and investigations others have previously conducted in the specified area of interest. Secondary data analysis takes this one step further, including a review of previously collected data in the area of interest.

Thus, any data set not acquired by the author is considered secondary data. Researchers are increasingly relying on existing data, and SDA is becoming more common. Secondary data is any data gathered by a party unrelated to the research study, gathered for another reason and at a different time (Chivaka, 2018). Punch (2005) defines it as the reanalysis of previously collected and analysed data, while Bryman (2004) characterises it as the analysis of data by researchers who were not involved in its original collection. Reason and Bradbury (2001) similarly define it as the analysis of data by anyone other than those who were responsible for its original commissioning. William (2003) concurs with this definition, stating that secondary data analysis refers to research findings based on data collected by others. Despite some differences in these definitions, they all agree that secondary data analysis involves using data collected by others as the source of analysis. According to Castle (2003), since sample sizes are often substantial enough to allow a researcher to make valid inferences, SDA might be

advantageous for descriptive research. Descriptive studies are used to portray or give an account of a specific person, event or group under certain circumstances in order to uncover new meaning, ascertain how frequently something occurs, and categorise information.

Johnston (2014) proposes a process for working with secondary data. The process begins with the development of the research questions; then the identification of the dataset, and then thorough evaluation of the dataset to make sure it is appropriate for the study topic. It must show promise in terms of satisfying basic research needs, such as answering the research questions. The fact that the data are already available in some form has the advantage that they can be reviewed for appropriateness and quality before actual usage (Johnston, 2014). It is critical that the secondary researcher has access to sufficient primary research documentation.

The secondary data used in this study belongs to a larger set of primary data collected by my supervisor for a purpose other than the one I wished to investigate. Specifically, I wanted to analyse linguistic errors in translated versions of sworn statements made by undertrained police officers. Once my research questions were determined, I selected five sworn statements of the 20 statements from the primary data, which was sufficient to form a basis for analysis. The specific data drawn from the larger data set were deemed ideal for answering my research questions and attaining the objectives of the study, thus reinforcing the notion that secondary data was appropriate for this study. The selected secondary data yielded new knowledge on the new field of Forensic Linguistics in South Africa, and fills a gap in the area of linguistic errors in sworn statements.

4.6.1. Advantages of using SDA

Johnston (2014) states that secondary data analysis offers several advantages that contribute to its popularity as a research method. One significant benefit is the cost-effectiveness and convenience it provides, as the researcher does not have to allocate financial resources towards data collection, since the data has already been gathered. This allows access to larger, higher quality data sets than might have been possible through the gathering of primary data; such data sets might include those collected by funded studies or agencies, which often contain a more representative sample of the target population and produce findings that are more generalisable and valid (Johnston, 2014). Therefore, secondary data presents opportunities for all researchers, regardless of their funding status or level of experience, thereby equalising research opportunities and building capacity for empirical research.

Furthermore, the use of existing data sets can accelerate the pace of research, since it eliminates some of the most time-consuming aspects of a typical research project, such as measurement development and data collection (Doolan & Froelicher, 2009). In rapidly changing research areas, such as information technology, using existing data enables researchers to complete projects and produce findings much faster than might otherwise be possible, which ensures that the new knowledge is not outdated before it is published. Moreover, Doolan and Froelicher (2009) assert that SDA also offers many opportunities for furthering research through replication, re-analysis and re-interpretation of existing research. This allows researchers to test new ideas, theories, frameworks and research designs, thereby contributing to the development of new knowledge in the field.

4.6.2. Disadvantages of SDA

Despite the advantages of secondary data analysis, limitations do exist. According to Boslaugh (2007), one significant drawback of secondary data is the inherent features of the data itself. Since the data was not gathered specifically to address the current research enquiries, certain desirable details in the data may not have been collected. In addition, it is possible that the data may not have been collected in the geographical area in which a researcher wishes to examine a phenomenon, or during the time frame they might have preferred, or on the particular population that is the focus of the researcher's attention. Regardless, researchers must work with the data that is available rather than what they wish had been collected (Boslaugh, 2007).

A second significant limitation of secondary data is that the analyst lacks participation in the planning and execution of the data collection process, which results in a lack of knowledge regarding the methodology employed (Boslaugh, 2007). This, in turn, can lead to uncertainty regarding the effectiveness of the data collection effort and how issues such as low response rates or misunderstanding of survey questions by respondents may have affected the data. Although these challenges do not necessarily invalidate the data, they need to be taken into account by the analyst, since every data collection endeavour has its share of hidden flaws. Boslaugh (2007) notes that if the analyst was not present during the data collection process, they must attempt to obtain this information through other means. In some instances, this data may be readily available; however, many secondary datasets do not include such information, and the analyst must rely on their ability to deduce what issues may have emerged during the data collection process by reading between the lines.

4.7. Conclusion

In conclusion, this research project employed a mixed methodology approach that incorporated both qualitative and quantitative research methods. This chapter has provided a thorough discussion of the strengths and weaknesses of each of these approaches, the rationale for using the mixed-methods approach in the study, the source of the data, and the sample size. It has examined secondary data analysis as a technique for data collection, along with its advantages and disadvantages. By doing so, the chapter has established the credibility and reliability of the methodology used and has explained the reasons for all methodological choices made. Overall, the chapter has provided a clear and comprehensive understanding of the methodology employed in this study, which will be useful for interpreting and evaluating the findings presented in subsequent chapters.



CHAPTER 5

ANALYSIS

5.1. Introduction

In this chapter, I conduct a comprehensive analysis of five translations made by police officers of complainants' sworn statements. The purpose of this analysis is to identify linguistic errors in these statements using Error Analysis. By using this method, I uncover various linguistic errors made by the officers and present them in tabular form. Thereafter, a bar graph is presented to illustrate the frequency of errors made in each statement, which essentially quantifies the data through the quantitative approach. Thereafter, through the qualitative approach, a descriptive interpretation is given of the linguistic errors found. In addition, I provide a possible corrected version of each statement.

This analysis sheds light on the linguistic challenges faced by police officers and highlights the importance of language training for law enforcement professionals. Through an identification of the most common errors made in the sworn statements, it will be possible to design targeted language training interventions to address these issues. This analysis could be of particular value for enhancing the quality of police work and for building trust between law enforcement officers and the communities they serve. It is important to note, however, that the number and types of error do not necessarily mean that the statements are completely inaccurate; rather, that there may be inaccuracies or misinterpretations that need to be addressed.

5.2. Outline of analysis

The analysis is presented in the following way: First, only the relevant text from the pre-statement is shown in a table in the left column. Each text is marked with a row number to make it easy to identify. The English translation is highlighted in blue and the important words from each text is highlighted in red for easy identification. Second, in the column of the right, each English translated statement made by the police officer concerned is presented. Each line of the statement is marked with a number to identify where to find the respective error in the statement. Third, a table is presented showing, in the far left hand column, the various categories of linguistic error. The column second from the left shows the exact phrases found in the statement that contain the errors, with the errors shown in bold text. The third column

explains the error and how it may be improved. The cells are merged to avoid repetition in cases where there are two or more rows of errors which have the same explanation. The fourth column shows the line in which the error occurred in the statement. Finally, the fifth column offers a possible corrected version of the linguistic error.

The tables highlight the qualitative aspect of my research, since they present rich, detailed and descriptive data, in the form of words, about the linguistic errors found. Each table is followed by a quantitative presentation of the data, in the form of a bar graph showing the frequency of each kind of error found. Following each bar graph, there is a detailed interpretation of the findings of each statement, followed by a corrected version of each statement. At the end, a bar graph presents the total number of linguist errors in all five statements, followed by a pie chart that shows this data in percentage format.

5.3. Analysis of statements

5.3.1. Statement 1

Pre-statement	Sworn Statement
<p>1.</p> <p>Police 2: 166- (0.4) Awu... uyaqal' uzomripot' aph' ePolice Station? 167- (.) mhlambi yinto e::nxulumene mhlambi wayeke wak' betha?"</p> <p>Wow... Is the first time you are coming to report him here at the Çpolice Station? 167- (.); maybe it's something that relates to... Perhaps he once assaulted you?</p>	<p>1)On Wednesday 2013.02.15 at approximately 13h30 I was</p> <p>2)at my house sitting outside alone. Whilst I was still outside,</p> <p>3)my husband Thando makeba 42 year who is no longer</p> <p>4)residing with me, he stays with other girlfriend at M123</p> <p>5)siteX. He arrived at my house and started demanded the</p> <p>6)money because he knew that the somalian already pay the</p> <p>7)rent, but since the house doesnot belong to him I do not give</p> <p>8)him the money I just transfer it to eastern Cape to the owner</p>
<p>168- Kokwesthathu:: ngoku It is the third time:: now</p>	<p>9)of the house and Left with an amount of R500.00 to buy</p> <p>10)food for our children. I then told him that I do not have</p> <p>11)money and Somalians are not yet pay the rent, He then</p>
<p>2.</p> <p>104-(.) They would then come to tell me, "We cannot find this person; so we are giving up."</p>	<p>12)smacked me with an open hands and kicked me, I then fell</p> <p>13)down. He then went to inside the house and took my</p> <p>14)Samsung cellphone that was on top of the table, after that</p> <p>15)he left. I then followed him because I noticed that he took</p>
	<p>16)my cellphone. I asked him to give me my cellphone but he</p> <p>17)denied, said that he is going to sell it because I did not give</p>

	<p>18)him money to buy beers. I Then decided to come to the</p> <p>19)Police Station to report the matter this is not the first time</p> <p>20)I am lay the charg against him as per delft CAS</p> <p>21)345/02/2012. I left with back pains after he assaulted me.</p> <p>22)No one has the right to assault me and took my cellphone</p> <p>23)without permission. I request Police further investigation</p> <p>24)for this matter</p>
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Table 3: Linguistic errors in Statement 1

CATEGORY	ERROR	EXPLANATION	LINE	POSSIBLE CORRECTION
SPELLING	Approaximately	The letter “a” should not be present	1	approximately
	doesnot	Does not should be two words	7	Does not or doesn’t
CAPITALISATION	Thando makeba	The letter “M” should be capitalised because it is a surname.	3	Makeba
	the somalian	The word “Somalian” should be capitalised as a proper noun.	6	Somalian
	Left	The letter “L” should not be capitalised as it is in the middle of the sentence.	9	left
	eastern Cape	This is the name of a province; therefore it should be capitalised as a proper noun.	8	Eastern Cape
	delft	This is the name of a town and should be capitalised as a proper noun.	20	Delft

	Then	Should not be capitalised as it is in the middle of the sentence.	18	I then decided to come to the Police Station to report the matter this is not the...
VOCABULARY	I asked him to give me my cellphone but he denied , said that he is going to sell it because I did not give him money to buy beers.	Mistake made in the choice of words by using “denied” incorrectly in the given context.	16-18	“I asked him to give me my cellphone but he refused and said that he is going to sell it because I did not give him money to buy beers”
TENSE	"he started demanded the money"	The incorrect tense was used. Demanded is used in the past but should be in the present tense.	5-6	"he started demanding the money"
	"said that he is going to sell it because I did not give him money to buy beers"	The word “is” is in the incorrect tense. The tense should match the whole sentence, which is in past tense.	17-18	"said he was going to sell it because I did not give him money to buy beers"
	" took my cellphone without permission"	The word “took” is in the incorrect tense. The tense should match the whole sentence which is the present tense.	22-23	" take my cellphone without my permission"
OMISSION	charg	The letters “e” and “s” were omitted from the word “charges”	20	charges
	lay	The letters “ing” were omitted	20	laying

	<p>this is not the first time I am lay the charg against him as per delft CAS 345/02/2012</p>	<p>The police officer failed to mention that this is the third time that the complainant had laid a charge against the accused. She emphasised this in the pre-statement. It is also important to note that the police officer who dealt with her previous charges told the complainant that “we are giving up”.</p>	<p>Line 19-21 in Sworn Statement and row 1 and 2 in pre-statement</p>	<p>“It is the third time now”</p> <p>And</p> <p>“They would then come to tell me, ‘We cannot find this person; so we are giving up.”</p>
<p>PUNCTUATION</p>	<p>Missing commas after Wednesday, 2013.02.15 and 13h30</p>	<p>The date and time format should be separated with a comma.</p>	<p>1</p>	<p>On Wednesday, 15 February 2013, at approximately 13:30, I was at my house, sitting outside alone</p>
	<p>"Makeba"</p>	<p>There should be a comma after "Makeba" to separate the name and the age.</p>	<p>3</p>	<p>Thando Makeba, 42 years old and no longer residing with me, ...</p>
	<p>Missing full stop after “rent”</p>	<p>The sentence is a run-on sentence and should be split into two sentences using a full stop.</p>	<p>5-7</p>	<p>He arrived at my house and started demanded the money because he knew that the somalian already pay the rent. Since the house doesnt belong to him ...</p>

	Missing comma after "him" and missing full stop after "money"	The comma should be inserted after "him" to add a pause in the long sentence. The full stop needs to be added after money to split the new idea into two sentences.	6-11	"because he knew that the Somalian already paid the rent, but since the house does not belong to him , I do not give him the money . I just transfer it to the Eastern Cape to the owner of the house and left with an amount of R 500.00 to buy food for our children."
	I then told him that I do not have money and Somalians are not yet pay the rent , He then smacked me with an open hands and kicked me , I then fell down.	Instead of a comma after the words "rent" and "me", there should be a full stop. The full stop is appropriate because one idea or point has been made, and there needs to be a full stop to start the next idea.	10-13	I then told him that I do not have money because the Somalians have not paid the rent yet. He then smacked me with an open hand and kicked me . I then fell down.
	"to report the matter this is not the first time I am lay the charg against him as per delft CAS 345/02/2012."	Missing fullstop after "matter" to start a new idea.	19-20	I Then decided to come to the Police Station to report the matter . This is not the first time I am lay the charg against him as per delft CAS 345/02/2012.
GRAMMATICAL ERRORS: • SYNTAX	"Left with an amount of R500.00"	For clarity and to avoid confusion, it is best to state that the complainant was left with R500.	9	"I am left with an amount of R500.00"

	"Somalians are not yet pay the rent "	Grammatically and syntactically, the verb form "pay" is incorrect. In this context, "pay" should be in present perfect tense ("have not paid"). In order for the verb to agree with the subject, it needs to be in the correct tense and form.	11	" the Somalians have not paid the rent yet "
	"He then smacked me with an open hands and kicked me"	The word "hands" is in plural in form. However, in this sentence, the use of the plural form is inappropriate. The correct form to use in this case would be the singular form of the noun, which is "hand."	11-12	"He then smacked me with an open hand and kicked me"
	"He then went to inside the house"	Syntactically, the sentence is incorrect because it includes the unnecessary preposition "to" before the adverbial phrase "inside the house."	13	"He then went inside the house"

	<p>"this is not the first time I am lay the charg against him"</p>	<p>Syntactically, the sentence is incorrect because it uses the wrong verb form in the present continuous tense. In the phrase "I am lay the charge," the verb "lay" is in its base form, which is used for the simple present tense. However, in this sentence, the present continuous tense is required because the speaker is describing an ongoing action that is currently happening. Grammatically, the sentence is incorrect because it uses the wrong article before "charge." The correct article to use is "a" instead of "the" because the speaker is introducing the charge for the first time.</p>	<p>19-20</p>	<p>"this is not the first time I am laying charges against him" OR "This is not the first time I have laid a charge against him."</p>
<p>GRAMMATICAL</p>	<p>"I request Police further investigation"</p>	<p>The words "police" and "further" should be switched around to</p>	<p>23-24</p>	<p>"I request further police investigation"</p>

		make the sentence grammatically correct.		
	On Wednesday 2013.02.15 at approximately 13h30	The date should be typed out in letters and not numbers for ease of reading.	1	Wednesday, 15 February 2013, at approximately 13:30,

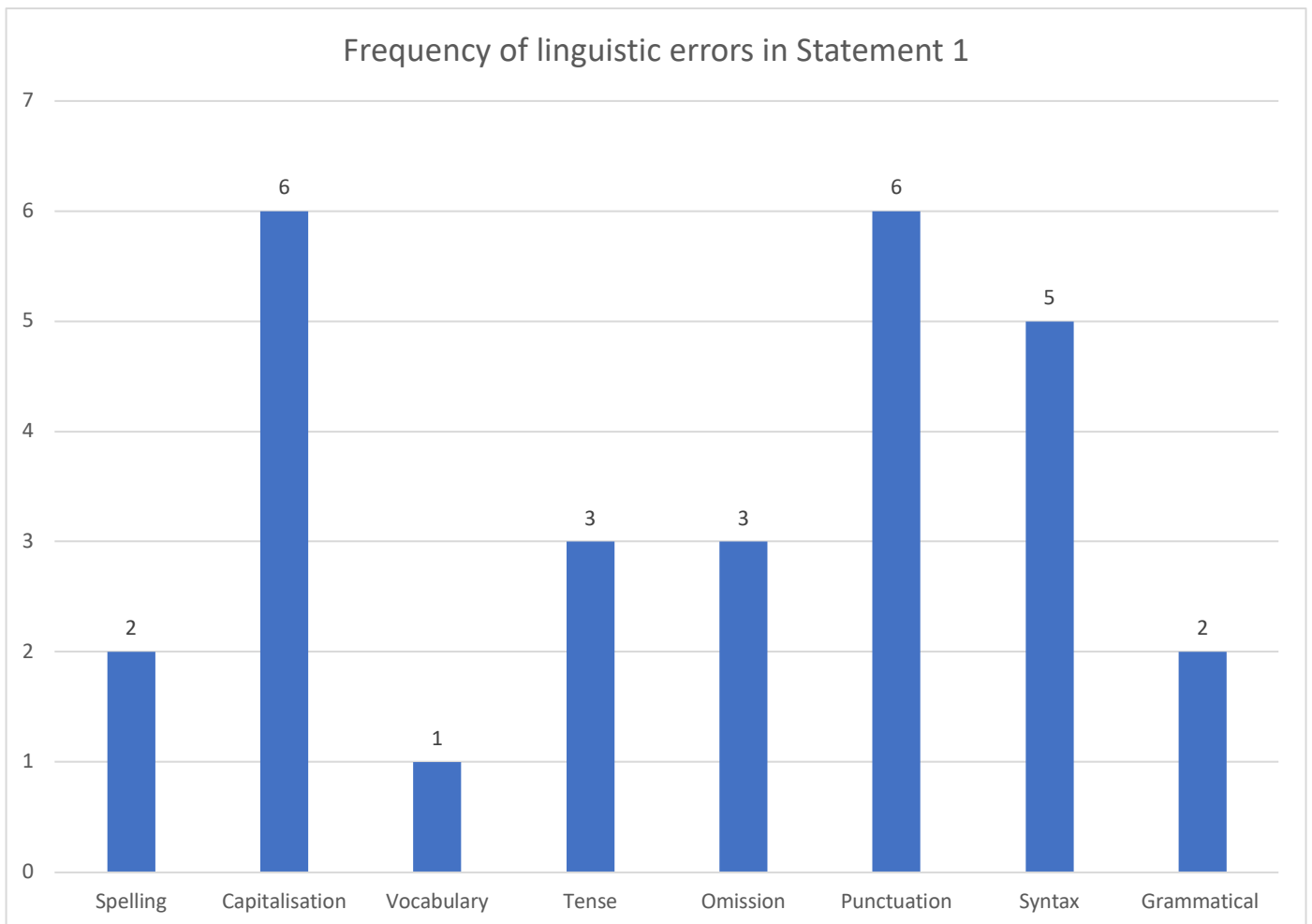


Figure 1: Frequency of linguistic errors in Statement 1

5.3.1.1. Interpretation of Statement 1

As Figure 1 shows, the categories of error made most frequently by this police officer are capitalisation and punctuation, with six instances of each. This could be caused by a lack of knowledge of capitalisation and punctuation rules. The capitalisation and punctuation errors in

the statement could potentially lead to confusion or ambiguity in the interpretation of certain phrases or sentences. The second most frequent error is syntax, with five instances. This could be caused by a lack of understanding of sentence structures in English. The third most frequent errors are omission and incorrect tenses, with three instances each. The tense errors could be caused by confusion about the appropriate tense to use or by the police officer not paying close attention to the context in which the verb is being used.

The omissions from the sworn statement include missing letters and missing information. The information which the police officer omitted from the statement is the fact that this was the third time the complainant had laid a charge against the accused, as show in row 1 of the pre-statement. The complainant emphasised this in the pre-statement. Failure to mention this fact could affect the perception of the case's severity, as it is an important detail that could help the prosecution prove their case. The police officer's statement that "we are giving up" as stated by the complainant in the pre-statement in row 2, is also concerning, as it suggests that the police did not take the complainant's case seriously; this lack of seriousness could have negative implications for the complainant's access to justice. The omission of this statement in the sworn statement suggests that the police officer may have been trying to cover up their lack of effort in investigating the case. The omission errors in this statement have the biggest impact on its accuracy.

Spelling and grammatical errors are the fourth most frequent errors made, with two instances of each. They could contribute to difficulties in understanding the meaning of certain phrases or sentences. Lastly, one vocabulary error was made, which could potentially lead to a misunderstanding of a key concept or piece of information in the statement. Vocabulary errors would certainly have a significant effect on the accuracy of this statement.

The total number of errors in this statement is 28, making it the statement with the fourth highest number of errors. As Table 3 shows, there is an error in each line of the sworn statement. Based on the analysis of the errors in the sworn statement, it appears that this police officer has a poor grasp of certain aspects of English language use.

5.3.1.2. Possible corrected version of Sworn Statement 1

On Wednesday, 15 February 2013, at approximately 13:30, I was at my house sitting outside alone. While I was still outside, my husband, Thando Makeba, who is 42 years old, arrived. He

is no longer residing with me because he stays with his other girlfriend at M123 siteX. He started demanding money because he knew that the Somalian had already paid the rent. Since the house does not belong to him, I did not give him the money. I just transferred it to the Eastern Cape, to the owner of the house, and was left with an amount of R500.00 to buy food for our children. I then told him that I did not have money and the Somalians had not yet paid the rent. He then smacked me with an open hand and kicked me, which led to me falling down. He then went inside the house and took my Samsung cellphone that was on the table. After that he left. I then followed him because I noticed that he took my cellphone. I asked him to give me my cellphone but he refused and said that he was going to sell it because I did not give him money to buy beers. I then decided to come to the police station to report the matter. This is not the first time I have laid charges against him, as per Delft CAS 345/02/2012. This is the third time I have laid a charge because police officers gave up on the previous cases I made against him. I was left with back pains after he assaulted me. No one has the right to assault me and take my cellphone without permission. I request police investigation into this matter.

5.3.2. Statement 2

Pre-statement	Sworn Statement
<p style="text-align: center;">1.</p> <p>And she shouted back (and said), “Look, I don’t have time for that, whatever she can do, even if she goes to lay a charge against me; after all... (.) I am going to come back again,</p>	<p>1)ON Saturday 2013-03-02 at approximately 02:00 am I 2)was at the tarvern at H block with my Freind Mandisa 3)Smith. While were busy drinking She told me about a 4)male by the name OF james Who wants to date me and 5)She Said I must not be proud OF that becouse james 6)wanted to date her. I did not even Know what She was 7)talking about and while She was talking about this.</p>
<p style="text-align: center;">2.</p> <p>she left and I did not pay any attention to her now. (.) Apparently I became unconscious after that and (someone with) a car was called 62- (.) While I was in the car she came when her mother was called (.) She came after that and she was still swearing.</p>	<p>8)james She was getting upset, fuming and Shouting as 9)IF She is jealous. I realised that our Conversation was 10)going too Far then I Asked One OF the male by the 11)name OF derick who was with us to escort me at home 12)and we left Mandisa in the Sheebeen with out realizing</p>
<p style="text-align: center;">3.</p> <p>She said, “I said accompany me some distance.” While saying that she was now pulling me outside the yard. 109- .h When I was trying to go back to the gate, she</p>	<p>13)IF She was Following us. Upon my arrival at home 14)while I was my baglar door. Mandisa Came behind me 15)and pulled me with my t-shirt demanding to be 16)escorted at her place. I refused and told her it was too</p>

<p>threw me to the other side of the road (.) on the pavement</p> <hr/> <p style="text-align: center;">4.</p> <p style="text-align: center;">((Another police officer interrupts))</p> <p><i>Police Officer 2: 184- (0.2) Uth' uCaptain ndibuze kumanx' undaw' n' apha? Captain says I must ask how far you are here.</i></p> <p><i>Police Officer 1: 185- (0.2) Ufun' uthini ngok' (uTempi/Khepi/Ntemi)? What does he want to do now (Temp/Khepi/Ntemi)?</i></p> <p><i>Police Officer 2: 186- Hay andimazi No, I don't know</i></p>	<p>17)late and I am scared as well that is why I asked</p> <p>18)Frederick to accompany me. She pulled me out Side</p> <p>19)the yard while She was biting me and She was</p> <p>20)Carring a bottle of Castle with beer half beer inside.</p> <p>21)She hitted me with that bottle on my face on top OF</p> <p>22)my nose and it got broken into my face. I can not still</p> <p>23)remember what happened aFter all. This is all I declare</p> <p>24)So Far, I did not give her permission to assault me and</p> <p>25)I require further police investigation in this matter</p>
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Table 4: Linguistic errors in Statement 2

CATEGORY	ERROR	EXPLANATION	LINE	CORRECTION
SPELLING	tarvern	The letter “r” should be removed	2	tavern
	becouse	The letter “o” should be an “a”	5	because
	with out	This should be one word	12	without
	Freind	The letter “e” and “i” should be swapped around	2	friend
	Sheeben	An extra “e” was added and should be removed	12	shebeen
	bitting	An extra “t” was added and should be removed	19	biting

	carring	The letter “y” is missing	20	carrying
	permission	An additional letter “s” is missing	24	permission
REGULARISATION ERROR	Hitted	The word "hitted" is incorrect because it is not a word in standard English. The past tense and past participle form of the verb "hit" is "hit".	21	Hit
OMISSION	While were busy drinking	The word “we” is missing in the sentence to indicate who was drinking.	3	While we were busy drinking, she told me about...
	I Asked One OF the male	The incorrect form is used in this sentence, as “one of the” indicates that there is more than one male, hence the singular form is incorrect. The plural form needs to be used in this case.	10	I asked one of the males
	while I was my baglar door	There is a missing verb to describe what the complainant was doing at the burglar door.	14	While I was standing at my burglar door
	“And she shouted back ... I am going to come back again”	In the pre-statement, the complainant mentioned that the accused threatened to come after her again. The police	Pre-statement row 1	

		officer failed to mention this in the official statement.		
	Apparently I became unconscious after that	During the pre-statement, the complainant mentioned that she was hit unconscious by the accused; however, the police officer failed to mention this in the official statement.	Pre-statement row 2	
	She pulled me out Side the yard while	The police officer failed to mention that the accused pulled/threw the complainant to the other side of the road, onto the pavement. In the official statement, the officer merely noted that she was pulled outside the yard, which detracts from the severity of the assault.	Line 18-19 in sworn statement and row 3 in pre-statement	“She was now pulling me outside the yard. When I was trying to go back to the gate, she threw me to the other side of the road on the pavement”
ADDITION	“while She was talking about this . james She was getting upset, fuming and Shouting as IF She is jealous.”	The word “this” needs to be removed from the sentence.	7-9	while she was talking about james, she was getting upset, fuming and shouting as if she is jealous
	Derick and Frederick	In the sworn statement, the police officer first mentions the name “Derick” as the person	11 and 18	The correct name which should be used consistently throughout

		who accompanied the complainant home. Later in the sworn statement, the police officer adds his own name (Frederick) into the statement which was never mentioned by the complainant.		the sworn statement is “Derick.”
TENSE	She was getting upset, fuming and Shouting as IF She is jealous	The present tense is used in this sentence which is incorrect. The tense should match the whole sentence which is in past tense.	8-9	She was getting upset, fuming and shouting as if she was jealous
VOCABULARY	realizing IF She was Following us	Mistake made in the use of the word “if”	12-13	Realizing that she was following us
	I require further police investigation in this matter	The use of the word “in” is incorrect in this sentence.	25	I request police investigation into this matter.
CAPITALISATION	ON Saturday	The letter “n” should not be capitalised.	1	On Saturday
	Freind	The word “friend” should not be capitalised in the middle of a sentence.	2	friend
	She	The word “she” was capitalised a few times in the middle of a sentence which is incorrect.	3, 5, 6, 7, 8, 9, 13, 19	she

	OF	The word “of” should not be capitalised in the middle of a sentence.	4, 5, 10, 21	of
	james	The name “James” should be capitalised, as it is a proper noun.	8	James
	Who	The word “who” should not be capitalised in the middle of a sentence.	4	who
	Said	The word “said” should not be capitalised in the middle of a sentence.	5	said
	Know	The word “know” should not be capitalised in the middle of a sentence.	6	know
	Shouting	The word “shouting” should not be capitalised in the middle of a sentence.	8	shouting
	IF	The word “if” should not be capitalised in the middle of a sentence.	9	if
	Conversation	The word “conversation” should not be capitalised in the middle of a sentence.	9	conversation
	Far	The word “far” should not be capitalised in the middle of a sentence.	10	far
	Asked	The word “asked” should not be	10	asked

		capitalised in the middle of a sentence.		
	One	The word “one” should not be capitalised in the middle of a sentence.	10	one
	derick	The name “Derick” should be capitalised, as it is a proper noun.	11	Derick
	Sheebeen	The word “shebeen” should not be capitalised in the middle of a sentence.	12	shebeen
	Following	The word “following” should not be capitalised in the middle of a sentence.	13	following
	Came	The word “came” should not be capitalised in the middle of a sentence.	14	came
	Side	The word “side” should not be capitalised in the middle of a sentence.	18	side
	Carring	The word “carrying” should not be capitalised in the middle of a sentence.	20	carrying
	aFter	the letter “f” should not be capitalised in the middle of a word.	23	after
	So	The word “so” should not be capitalised in the middle of a sentence.	24	so

PUNCTUATION	“While were busy drinking She told me about ...”	There is a comma missing after “drinking”. The preceding words form a dependent clause, which needs to be followed by a comma when used to begin a sentence.	3	While we were busy drinking, she told me about ...
	“ON Saturday 2013-03-02 at approximately 02:00 am”	The date and time format should be separated with a comma.	1	“On Saturday, 2 March 2013, at approximately 02:00 am, I was at the tavern at H block with my friend Mandisa Smith”
	“I did not even Know what She was talking about and while...”	Missing full stop after “about” to start a new idea and to add a pause.	6-7	“I did not even know what she was talking about. While she was talking about ...”
	“while She was talking about this. James She was getting upset, fuming and Shouting as IF She is jealous”	Comma needs to be added after “James” to indicate that the preceding words form a dependent clause.	7-9	While she was talking about James, she was getting upset, fuming and shouting as if she was jealous.
	“I realised that our Conversation was going too Far then I ...”	Missing comma after “far” to add a pause in the sentence.	9-10	I realised that our conversation was going too far, so I asked one of the men who was with us, by the name of Derick ...
	“Upon my arrival at home while ...”	Missing comma after “home” to create a pause in the sentence.	13-14	Upon my arrival at home, while ...

	“Upon my arrival at home while I was my baglar door . Mandisa Came ...”	Full stop should be removed after “door” and comma should be added instead.	13-14	Upon my arrival at home, while I was standing at my burglar door, Mandisa Came ...
GRAMMATICAL ERRORS: • SYNTAX	I refused and told her it was too late and I am scared as well that is why I asked Frederick to accompany me.	The syntactical error is caused by the shift in tense between the two clauses "I refused and told her it was too late" and "I am scared as well that is why I asked Frederick to accompany me." The first clause is in the past tense, while the second clause is in the present tense.	16-18	I refused and told her it was too late. I was also scared, which is why I asked Frederick to accompany me.
• LEXICAL	demanding to be escorted at her place	The more appropriate preposition to use in this context would be "to" instead of "at."	15-16	demanding to be escorted to her place
	hitted me with that bottle	The phrase "hitted me with that bottle" is a lexical error because the verb "hitted" is not the correct form of "hit" in standard English. The correct past tense and past participle form of the verb "hit" is "hit".	21	hit me with the bottle
• SEMANTIC	beer half beer inside	The sentence "beer half beer inside" is a	20	half-full bottle of Castle beer

		semantic error which obscures the meaning of the sentence.		
	I can not still remember what happened aFter all.	<p>This is a semantic error because the word "still" is not appropriate in this context.</p> <p>The use of "still" suggests that the person has been unable to remember for an extended period of time, while the phrase "after all" implies that some time has passed since the event.</p> <p>Therefore, the use of "still" in this context is contradictory and confusing.</p> <p>A more appropriate sentence would be: "I cannot remember what happened after that", which conveys that the person is unable to recall the events that happened after a particular point.</p>	22-23	I can't remember what happened after that

GRAMMATICAL	“ON Saturday 2013-03-02 at approximately 02:00 am”	The date should be typed out in letters to enhance readability.	1	On Saturday, 2 March 2013, at approximately 2:00 am
	and I am scared as well that is why I asked Frederick to accompany me.	"scared as well" should be changed to "scared, too" or "also scared" to make the sentence grammatically correct. "Accompany me" should be changed to "accompany me home" for clarity.	17-18	and I was scared, too, which is why I asked Frederick to accompany me home

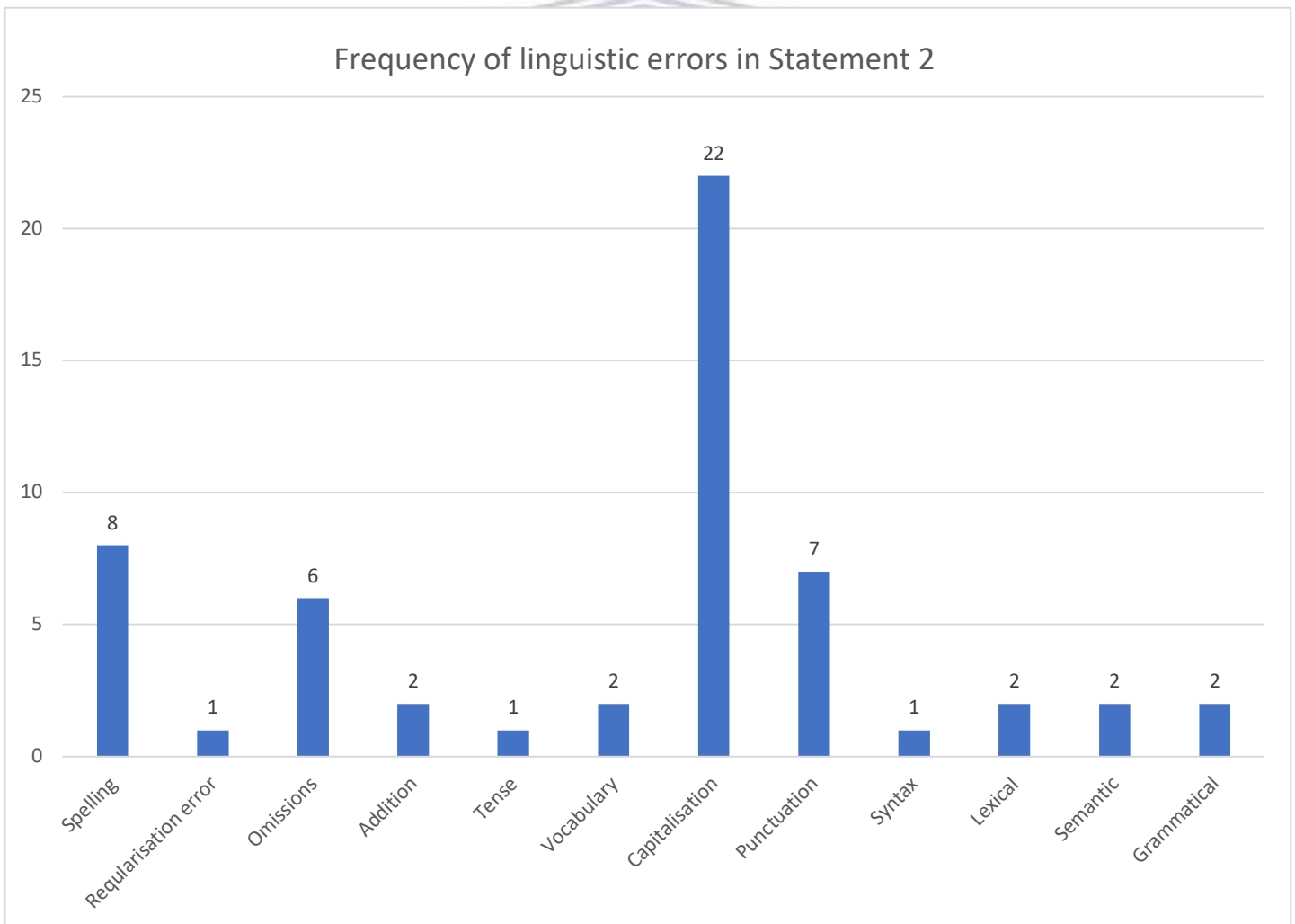


Figure 2: Frequency of linguistic errors in Statement 2

5.3.2.1. Interpretation of Statement 2

The most frequent category of error in this statement is capitalisation, with 22 instances. Unnecessary capitalisation has the potential to cause confusion or ambiguity in the interpretation of certain phrases or sentences. The second most frequent error made in this statement is spelling. The presence of eight spelling errors suggests that the police officer has a limited grasp of spelling conventions in English, which may raise questions about the officer's overall level of education. The third most frequent category of error in this statement is punctuation, with seven instances. Inaccurate use of punctuation such as commas, semicolons and full stops results in run-on sentences and sentence fragments that can alter the meaning of the statement, although not significantly. It impacts the readability of the statement.

The fourth most frequent error is omissions of words from sentences and omissions of important information from the sworn statement, with a total of six instances. The omission of words can result in incomplete or ambiguous sentences that are difficult to understand, which can lead to misunderstandings or misinterpretations of the information presented. Omitting important information from a sworn statement can have significant consequences. In this statement, the police officer failed to mention that the accused threatened to assault the complainant again. In addition, the police officer did not mention that the complainant was hit unconscious by the accused, which explains why she said that she could not remember what happened after the attack. The police officer mentions only that she was pulled outside of her yard, not that she was pulled/thrown all the way to the other side of the road. This downplays the severity of the assault. These omissions are serious, and could have serious consequences with regard to a fair and appropriate sentence for the accused. When an officer is describing an assault, the omission of important details can affect the perceived severity of the crime and potentially lead to a lesser charge or sentence (or, in other cases, an inappropriately severe charge or sentence). Omissions can have significant implications for the complainant and for the accused, and their ability to obtain justice. In the case of this statement, the omission errors have the greatest impact on the accuracy of the statement.

There are two instances each of semantic, lexical, addition, grammatic and vocabulary errors in the statement. The impact of these errors in this case is not as significant. The addition of the police officer inserting a completely different name, from “Derick” to “Frederick” could have significant implications for the complainant. It might cause confusion for the judge or prosecutor and lead to hesitation of the truthfulness of the sworn statement. It may seem like

the complainant is lying due to the inconsistency of the names used. Additionally, changing the name halfway through, could suggest a new person arriving on the scene, which is not the case. Lastly, this police officer made one regularisation error, one tense error and one syntax error. The effect of these errors on the accuracy of the sworn statement could be significant, as they can lead to confusion, misinterpretation and even distortion of information. The degree of distortion in this case is not significant but it does affect readability and understanding. This statement has the second highest number of errors of all five statements, with a total of 56. In addition, as shown in Table 4, there is a linguistic error in each line of the statement.

5.3.2.2 Possible corrected version of Sworn Statement 2

On Saturday, 2 March 2013, at approximately 2:00 am, I was at a tavern in H block with my friend, Mandisa Smith. While we were busy drinking, she told me about a male by the name of James who wanted to date me. She said that I shouldn't be proud of that because James wanted to date her. I did not even know what she was talking about. While she was talking about James, she was getting upset, fuming and shouting as if she was jealous. I realised that our conversation was going too far, so I asked one of the men who was with us to escort me home. His name is Derick. We left Mandisa in the shebeen without realizing that she was following us. Upon my arrival at home, while I was standing at my burglar door, Mandisa came up behind me and pulled me by my t-shirt, demanding to be escorted to her place. I refused and told her it was too late. I was scared, too, which is why I asked Derick to accompany me home. She pulled me outside the yard onto the pavement and threw me to the other side of the road on the pavement while she was biting me and carrying a half-full bottle of Castle beer. She hit me with the bottle on my face, on top of my nose, and it broke into my face. Mandisa also threatened to come after me again. I can't remember what happened after that as I was knocked unconscious. This is all I declare so far. I did not give her permission to assault me and I require police investigation into this matter.

5.3.3. Statement 3

Pre-statement	Sworn Statement
<p>1. 50- “(2.6) ek’ seni nguban’ ixesha xa uvukayo (.) uqaphel’ uba kuqhekeziw’ aph’ endlin?” <i>In the morning, what time was it when you got up (.) and noticed that there had been a break-in at the house?</i></p> <hr/> <p>51- Ngehaf pas seven <i>At half past seven</i></p> <p>52- “(0.2) Namhlanj’ ekseni?” <i>Today, in the morning?</i></p> <hr/> <p>Police Officer 1: 146- Hay nam ndixakiw’ uzalwa ngoJuly na wena 147- (.) Hey wena thand’ uqhath’ abantu 148- (0.55) Uthi bekuyi haf pas seven xa uvuk’ ekseni?” <i>No, I too am confused, were you born in July 147- (.) Hey you, you like misleading people 148- (0.55) You say it was half past seven when you got up in the morning?</i></p> <hr/> <p>149- Eh:: ngehaf seven <i>Eh:: at half seven</i></p>	<p>1)On Saturday 2013-05-09 Approximately 20:30 I was at 2)my house at the above mentioned adress and before I 3)sleep I locked all the doors and the windows and 4)everything was in order inside the house. On Sunday 5)2013-05-10 When I wake up 09:30 I noticed that the 6)burglar gate is broken and the door Lashed is banded 7)and the door was widely opened. While I was doing the 8)inspection inside I noticed that my Television is 9)missing Hisense Black in Colour Serial number 10)9TD329112281011VDMA22583 with an amount of 11)R3, 300 (Three Thousand three hundred rand and my 12)cellphone was missing a Sony Ericson Black in 13)Colour value R900, 00 and is not blacklisted yet, 073 14)7591236. MTN. I am not suspecting anybody about 15)this matter I only report this matter for a police 16)investigation.</p>

Table 5: Linguistic errors in Statement 3

CATEGORY	ERROR	EXPLANATION	LINE	CORRECTION
SPELLING	"adress"	An additional letter “d” is missing	2	address
VOCABULARY	Lashed	The incorrect word	6	latch
	banded	choice was used as this word does not make sense in the context of the sentence.	6	bent

	"I am not suspecting anybody about this matter"	The incorrect choice of words was used in this sentence.	14-15	"I do not suspect anyone regarding this matter; "
CAPITALISATION	Approximately	These words should not be capitalised in the middle of a sentence	1	approximately
	When		5	when
	Lashed		6	latch
	Television		8	television
	Black		9	black
	Colour		9	colour
TENSE	sleep	These words should all be in the past tense to match the tense of each sentence.	3	slept
	wake		5	woke
	is		6	was
ADDITION	When I wake up 09:30	The police officer added his own words/interpretation of what the complainant said with regard to the time the complainant woke up. In the pre-statement, the complainant confirmed twice that he woke up at 7:30 am.	Line 5 in sworn statement and row 1 in pre-statement	"At half past seven"
PUNCTUATION	Missing comma after Saturday, 01 and 22:30. "On Saturday, 2013-05-09, approximately 20:30, "	The date and time format should be separated with a comma.	1	"On Saturday, 9 May 2013, approximately 20:30,"
	Missing comma after Saturday and the date "On Sunday 2013-05-10"		4-5	"On Sunday, 10 May 2013, when I"

	"While I was doing the inspection inside I noticed"	Comma missing after "inside" to add a pause into the sentence.	7-8	"While I was doing the inspecting inside, I noticed"
GRAMMATICAL ERRORS: • LEXICAL	"Lashed"	The word "Lashed" does not make sense in this sentence and is not a commonly used English word. "Lashed" could refer to someone who has "long-lashed eyes", or it could mean "beaten", as with a whip. The complainant was referring to a latch, not a "lashed".	6	latch
• SEMANTIC	"and the door was widely opened "	This phrase is used incorrectly and can be grammatically improved to avoid ambiguity in the intended message	7	and the door wide open OR and the door was open widely
GRAMMATICAL	"the door Lashed is banded"	This entire sentence is grammatically incorrect because of the tense as well as the spelling errors/incorrect choice of words	6	The door latch was bent
	"On Saturday 2013-05-09 approximately 10:30 pm" and "On Sunday 2013-05-09"	The date should be typed out in letters and not numbers for enhanced readability.	1 and 4-5	"On Saturday, 9 May 2013 at approximately 10:30 pm," "On Sunday, 10 May 2013, when I"

	<p>I noticed that my Television is missing Hisense Black in Colour Serial number 9TD329112281011VDMA22583 with an amount of R3, 300 (Three Thousand three hundred rand)</p>	<p>These sentences are grammatically incorrect because they are run-on sentences that lack proper punctuation. The word order is also jumbled up. With rephrasing, these sentences could be easier</p>	8-11	<p>I noticed that my Hisense black television with a serial number of 9TD329112281011VDMA22583, worth R3,300 was missing,</p>
	<p>and my cellphone was missing a Sony Ericson Black in Colour value 8)R900, 00 and is not blacklisted yet, 073 7591236. MTN</p>	<p>to understand.</p>	11-14	<p>“, as well as my black Sony Ericsson cellphone valued at R900. The cellphone number is 073 759 1236 with an MTN network”</p>
	<p>"I am not suspecting anybody about this matter"</p>	<p>Present continuous tense in this context is incorrect.</p>	14-15	<p>"I do not suspect anyone regarding this matter"</p>
	<p>I only report this matter for a police investigation</p>	<p>The grammar in this sentence could be improved for a clearer understanding.</p>	15-16	<p>I am only reporting it for police investigation.</p>

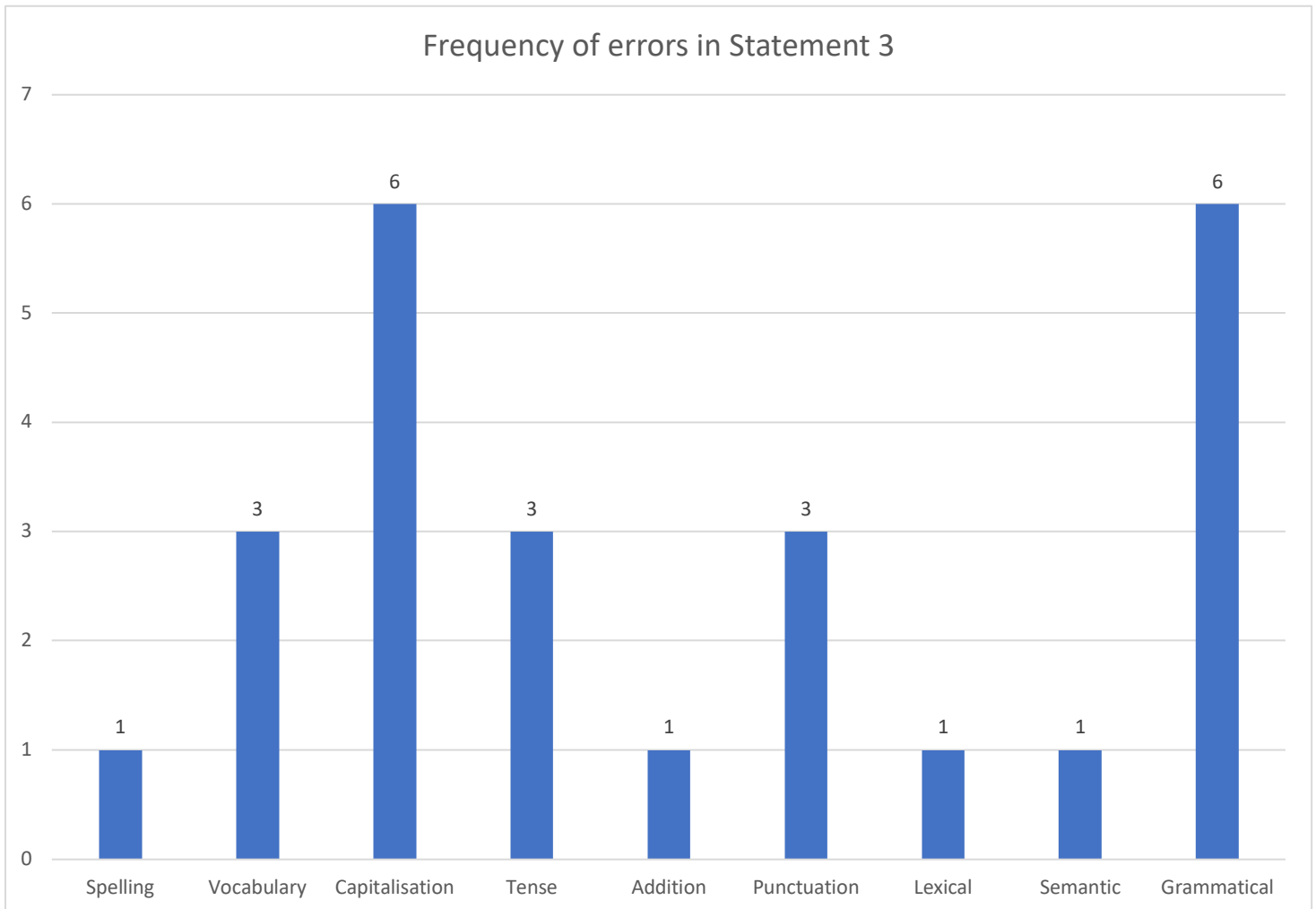


Figure 3: Frequency of linguistic errors in Statement 3

5.3.3.1. Interpretation of Statement 3

The most frequent categories of error in this statement are grammatical and capitalisation errors, with six instances each. The second most frequent errors are vocabulary, tense and punctuation. Spelling, addition, lexical and semantic errors all have a total of one error each. Of the five sworn statements, this one has the fewest errors, with a total of 25 errors. The grammatical and capitalisation errors suggest that the police officer has a lack of knowledge of grammar and capitalisation rules. This has the potential to cause inaccuracies in the statement and lead to misinterpretation of the facts. The vocabulary, punctuation and tense errors also suggest a lack of proficiency in English which could further lead to inaccuracies in the statement.

The linguistic error which most affects the accuracy of this statement is addition. The police officer added an incorrect time to the incident. In a different context, this could have serious

implications for the accuracy of the statement and the outcome of the case. Time is a critical element in criminal investigations. Even a small discrepancy in the time recorded in the statement can have a significant impact on the investigation as it can make it difficult to establish an accurate timeline of events. This ultimately affects the complainant's case. Overall, the number and types of errors found in the statement suggest that the police officer has a limited proficiency in the English language, which has affected the accuracy of the statement. As shown in Table 5, there is a linguistic error in every line of the statement.

5.3.3.2. Possible corrected version of Sworn Statement 3

On Saturday, 9 May 2013, at approximately 10:30 pm, I was at my house at the above-mentioned address. Before going to sleep, I locked all the doors and windows and everything was in order inside the house. On Sunday, 10 May 2013, when I woke up at 7:30 am, I noticed that the burglar gate was broken, the door latch was bent and the door was wide open. While I was doing an inspection inside, I noticed that my Hisense black television with the serial number of 9TD329112281011VDMA22583, worth R3,300, was missing, as well as my black Sony Ericsson cellphone valued at R900. The cellphone number is 073 759 1236, with the MTN network. It has not been blacklisted yet. I do not suspect anyone regarding this matter; I am only reporting it for police investigation.

5.3.4. Statement 4



Pre-statement	Sworn Statement
<p style="text-align: center;">1.</p> <p>27- E-eh (.) yabe sekulelwe sekuvaliwe 28- (.) Ndithe xa nd'qal' jikel' ndizaw' vel' estratwen kwabe ksithi gqi uGarran pha estratweni (.) ndisaya mna uyovel' estratweni athi gqii yena E-eh (.) and people had already gone to bed and it was already closed 28- (.) When I had just gone around about to get to the street Garran suddenly appeared in the street (.) and I was still moving towards the street he suddenly appeared</p>	<p>1)ON Monday 2013-03-04 at approximately 22:45 I 2)was on my way to the Somalian Shop at J Section, On 3) my way coming back From the Shop as the Shop was 4)already Closed, I Met Garran who is residing at J6789 5)at Thomson Street. I met him On my way to home and 6)I Asked him about my mother's phone that he took 7)from my Freind Robin On 2013-01-31 he did not 8)reply he withdraw a Iron rord that was on his waist a 9)bit me. I tried to block my face And he hit me On my 10)hand and I run away From him he run after me untill 11)he catch me he hitted me again with that Iron rord</p>
<p style="text-align: center;">2.</p>	

42- Ndabe nd' bhala... ndabe ndibhala::nsa ngayo ke ngoku ba watsh' aph' eb' sweni ngala::ntsimbi uyabo

43- (.) Kungok' ipetyekayo nayo lendaw' ndingakwaz' uphakamisa isandla nam uba ndizoz' difenda 44- (.) Xa nd' qal' ubaleka ndingena pha ekoneni kwat' utshabalala (.) kwamalume wam xa nd' tsibela ngaphaya ndadlula kuye atsh' end' beth' entla aph' emagxeni su nalaph' endlebeni (.) uyabo
And I was balan... I was bala::ncing with it, because he hit me on the face with that:: iron rod, you see 43- (.) That is when this place got twisted and I was unable to lift my hand up to defend myself 44- (.)

239- E::we (.) ngond' balekayo ndiye pha kwamalume (.) watshw' apentloko Y::es (.) while I was running to my uncle's place (.) and he hit me on the head

3.

(.) uyabo 32- (.) Wabe enditsibela ke ngoku (.) kulaph' azo... atsale atsale into esnqeni uyabo After he had appeared we then came close to each other and then I asked him where my mother's phone, you see (.) (.) that phone is not mine and then and on the day I came about it, this (phone) thing had just happened; he said he knew nothing about it (.) meanwhile the phone was with him 31- (.)

4.

109- (.) Ha-a:: sester bend' tsho send' tsh' uba besith' abany' abantu phe stratwen ifown ikhona bayay' bona pha kuy' ey' phethe Ha-a:: suster, seeing that some people in the street say the phone is there; they do see him with it.

12)On my head and I run away to My Uncle because it
13)was the only nearest place to run to, but My Uncle
14)did not want to open for me. He run away while I
15)was at My Uncle's door Screaming and Calling for
16)help. I went to police Station and I was given j88 and
17)referred to hospital. I went to day hospital where I was
18)examined and referred to tygerberg. This is all I can
19)declare So Far. I did not give him permission to
20)assault me and I require police Officials for further
21)investigation

Table 6: Linguistic errors in Statement 4

CATEGORY	ERROR	EXPLANATION	LINE	CORRECTION
SPELLING	Freind	The letter “e” and “i” should be swapped around	7	Friend
	Garran	The spelling of the accused’s name is different to what was said in the pre-statement. In the pre-statement, the name is Garrian	Line 4 in the sworn statement and row 1 in the pre-statement	Garrian
	bit	“Bit” is the incorrect word to use in this sentence. The correct word is “hit”.	9	hit
	untill	An extra letter “l” was added and should be removed.	10	until
	permision	A second letter “s” is missing from the word “permission”.	19	permission
	referred	A second letter “r” is missing from the word referred.	17 and 18	referred
	rord	The letter “r” should not be added to the word rod.	11	rod
	becouse	The letter “o” should be an “a” to correct the spelling	12	because

REGULARISATION ERROR	hitted	The officer applied a standard rule for past tense to a word which is an exception to the rule; the correct past tense of “hit” is “hit”.	11	hit
CAPITALISATION	ON	These words should not be capitalised in the middle of a sentence.	1	On
	Shop		2 and 3	shop
	On		2, 5, 7, 9, 12	on
	From		3 and 10	from
	Met		4	met
	Asked		6	asked
	Freind		7	friend
	Closed		4	closed
	Iron		8	iron
	And		9	and
	My		12, 13, 15	my
	Uncle		12 and 15	uncle
	Screaming		15	screaming
	Calling		15	calling
	Station		16	station
	Officials	20	officials	
	tygerberg	Tygerberg should be capitalised as it is the name of a hospital.	18	Tygerberg
	So	These words should not be capitalised in the middle of a sentence.	19	so
	Far		19	far

PUNCTUATION	“ON Monday 2013-03-04 at approximately 22:45 I was”	The date and time should be separated with a comma.	1-2	On Monday, 4 March, 2013, at approximately 22:45, I was
	“I was on my way to the Somalian Shop at J Section,”	A full stop needs to be added after J Section instead of a comma, to avoid run-on sentences.	1-2	I was on my way to the Somalian Shop at J Section.
	“I met him On my way to home and I Asked him about my mother’s phone that he took from my Freind Robin On 2013-01-31 he”	Missing commas after phone and a full stop needs to be added after the date.	5-7	During our encounter, I asked him about my mother's phone , which he had taken from my friend Robin on 31 January 2013. He
	“he did not reply he withdraw a Iron rord that was on his waist a bit me.”	A comma needs to be added after reply.	7-9	He did not reply ; instead, he withdrew an iron rod that was on his waist and hit me.
	I tried to block my face And he hit me On my hand and I run away From him he run after me untill he catch me he hitted me again with that Iron rord On my head then	A full stop needs to be added after “me” and a comma after “head”	9-12	I tried to block my face but he hit me on my hand and he chased after me until he caught me . He hit me again with that iron rod on my head , then
	“ And I run away to My Uncle because it was the only nearest place to run to , but My Uncle	A comma needs to be added before “and” which should be changed to the word	12-14	, then I ran away to my uncle's house because it was the nearest place to run

	did not want to open for me.”	“then” to make it grammatically correct. Instead of a comma, a full stop needs to be added after the word “to.”		to. However, my uncle did not want to open for me.
	“investigation”	Missing full stop after the word “investigation”	21	investigation.
TENSE	run	These words should all be in the past tense to match the tense of each sentence.	10, 12, 13	ran
	withdraw		8	withdrew
	catch		11	caught
VOCABULARY	I Met Garran	The word “met” is the incorrect choice of words. The complainant said “Garrian suddenly appeared in the street.” A better choice of words would be to say that they crossed paths in the street.	Line 4 in the sworn statement and row 1 in the pre-statement	“I crossed paths with Garrian”
	bit	The word bit is incorrect. The complainant was “hit” by the accused. This suggests the accused did something he did not do.	5	Hit
ADDITION	He did not reply	In the pre-statement, the complainant says	Line 9 in sworn	“he said he knew nothing about it”

		that Garrian said he knew nothing about the phone. However, in the sworn statement, the police officer says Sphamandla did not reply.	statement and row 3 in pre-statement	
	He hit me on my hand	The police officer added his own words into the final statement and changed what the complainant said. In the pre-statement, the complaint said that he was unable to lift his hand to defend himself and was therefore hit on his face.	Line 9-10 in sworn statement and row 2 in pre-statement	<p>“because he hit me on the face with that iron rod, you see...and I was unable to lift my hand up to defend myself”</p> <p>“while I was running to my uncle’s place and he hit me on the head”</p>
OMISSION	I went to police Station and I was given j88 and refered to hospital	Necessary articles were omitted from this sentence. The article “the” before the word’s “police” and “hospital.” In addition, the article “a” is missing before “j88.”	16-17	I went to the police station, where I was given a J88 form and referred to the hospital
	I went to day hospital where I was examined	The article “a” was omitted before the word “day.” In	17-19	I went to a day hospital, where I was

	and referred to tygerberg	addition, the word “hospital” was omitted after “Tygerberg” to be specific		examined and referred to Tygerberg Hospital
	“seeing that some people in the street say the phone is there; they do see him with it. Even Robin says it was him that took the phone when he was hitting him with his friends.”	The police officer failed to mention this vital information that appears in the pre-statement. It is important to mention that there were witnesses of the theft.	Row 4 in pre-statement	
GRAMMATICAL ERRORS: • SYNTAX	I went to police	The missing definite article “the ” violates the rules of grammar or syntax. It therefore needs to be added to the sentence.	16	I went to the police
	“I met him On my way to home”	Syntactically, the sentence is incorrect because it includes an unnecessary preposition "to”	5	On my way home
• GRAMMATICAL	I was on my way to the Somalian Shop at J Section, On my way coming back From the Shop as the Shop was already Closed, I Met Garran,	This sentence can be grammatically improved by adding necessary and the correct punctuation. In addition, the words can be rephrased to be grammatically correct.	1-4	I was on my way to the Somalian Shop at J Section. Upon my arrival, the shop was already closed. On my way back from the shop, I met Garrian,

	who is residing at J6789 at Thomson Street	This should be in simple present tense, not present continuous tense.	4-5	who resides at J6789 on Thomson Street
	I met him on my way home and I asked him	It was already stated in Line 5 that the complainant met the accused, so this does not need to be repeated.	5-6	During our encounter , I asked him
	that he took from my Freind Robin On 2013-01-31	This phrase can also be grammatically improved.	6-7	, which he had taken from my friend Robin on 31 January 2013.
	he did not reply he withdraw a Iron rord that was on his waist a bit me	This sentence can be improved using a comma after reply and some phrases can be reworded. The article “a” needs to be changed to “an” as it comes before a vowel.	7-9	He did not reply , but instead withdrew an iron rod that was at his waist and hit me
	I tried to block my face And he hit me On my hand and I run away From him he run after me untill he catch me he hitted me again with that Iron rord On my head and I run away	These sentences can be grammatically improved by adding necessary and correct punctuation. In addition, the words can be rephrased to be grammatically correct	9-12	I tried to block my face but he hit me on my hand and he chased me until he caught me. He hit me again with that iron rod on my head and I ran away
	to My Uncle becouse it was the only nearest place to run to, but My		12-14	to my uncle's house because it was the nearest place to run to. However, my uncle

	Uncle did not want to open for me.			did not want to open for me.
	He run away while I was at My Uncle’s door Screaming and Calling for help.	To make this sentence grammatically correct, a comma should be added after the word “door.” In addition, it is necessary to note who was doing what. The word “he” needs to be replaced with the name it refers to, to avoid confusion, and the name of the person who was screaming and calling for help also needs to be specified.	14-16	Garrison ran away while I was at his door, while I was screaming and calling for help.
	This is all I can declare So Far. I did not give him permission to assault me and I require police Officials for further investigation	The sentence can be rephrased to make it grammatically correct.	18-21	This is all I can declare for now. I did not give him permission to assault me, and therefore I require further police investigation.

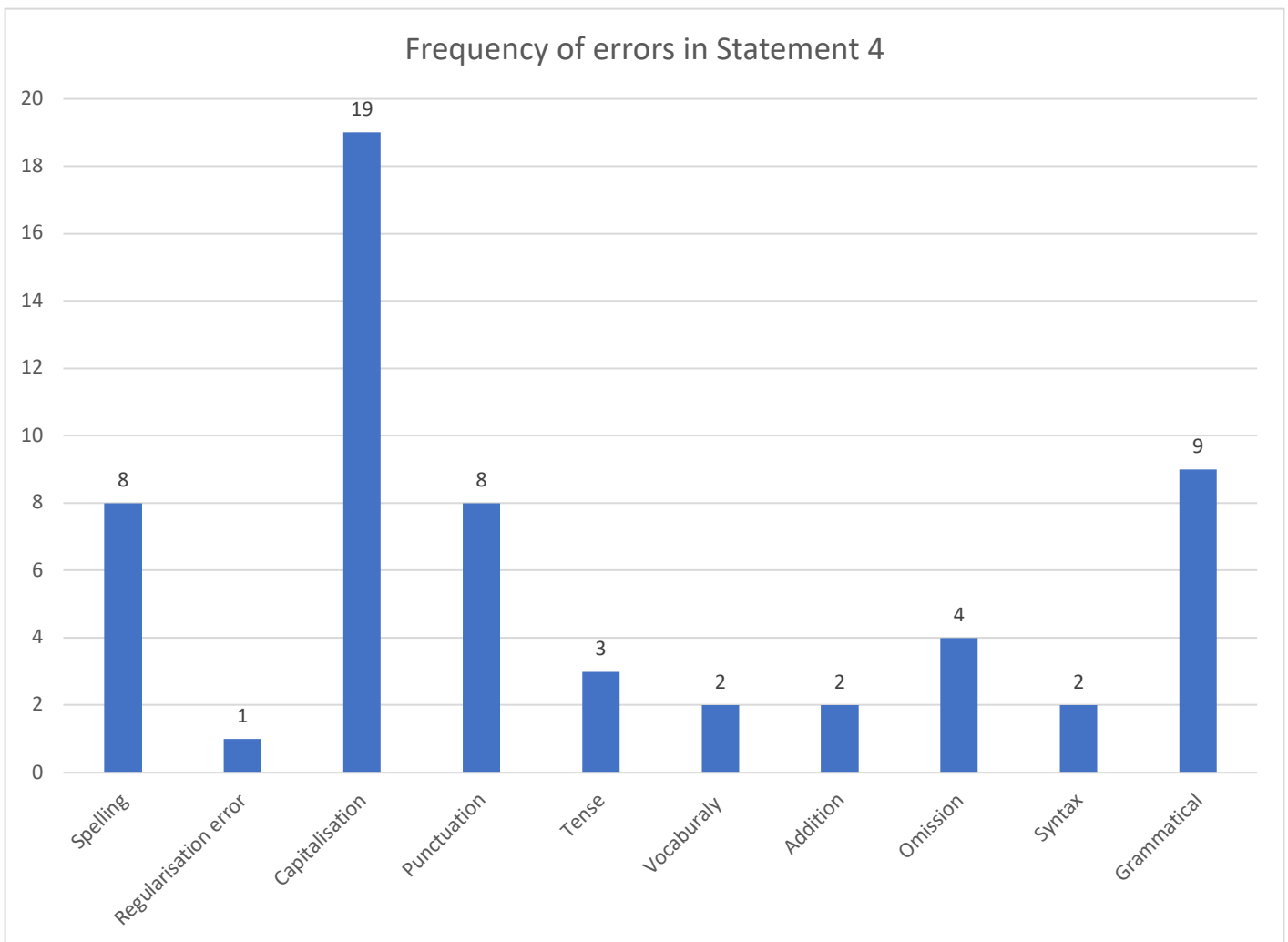


Figure 4: Frequency of linguistic errors in Statement 4

5.3.4.1. Interpretation of Statement 4

The most frequent category of error in this statement is capitalisation, with a total of 19 instances. There are nine grammatical errors, eight spelling and punctuation errors, four omission errors, three tense errors and two errors each of syntax, vocabulary and addition. Lastly, regularisation errors occurred once. The total number of errors in this statement is 58, making it the statement with the highest number of errors. The high number of errors in this statement suggest that the police officer has a poor grasp of the English language or was rushed when writing the statement.

The incorrect spelling of the accused's name in this statement has a significant effect on the accuracy of the statement. It has various implications, suggesting that the police officer was unable to correctly identify the accused, which could lead to a miscarriage of justice for the complainant. The high number of capitalisation errors could indicate that the officer is not familiar with capitalisation rules or did not take the time to check for errors. The occurrence of tense errors suggests that the officer has a limited understanding of verb tense or did not pay

attention to the context in which the verbs were being used. Omission and syntax errors can also affect the accuracy of the statement, as important details may be left out, or clarity of sentences may be compromised. The police officer left out important information regarding the fact that two days before this incident, the accused had taken the complainant's mother's phone from Robin. There are witnesses who claim to have seen the accused with the stolen cellphone as seen in row 4. The omission of this information in the sworn statement could have significant implications for the complainant's case. By leaving out important details about the previous theft, witnessed by others, the police officer is not providing a complete and accurate picture of the situation. This could result in a weaker case against the accused, as the court would not have access to all the relevant information.

The regularisation errors suggest that the officer is not familiar with English grammar or syntax. The addition errors the officer made by adding his own words could change the narrative. The police officer added his own words in stating that the accused did not respond when asked about the phone; in fact, the offender denied knowledge of the phone. Furthermore, the police officer added that the complainant was hit on his hand, when in fact the complainant said that his hand got tangled and he was unable to defend himself, resulting in getting hit in the face and on the head. The location of the injury is important, as it has implications with regard to the level of force used by the offender, and therefore the severity of the charge. A hit in the face and head suggests excessive force and intention to do harm, whereas a hit on the hand might suggest less intensity and severity. If the case goes to trial, the defence could argue that the complainant's testimony is inconsistent with the sworn statement and could use this as evidence to challenge the credibility of the complainant and the police officer.

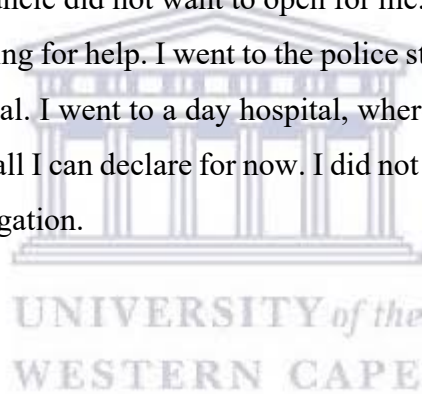
The vocabulary error in this statement could also change the way the incident is viewed. The police officer used the word "met" to describe the way in which the complainant encountered Garran after returning from the shop. This word suggests conviviality, as in a social encounter, and could even suggest that the complainant and the accused had planned to meet up, which is not the case.

Overall, the high number of errors in this statement raises concerns about the accuracy and credibility of the information provided. The accused and other parties involved in the case could question the reliability of the statement as a result of its many errors, which could ultimately affect the outcome of the case. The errors which most affect the accuracy of the

statement are the incorrect spelling of the accused’s name, the omissions, the additions (particularly with regard to location of the injury) and the vocabulary error. As shown in Table 6, there is a linguistic error in each line of the statement.

5.3.4.2. Possible corrected version of Sworn Statement 4

On Monday, 4 March 2013, at approximately 22:45, I was on my way to the Somalian shop at J Section. Upon my arrival, I discovered that the shop was already closed. On my way back from the shop, I crossed paths with Garrian, who resides at J6789 on Thomson Street. During our encounter, I asked him about my mother's phone, which he had taken from my friend Robin on 31 January 2013. There are also witnesses who have seen Garrian with my mother’s phone. He did not reply, but instead withdrew an iron rod that was at his waist and hit me. I tried to block my face but he hit me on my face and he chased me until he caught me. He hit me again with that iron rod on my head, then I ran away to my uncle's house because it was the nearest place to run to. However, my uncle did not want to open for me. Garrian ran away while I was at his door, screaming and calling for help. I went to the police station, where I was given a J88 form and referred to the hospital. I went to a day hospital, where I was examined and referred to Tygerberg Hospital. This is all I can declare for now. I did not give him permission to assault me and I require police investigation.



5.3.5. Statement 5

Pre-statement	Sworn Statement
<p style="text-align: center;">1.</p> <p>162- “(0.14) Ngubani lona elikhalati um::saspekthayo?” 162- “(0.14) Who is this, this Coloured you::suspecting?”</p> <hr/> <p>163- (.) NguJamel 163- (.) It is Jamel</p> <hr/> <p style="text-align: center;">2.</p> <p>22- “Ok (.) so kwa... o:: oomez khang’ ubuze mntu uba akhomnt’ uke wabona nto okanye kathini?” 22- “OK (.) so at... the:: neighbours you did not ask anyone whether he/she saw anything or whatever?”</p>	<p>1)ON THursday 2013.03.08 at approxiamately 22h45. I 2)was parked my vehicle VW Crafter with registration 3)number CJ 136765 white in colour inside the yard 4)(infront of the house) the doors and windows were 5)properly locked and closed. I left nobody inside the 6)vehicle everything was in order.At about 06h10 I woke 7)up and went to my vehicle. I did not inspect the vehicle 8)I just got inside the vehicle and start the vehicle, I then 9)put reverse gear. When I was observing the mirror I 10)noticed something hanging behind my vehicle. I then 11)stop the vehicle and went to the back. I noticed that</p>

<p>23- Ha-a ndiy' buzile lentwan' aseneksdo straight apho bekuwe khona iingceba ze:: zelantsika ze:: inantsika zesbane (.) so khang' abone nto 23- Ha-a I did ask this young man from next door straight where the bits of:: whatsname of:: whatsname, of the light (.) so he did not see anything</p>	<p>12)my back light was stolen and some small pieces of the 13)light were still hanging on the vehicle. I then asked my 14)neighbours if they did not see anyone breaking my car, 15)so no one saw anyone. The value of missing back light 16)is R2 700.00. I suspected the coloured guy known as 17)Jameel Although I did not see him but because we 18)were having an argument about money the day before 19)2013.03.08, he told me that I gonna need him soon, 20)they will be something missing in my vehicle, He is 21)the Panel beater and he knows my house very well. 22)After that I just left him without saying anything I was 23)with my friend (colleague) known as Wesley when he 24)threatened me. My vehicle is not insured. I gave no 25)one permission to stole my vehicle light I request 26)further investigation for this matter.</p>
<p style="text-align: center;">3.</p> <p>42- (clears throat) (.) because yesterday I am with another friend of mine to fetch whatsname the:: (.) of mine from42- (clears throat) (.) because yesterday I am with another friend of mine to fetch whatsname the:: (.) of mine from another young man who is a mechanic</p>	
<p style="text-align: center;">4.</p> <p style="text-align: center;">((Noise erupts from the background as police officers are talking to each other))</p> <p style="text-align: center;">((talking to another officer))</p> <p style="text-align: center;">((Another police officer calls the officer busy taking the statement))</p>	

Table 7: Linguistic errors in Statement 5

CATEGORY	ERROR	EXPLANATION	LINE	CORRECTION
SPELLING	approaximately	The letter “a” is not supposed to be present after the letter “o”.	1	approximately

	gonna	The word “gonna” is a slang version of “going to”.	19	Going to
	infront	This is meant to be two words.	4	In front
	Jameel	The spelling of the suspect’s name is spelled as “Jamel” in the pre-statement.	Line 17 in sworn statement and row 1 in pre-statement	Jamel
CAPITALISATION	ON	The letter “n” is not meant to be capitalised.	1	On
	TH ursday	The letter “h” is not meant to be capitalised.	1	Th ursday
	A lthough	The word “although” is not supposed to start with a capital letter in the middle of a sentence.	17	a lthough
VOCABULARY	They	The incorrect choice of words was used in this sentence. “They” does not make sense in the context.	20	there
PUNCTUATION	“ON THursday 2013.03.08 at approximately 22h45. I was parked”	The date and time should be separated with a comma.	1-2	On Thursday, 8 March, 2013, at approximately 22:45, I parked my
	“in colour inside the yard (infront of the house) the doors”	A full stop needs to be added after “house”.	3-4	yard in front of my house . The doors

	“the doors and windows were properly locked and closed . I left nobody inside the vehicle everything was in order.”	The full stop needs to be removed after “closed” to allow the sentence to run on. The full stop should be added after “vehicle”.	4-6	The doors and windows were properly locked and closed and there was nobody inside the vehicle . Everything was in order.
	“I did not inspect the vehicle I just got inside the vehicle and start the vehicle , I then put reverse gear.”	A comma needs to be added after “vehicle” and a full stop needs to be added after “start the vehicle”	7-9	I did not inspect it , but instead got inside and started the engine . I then put the vehicle in reverse gear.
	“When I was observing the mirror I noticed”	A comma needs to be added after “mirror” to separate the dependent clause from the independent clause.	9-10	When I checked the mirror, I noticed
	“I suspected the coloured guy known as Jameel Although I did not see him but because we were having an argument about money the day before 2013.03.08 , he told me that I gonna need him soon , they will be something missing in my vehicle,”	A comma needs to be added after “guy”, “him” and the date. A full stop needs to be added after “Jameel”. In addition, the comma needs to be removed after “soon”.	16-20	I suspect that a coloured man , known as Jamel , may have stolen my backlight. Although I did not see him, we had had an argument about money on the previous day, 7 March 2013 , and he had told me that I would need him soon because something would be missing from my vehicle.
	“vehicle, He”	The comma needs to be removed after vehicle	20	vehicle. He

		and a full stop needs to be added instead.		
	“After that I just left him without saying anything I was with my friend (colleague) known as Wesley when he threatened me.”	A comma needs to be added after the word “that” and a full stop needs to be added after “anything.”	22-24	After our argument , I left without saying anything . I was with my friend/colleague, Wesley, when he threatened me.
	“ light I”	A full stop needs to be added after light.	25	Light. I
ADDITION	“I was parked my”	The word “was” was added to the sentence and needs to be removed.	1-2	I parked my
	“I left nobody inside the vehicle”	The police officer added his own words. The complainant did not mention this in the pre-statement.		
	the day before 2013.03.08	The police officer added the incorrect date. The day before would be 2013.03.07	18-19	2013.03.07
	I then asked my neighbours	The complainant actually said that he asked the man who lived next door. The word “neighbours” could indicate that he asked many of his neighbours in his road.	Line 13-14 in the sworn statement and row 2 in the pre-statement	I then asked the young man next door

	Panel Beater	The police officer changed the job title of the person whom the complainant suspects.	Line 21 in the sworn statement and row 3 in the pre-statement	In the pre-statement the complainant said: “young man who is a mechanic ”
OMISSION	“The value of missing back light”	The word “the” is missing after the word “of.”	15-16	The value of the missing back light
TENSE	start	These words need to be in the past tense.	8	started
	stop		11	stopped
	suspected	These words need to be in the present tense.	16	suspect
	stole		25	steal
GRAMMATICAL ERRORS: SEMANTIC	so no one saw anyone	This phrase can be elaborated on more to avoid ambiguity.	15	I asked my neighbours if they had seen anyone breaking into my car but they had not.
GRAMMATICAL	“2013.03.08 at approximately 22h45”	The format of the date and time needs to be changed.	1	8 March 2013, at approximately 22:45
	I was parked my vehicle VW Crafter with registration number CJ 136765 white in colour inside the yard (infront of the house) the doors and windows were properly locked and closed. I left nobody inside the vehicle everything was in order.	These sentences can be grammatically improved by adding necessary and correct punctuation. In addition, the sentence can be rephrased to be grammatically correct.	1-6	I parked my white VW Crafter vehicle with registration number CJ 136765 inside the yard in front of my house. The doors and windows were properly locked and closed and there was nobody inside the vehicle.
	At about 06h10 I woke up and went to my		6-9	At about 06:10 I woke up and went to my vehicle. I

	vehicle. I did not inspect the vehicle I just got inside the vehicle and start the vehicle, I then put reverse gear.			did not inspect it, but instead got inside and started the engine. I then put the vehicle in reverse gear.
	When I was observing the mirror I noticed something hanging behind my vehicle.	The sentence can be rephrased to be grammatically correct.	9-10	When I checked the mirror, I noticed something hanging behind my vehicle.
	I then stop the vehicle and went to the back. I noticed that my back light was stolen and some small pieces of the light were still hanging on the vehicle.	The first half of this sentence can be rephrased to be grammatically correct.	10-13	I stopped the vehicle and went to the back, where I saw that my back light was missing and that some small pieces of the light were still hanging from the back of the vehicle.
	I then asked my neighbours if they did not see anyone breaking my car, so no one saw anyone.	The sentence can be rephrased to be grammatically correct.	13-15	I asked my neighbours if they had seen anyone breaking into my car but they had not.
	The value of missing back light is R 2 700.00.		15-16	The missing backlight is valued at R 2,700.00 and my vehicle is not insured.
	I suspected the coloured guy known as Jameel Although I did not see him but because we were having an argument about money the day before 2013.02.08, he told me	These sentences can be grammatically improved by adding necessary and correct punctuation. In addition, the sentence can be rephrased to be grammatically correct.	16-20	I suspect that a coloured man, known as Jamel, may have stolen my back light. Although I did not see him, we had had an argument about money on the previous day, 7 March 2013, and he had told me

	that I gonna need him soon, they will be something missing in my vehicle,			that I would need him soon because something would be missing from my vehicle.
	He is the Panel beater and he knows my house very well. After that I just left him without saying anything I was with my friend (colleague) known as Wesley when he threatened me.		20-24	He is a mechanic and knows my house very well. After our argument, I left without saying anything. I was with my friend/colleague, Wesley, when he threatened me.
	I gave no one permission to stole my vehicle light I request further investigation for this matter.		24-26	I did not give anyone permission to steal my vehicle light. I request an investigation into this matter.



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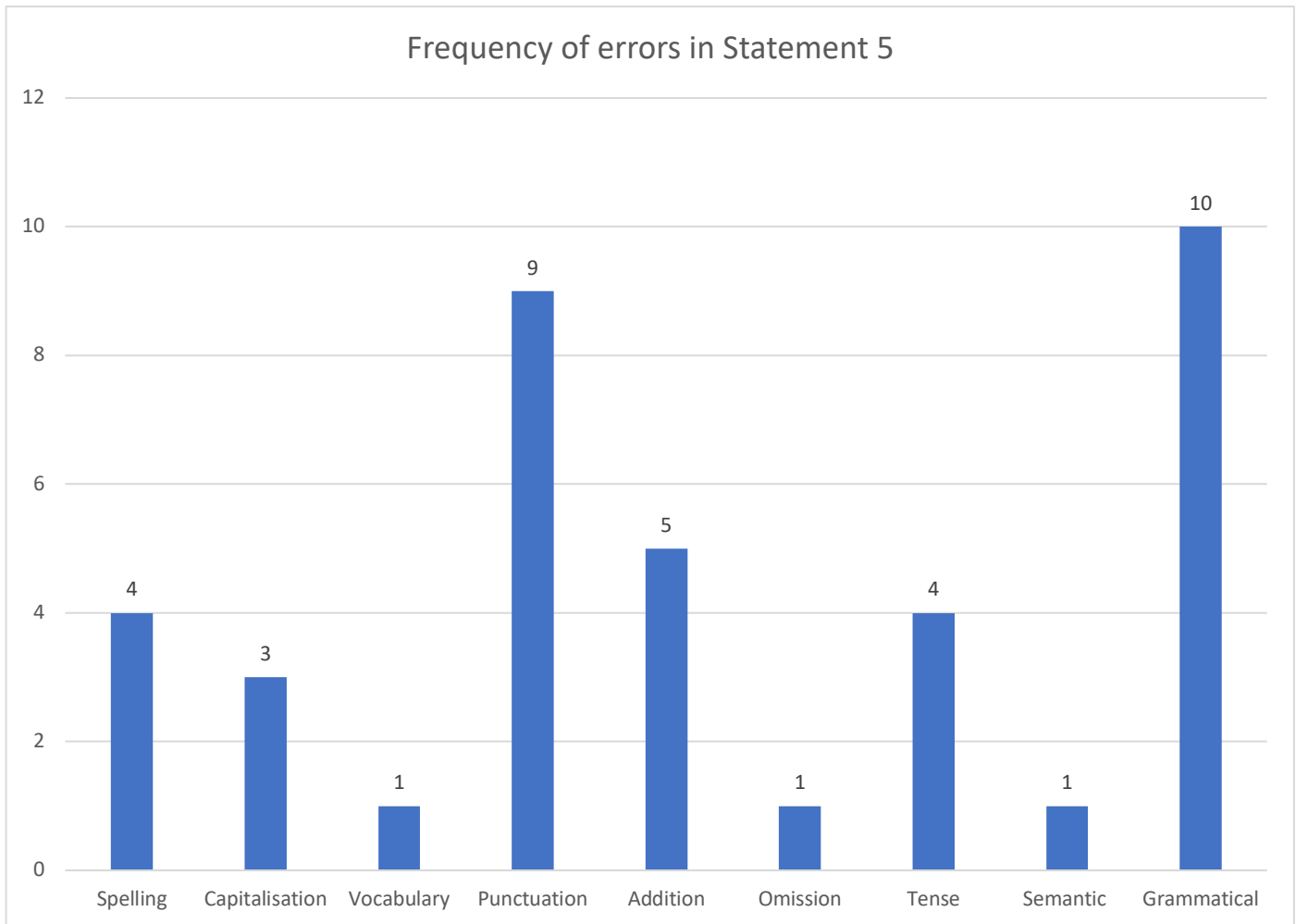


Figure 5: Frequency of linguistic errors in Statement 5

5.7.1. Interpretation of Statement 5

In this statement, grammatical and punctuation errors occurred with the most frequency, with 10 instances of grammatical errors and 9 instances of punctuation errors. Addition is the third most frequent error, with a total of five instances. Spelling and tense have a total number of four instances each. Capitalisation has a total of 3 instances each. Capitalisation errors can make the statement look unprofessional, while addition and tense errors can create confusion and potentially weaken the case against the accused.

Four additions in this statement are particularly egregious. The police officer has added words that were not mentioned by the complainant. While the added phrase, “I left nobody inside the vehicle”, does not significantly affect the statement, it does make one question the credibility of the police officer, as the complainant did not mention this in the pre-statement. However, the addition of “I then asked my neighbours” does affect the statement, since the complainant actually said he “asked the boy living next door”. If an investigation does take place, the police might avoid asking neighbours if they saw anyone stealing the light from the complainant’s car

because the police officer who took the statement said that such questioning had already been done.

Furthermore, the police officer added an incorrect date. If an incident occurred the day before 8 March 2013, then the correct date should be, 7 March 2013. This could have serious implications and suggests that the police officer could make other errors of dates. In addition, the police officer changed the job title of the person whom the complainant suspects. If an investigation takes place, police officers may be looking for a “panel beater” instead of a “mechanic”, which could prolong the investigation or lead to a wrongful arrest. Another error which has a big impact on the accuracy of the statement is the spelling error in the name of the accused. The spelling error causes two different pronunciations of the name. Mispronouncing the name when trying to locate the accused can lead to delays in the case which can ultimately affect the complainant and their right to justice – apart from possibly implicating an innocent person with a similar name.

Fourth, vocabulary, omission and semantic errors all occurred once in this statement. The vocabulary error in this statement does not significantly affect the accuracy of the statement. The only necessary word omitted from this statement is the article “the”, which does not significantly alter the statement. Semantic errors, where the meaning of a word or phrase is unclear or incorrect, can create confusion and potentially weaken the credibility of the police officer. Ultimately, the two linguistic errors which affected the accuracy of this statement the most are the additions and the spelling error. The total number of linguistic errors in this statement is 38, making this the statement with the third highest number of errors. As shown in Table 7, there is a linguistic error in each line of the statement.

5.3.5.1. Possible corrected version of Sworn Statement 5

On Thursday, 8 March 2013, at approximately 22:45, I parked my white VW Crafter vehicle with registration number CJ 136765 inside the yard in front of my house. The doors and windows were properly locked and closed. Everything was in order. At about 06:10 I woke up and went to my vehicle. I did not inspect it, but instead got inside and started the engine. I then put the vehicle in reverse gear. When I checked the mirror, I noticed something hanging behind the vehicle. I stopped the vehicle and went to the back, where I saw that my back light was missing and that some small pieces of the light were still hanging from the back of the vehicle.

I asked the young man who lives next door if he had seen anyone breaking into my car, but he had not. The missing back light is valued at R2,700.00 and my vehicle is not insured. I suspect that a coloured man known as Jamel, may have stolen my back light. Although I did not see him, we had had an argument about money on the previous day on 7 March 2013 and he had told me that I would need him soon because something would be missing from my vehicle. He is a mechanic and knows my house very well. After our argument, I left without saying anything. I was with my friend/colleague, Wesley, when he threatened me. I did not give anyone permission to steal my vehicle light. I request an investigation into this matter.

5.8. Summary of all five sworn statements

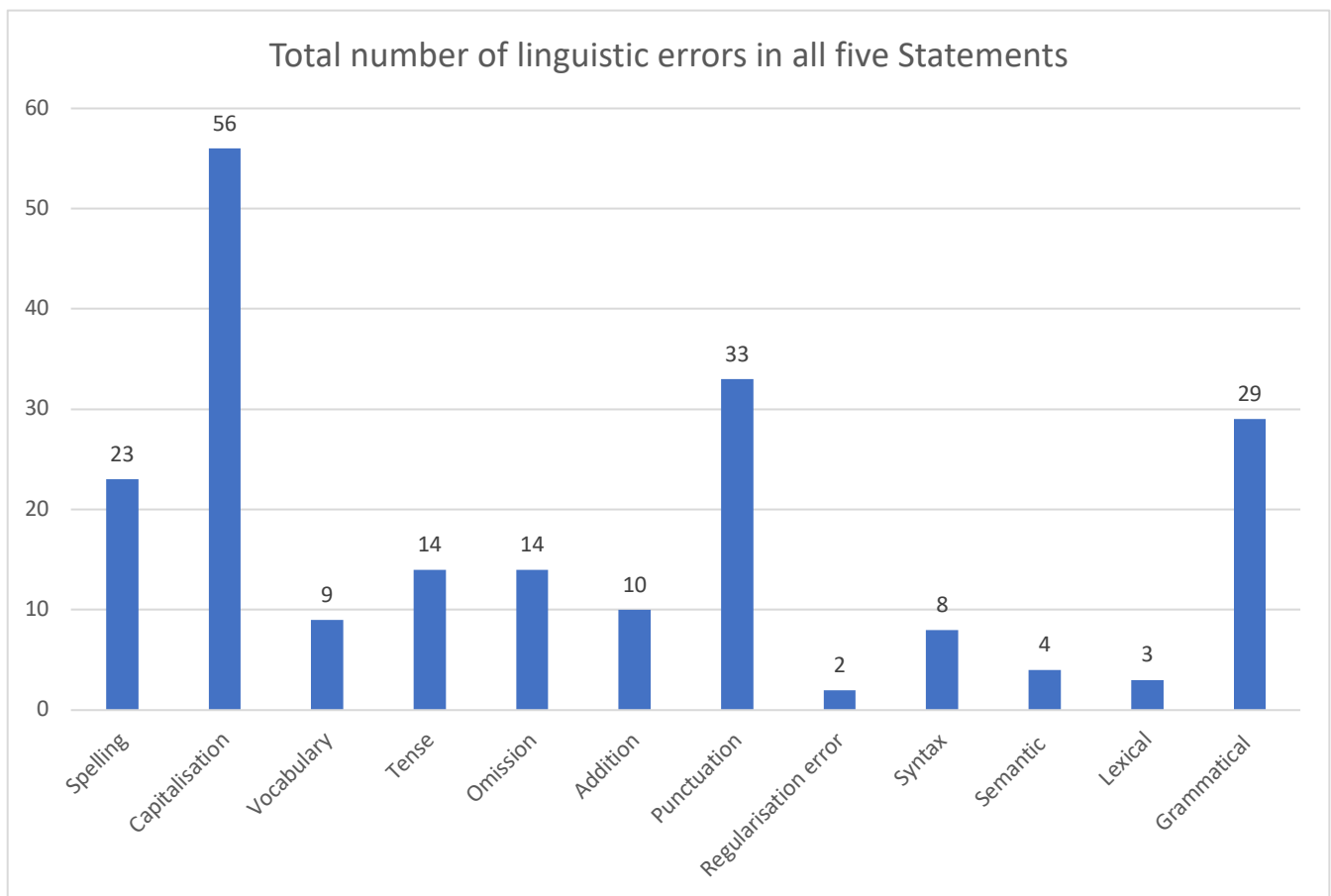


Figure 6: Total number of linguistic errors in all statements

5.3.5.2. Interpretation of Statement 5

Figure 6 shows that 205 linguistic errors were made across the five sworn statements. The most frequent error category is capitalisation, with a total of 56 instances. This suggests that the police officers have difficulty distinguishing between words that should be capitalised and

those that should not, which could affect the clarity and accuracy of their statements. The second most frequent error category is punctuation, with a total of 33 instances, indicating that the officers struggle with using correct punctuation marks in their writing. These punctuation errors, such as the omission of a full stop or the addition of a comma, result in run-on sentences in all five statements. Grammatical errors are also prevalent, with a total of 29 instances, indicating that the officers struggle with proper grammar usage, potentially leading to ambiguity and confusion in their statements. This is the third most frequent linguistic errors. Spelling is also a significant error category, with a total of 23 instances. This suggests that the police officers have difficulty with correct spelling, which could lead to confusion and inaccuracies in their statements. The incorrect spelling of names has a definite effect on the accuracy of the statements and can have significant implications for the complainant and the accused.

The categories of tense, omission and addition all have moderate error frequencies, with a total of 14, 14 and 10 instances, respectively. These types of errors can significantly affect the accuracy and reliability of the statement, as discussed in the interpretation of each statement. Omission and addition errors have been shown to have a significant effect on accuracy of the statements and have implications for the complainants. The categories of vocabulary, syntax, semantic, lexical and regularisation errors are less frequent, with a total of 9, 8, 4, 3 and 2 instances, respectively. These types of errors may affect the clarity and accuracy of a statement, but to a lesser extent than other categories – although in some cases incorrect vocabulary can alter the meaning of a statement. Overall, the high number and variety of linguistic errors in these statements suggest that the police officers did not have a strong command of English, which could have significant implications for the accuracy and fairness of criminal cases. The presence of linguistic errors in each and every line of all five statements suggests that there is a need for serious English language training in SAPS.

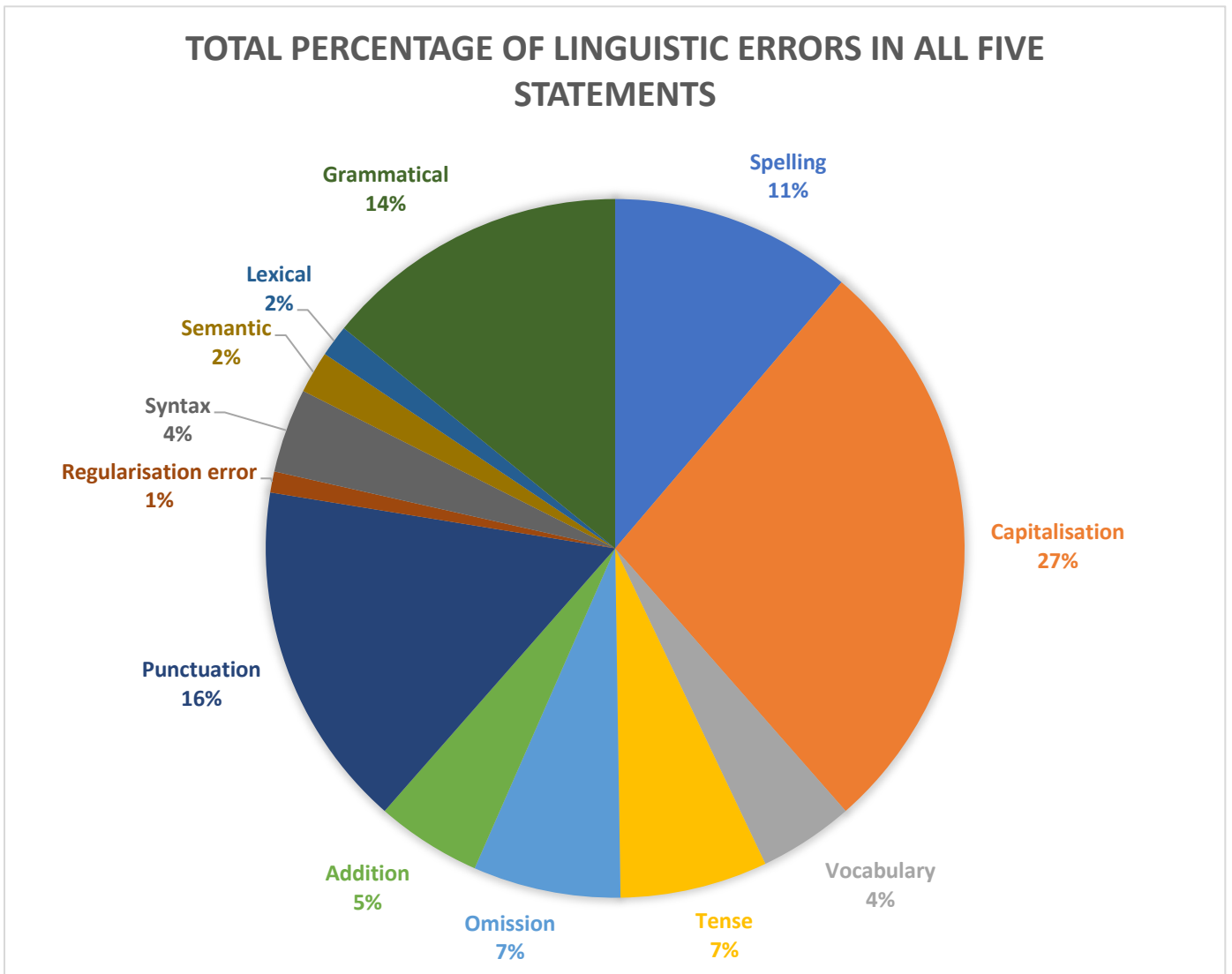


Figure 7: Percentages of linguistic errors in all five sworn statements

5.4 Percentages of errors

In calculating the percentage of the errors, the formula $P = \frac{F}{N} \times 100\%$ was used, in which

P: percentage of the errors

F: frequency of the errors

N: total number of the errors

Pie charts such as Figure 7 are a useful tool for presenting data, since they create a visual representation of the distribution of a phenomenon – in this case, of linguistic errors in all categories of error, shown as percentages. The pie chart allows for easy identification of the categories of error that occurred most frequently, and can therefore help identify potential patterns of error in the language used by the police officers. A knowledge of the frequency of

these errors can help in identifying potential biases or inaccuracies in the statements provided by police officers in a quick and easy way, since they quantify the data.

5.5. Conclusion

In conclusion, the analysis of the five sworn statements made by police officers reveals a total of 205 linguistic errors. The analysis was conducted using Error Analysis. The errors were presented in tabular form, in which each error was identified, described and corrected. Bar graphs and a pie chart quantified the data using a quantitative approach. The results showed that the most common errors made by the officers were capitalisation, punctuation and grammatical errors. Since the most common errors made by undertrained officers in their sworn statements have now been identified, it will be possible for SAPS trainers to design interventions that will enhance the quality of police work, and ultimately contribute to trust between law enforcement agents and the communities they serve. The corrected versions of the statement, as shown after each table, show the gap that exists between the quality of the translated statements written down by police officers and the quality that is required for clarity and readability. This difference highlights the importance of language training for law enforcement professionals. The analysis has also drawn attention to the need for absolute accuracy and clarity in all aspects of police work, including the taking down of statements. Ambiguous, poorly-worded, badly-punctuated and factually incorrect statements will inevitably affect the quality of police work and have serious implications for the delivery of justice, affecting both complainants and the accused in court cases. Sworn statements made by police officers are used as evidence in criminal investigations and court proceedings, and even small errors can have significant consequences. The accuracy and reliability of these statements are crucial for ensuring that justice is served. Inaccuracies or errors can lead to wrongful arrests, convictions or acquittals. The following chapter comprises of the discussions, findings and recommendations. The following chapter will delve into the discussions, findings, and recommendations derived from this study.

CHAPTER 6

DISCUSSIONS, FINDINGS AND RECOMMENDATIONS

6.1. Introduction

The purpose of this chapter is to discuss the findings in light of the four research questions and the aim of the study, draw conclusions based on the findings, and make recommendations in the light of the findings. A summary of the findings is also given.

6.2. Discussion

This study has entailed an analysis of the linguistic errors in five sworn statements translated and written down by police officers. At the beginning of this study, the following four research questions were posed:

- What kinds of error are present in translations of complainants' sworn statements?
- What are the legal implications of the linguistic errors for the delivery of justice and access to justice on the part of complainants?
- To what degree do linguistic errors affect the veracity and accuracy of sworn statements?
- How frequently do such linguistic errors arise in translations of complainants' sworn statements?

After the data was collected, the researcher followed Corder's (1981) approach to Error Analysis. An outline of Corder's approach is presented in Table 8 to clarify how error analysis was performed in this study.

Table 8: How error analysis was performed

Corder's steps	Researcher's steps
Selection of a sample of the sworn statement	A word or sentence from the sworn statement containing an error was selected from the larger portion of the sworn statement.
Identification of linguistic errors	The error was identified in the statement. For example, the identification of a word spelled incorrectly, a word that was capitalised when it was not supposed to be, the incorrect use of punctuation, the incorrect tense used, the incorrect choice of words or a sentence which was grammatically incorrect.
Classification of errors	The errors were categorised according to the list of categories discussed in Section 2.10. These categories were spelling, capitalisation, punctuation, tense, omission, addition, regularisation, vocabulary, lexical, semantic, syntax and grammatical errors.
Explanation of linguistic errors	An explanation of the error was provided to describe why the word or sentence was incorrect.
Correction of linguistic errors	A possible corrected version of the word or sentence was provided.
Evaluation of frequency	The errors were quantified in a bar graph to illustrate the frequency of each. In addition, a pie chart showed the total number of errors in all statements in the form percentages.

6.2.1. Types of errors identified in the data

This section addresses the first question of this research, which concerned the types of error made in translations of complainants' sworn statements. The data revealed 12 categories of linguistic error in the sworn statements. These were as follows:

- capitalisation
- punctuation
- grammar
- spelling

- tense
- omission
- addition
- vocabulary
- syntax
- semantic
- lexis
- regularisation

A total of 205 linguistic errors were found in the sworn statements. These may be attributed to the police officers' limited English language proficiency and lack of formal training in translation and interpretation. The types of error found, such as grammar, spelling, punctuation and syntax errors, suggest that the police officers did not have a good command of the English language, which is essential for accurate translation and interpretation of legal documents. According to Ralarala (2014) South Africa's criminal justice system is based on Western perceptions and ideals. This has serious implications for the concept of access to justice, particularly for persons and groups whose proficiency in English is low or non-existent. Moreover, errors such as omission and addition indicate that the police officers may have lacked a full understanding of the content of the original statements.



The presence of capitalisation and tense errors suggests that the officers may not have paid sufficient attention to detail while translating the statement. In addition, errors in vocabulary, regularisation and semantics indicate that the officers may not have had a good grasp of legal terminology or the nuances of the language. This lack of proficiency in legal language and terminology can lead to misunderstandings and inaccuracies in the final translation, potentially jeopardising the outcome of the case. Ralarala (2016) concurs that if the case goes to court, a witness may deny the charge on the grounds that the police record was prefabricated.

Overall, the large number and variety of errors found in the sworn statements highlight the importance of providing adequate language training and resources for law enforcement professionals. Without proper training and resources, police officers may continue to struggle with accurately translating and interpreting legal documents, which can have serious consequences for the administration of justice and the rights of the accused.

6.2.2. Legal implications for the delivery of justice and access to justice

The second question of this research was, “What are the legal implications of the linguistic errors for the delivery of justice and access to justice on the part of complainants?”

Language plays a critical role in the delivery of justice and access to justice. In legal settings, the use of accurate and clear language is essential in order to ensure that all parties involved in legal proceedings understand the information being conveyed. Inaccurate or unclear language can lead to misunderstandings and misinterpretations, and can ultimately result in negative legal outcomes for complainants. Ralarala (2016) concurs that mistranslation impacts the content of a sworn statement, which ultimately leads to misrepresentation of the truthfulness of the original sworn statement.

The linguistic errors found in the sworn statements included grammatical, punctuation, spelling, omission, addition, vocabulary, regularisation, tense, capitalisation, syntax, lexical, and semantic errors. These errors can have significant implications for the delivery of justice and access to justice for complainants. Inaccurate or unclear language can lead to misunderstandings and misinterpretations of critical information, which can ultimately affect the outcome of legal proceedings.

One of the main legal results of linguistic errors in sworn statements is that they cause inaccuracies, which can affect the credibility of the evidence presented in court (Ralarala, 2016). For example, if a police officer makes a grammatical error in their sworn statement, it could change the meaning of a sentence, and consequently, the overall meaning of the statement. This could lead to misunderstandings, misinterpretations and ultimately, dismissal of the evidence presented in court. The accuracy of the sworn statement is crucial for determining the credibility of the witness and the reliability of the evidence presented.

Moreover, the types of error found in the sworn statements, particularly semantic and lexical errors, can have significant implications for the understanding and interpretation of evidence presented in court. Semantic errors occur when words are used incorrectly, leading to a change in meaning (Frawley, 2013). Lexical errors occur when words are used inappropriately or misspelled (Manurung et al, 2015). These types of errors can lead to confusion and

misinterpretation of the evidence presented, potentially resulting in negative legal outcomes for complainants.

Another significant legal implication of linguistic errors is that they can have a significant effect on access to justice for complainants. Every individual has the right of access to legal processes, regardless of their economic or social status. Gutterman (2022:1) states that “access to justice guarantees that people can go before the courts to demand their rights be protected, regardless of their economic, social, political, migratory, racial, or ethnic status or their religious affiliation, gender identify, or sexual orientation.” When linguistic errors occur, they can lead to uncertainty and misunderstandings, which can ultimately affect a complainant's ability to access justice. Inaccurate or unclear language can lead to legal proceedings being unnecessarily prolonged, and can also result in a lack of confidence in the legal system by complainants.

Evidence to support the above assertions are found in Statement 1. A vocabulary error was made by the police officer when they used the word “denied” instead of “refused”. The word "denied" implies that the accused denied ever taking the phone in the first place, whereas "refused" accurately reflects the accused's actions of not returning the phone after taking it. This vocabulary error can lead to a misinterpretation of the accused's actions and can create doubt about the complainant's credibility. If the defence attorney identifies this error, they may argue that the complainant's statement is not credible and try to discredit the complainant's testimony in court.

Further evidence may be seen in Statement 2. The police officer made an omission error by leaving out the fact that the complainant had been beaten unconscious by the accused and that the accused threatened to “come back again”. In an assault case, omitting this important information could be crucial evidence for establishing the seriousness of the assault and the intent of the accused. Redwine (2003) states that the ability of an officer to produce accurate, precise, and important information in the form of statement underpins the great majority of excellent police work. Without this information, the court may not have a complete understanding of the nature of the offense, which could affect the charges brought against the accused and the severity of the sentence imposed.

In Statement 3, the police officer made an addition error by adding their own words. The incorrect time was inserted into the final statement, which conflicts with the time given by complainant in the pre-statement. Time is a critical element in criminal investigations. Even a small discrepancy in the time recorded can have a significant impact on an investigation. If the complainant's version of events is not consistent with the timeline presented by the police officer, it could raise doubts about the complainant's reliability as a witness, and lead to a weakening of their case.

In Statement 4, the police officer misspelled the name of the accused. In the pre-statement, the complainant referred to the accused as “Garrian”, whereas in the translated sworn statement, the police officer misspelled the name as “Garran”. These are two different names, which could lead to confusion in identifying and locating the the correct individual. A simple error like this can result in delays in the investigation or even cause the wrong person to be charged. This could imply a significant loss of crucial time (Redwine, 2003). This spelling errors can have serious consequences for the complainant's case, including a weakened prosecution case and potential safety implications for the complainant. Additionally, the police officer stated that the complainant was hit on the hand, whereas the complainant said he was hit in the face. An injury to the face is more severe than an injury on the hand. This addition error could have serious implications for the complainant as the accused could have a lesser charge due to the degree of the assault.

In Statement 5, the police officer made a spelling error in the name of the accused and incorrectly identified the accused’s occupation. For any subsequent police investigation, the issue of whether to look for a “Jameel” who is a “panel beater” is entirely different to looking for a “Jamel” who is a “mechanic”. The addition of the incorrect occupation for the accused can obviously lead to confusion about the identity of the accused and could delay the investigation and even lead to the arrest of the wrong person. This could cause distress and anxiety for the complainant, who may feel that justice is being delayed or denied. Moreover, spelling errors such as misspelling the name of the accused can also have serious consequences, leading to confusion during the trial. To determine the honesty, deception, guilt, and/or innocence of the people engaged in the reported occurrence, the prosecutor, Judges, other attorneys, and juries will have to rely on particular information recorded in police reports (Redwine, 2003). The accused person could well argue that they are not the person referred to

in the statement. In some cases, the accused may even be able to avoid conviction owing to such errors. This could effectively deny justice for the victim.

Furthermore, linguistic errors also affect the language rights of complainants. Language rights refers to the right of every individual to use their preferred language in legal proceedings (Botha, 2021). Linguistic errors made in English can lead to the misinterpretation of information, leading to a violation of the language rights of complainants. This can have significant implications for the credibility of the legal system, as well as the overall well-being of complainants.

In conclusion, the linguistic errors found in the sworn statements made by police officers have significant implications for the delivery of justice and access to justice for complainants. Inaccurate or unclear language can lead to misunderstandings, misinterpretations and ultimately, negative legal outcomes for complainants.

6.2.3. Impact of the errors on the veracity and accuracy of the statements

The degree to which linguistic errors affect the veracity and accuracy of translations of complainants' sworn statements was the third question investigated by this research. First, the type and frequency of errors can affect the clarity and coherence of the statement, potentially leading to misinterpretations and inaccuracies. Second, the level of language proficiency of both the complainant and the translator can also play a role in the accuracy of the translation. Accuracy is manifested in the absence of errors, omissions, alterations, or embellishments in presenting the speaker's words (Hussein, 2011).

In the case of the 205 linguistic errors found in the five sworn statements, it is likely that the accuracy of the complainants' statements was affected to some extent. From the results of the research, grammatical, punctuation, regularisation, tense, capitalisation, syntax, lexical and semantic errors all have the potential to alter the meaning and interpretation of statements in subtle ways (Umman and Setiawan, 2018). These include hindering the readability of the statement and affecting the clarity and precision of the language used. For example, a misplaced comma or a missing preposition can subtly alter meaning. For example, "Pumzile hit Simphiwe and Kyle, then ran away." If the comma is misplaced, it could read "Pumzile hit Simphiwe, and Kyle then ran away." These two have different meanings entirely. Its careless use leads to misinterpretation of the text and, as a result, incorrect translation. Mogahed and

Poe (2012) concur that correct punctuation is essential in the interpretation of a text. Similarly, errors in verb tense or syntax can alter the temporal or logical relationships between events described in a statement, which can make it more difficult for the reader to understand the sequence of events. Essentially, these eight categories of error affect understanding and reduce the perceived reliability of the statement, which can ultimately impact the weight that the statement carries in legal proceedings. It is worth noting that although some of the errors in the samples were relatively small, in other contexts these categories of error could take on larger meaning, having more serious consequences for all parties concerned.

Many of the errors identified have a bearing on the issue of veracity and accuracy in the sworn statements. Results show that vocabulary, spelling, omission and addition errors have the biggest impact on the veracity and accuracy of the statements. This makes them errors of high gravity, which are viewed as more serious or severe than other types of error, as explained by Xie (2019) in Section 1.7.1. The use of an incorrect word in a sworn statements can significantly affect veracity and accuracy, resulting in misunderstandings or misinterpretations of the events described. An incorrect word to describe a specific action or event can change the entire meaning of a sentence or paragraph, leading to confusion and potentially inaccurate conclusions about the incident. In some cases, vocabulary errors can also affect the credibility of the police officer and the trustworthiness of the entire statement. This is especially true when the errors involve technical terms or legal jargon, as these terms have specific definitions and implications, and cannot easily be substituted with synonyms.

Moreover, vocabulary errors can create barriers to access to justice for complainants, who may not have a strong understanding of the language used in the statement. Mart (2012) states that one of the most crucial language factors to master is vocabulary. For instance, if a complainant speaks a different language than the police officer who writes the statement, vocabulary errors can make it difficult for the complainant to fully comprehend the events described and may result in inaccuracies or misunderstandings in the translation.

Spelling errors in the data show that the misspelling of the names of the accused can significantly affect veracity and accuracy. Incorrectly spelling the name of an accused can lead to confusion and the identification of the wrong person, potentially leading to a wrongful arrest or a delay in the investigation. In addition, misspelling the name of the accused can damage the credibility of the police officer and the entire investigation. It can create doubt in the minds

of the judge, the prosecutor and the defence attorney and ultimately harm the complainant's case.

Addition and omission errors in the data have been shown to have the biggest impact on the veracity and accuracy of the statements, as they create gaps or inconsistencies in the narrative. An omission error occurs when a police officer fails to include an essential detail or fact in the sworn statement, while an addition error occurs when they include inaccurate or extraneous information (Ummah and Setiawan, 2018).

The omission of essential information may result in the suppression of evidence that could be crucial to the complainant's case. Important and significant features of pre-statement-taking sessions tend to vanish or fail to be included into the actual sworn statement (Ralarala, 2014). For example, in the assault case described in Statement 2, the police officer failed to mention that the accused threatened the complainant after the assault. Such information could be essential in proving that the offender had an intent to harm the complainant and should face additional charges.

On the other hand, addition errors may lead to the inclusion of inaccurate information, leading to an incorrect perception of events (Ummah and Setiawan, 2018). For example, in the theft case described in Statement 4, the police officer added that the complainant was hit on the hand instead of in the face. This could undermine the credibility of the complainant's account of the incident, as the discrepancy between the sworn statement and the actual location of the injury could be seen as a sign of inconsistency or dishonesty. This could make it more difficult for the complainant to convince the court of the truthfulness of their account. Secondly, it could also impact the severity of the charges brought against the accused. For example, if the complainant was hit in the face, this could be considered a more serious offense than if they were hit on the hand. Ralarala (2014:392) states that “the dangerous inconsistency and lack of accuracy affects not only the content layer but also the intentional layer, in that it officially modifies a charge.” Therefore, an error in the sworn statement that downplays the seriousness of the offense could result in the accused receiving a lesser charge or sentence than they otherwise would have. This type of addition error could also affect the credibility of the police officer and the reliability of the statement as a whole. If the police officer is shown to have added false information in one part of the statement, it may raise questions about the accuracy

and honesty in other parts of the statement. This could have a detrimental effect on the complainant's case, as the statement is often a key piece of evidence used in court.

In both cases, omission and addition errors can impede the delivery of justice and negatively affect the complainant's access to justice as a result of the lack of veracity and accuracy in the statement.

Of course, that not every vocabulary or spelling error has a significant effect. The seriousness of the error depends on the degree to which the word or sentence changes the original version. For instance, the misspelling of the word “friend” to “freind” is not as consequential as misspelling the name of the accused. It is also worth noting that while linguistic errors can have a significant effect on the veracity and accuracy of sworn statements, they are not the only factor that affect the delivery of justice and access to justice for complainants. Other factors such as bias, incomplete investigations and lack of resources may also play a role.

6.2.4. Frequency of linguistic errors in translations of complainants' sworn statements

This section addresses the fourth question of this research, which was, “How frequently do such linguistic errors arise in translations of complainants’ sworn statements? The analysis shows that the five sworn statements contains a linguistic error in every line, which has significant implications for the accuracy and reliability of the statements. The sheer number of errors suggests that the statements were poorly written and translated, making it difficult for the reader to understand intended meaning.

The presence of numerous linguistic errors in these sworn statements raises doubts about the language proficiency of the police officers. It suggests that the police officers who wrote and translated these statements were not sufficiently competent in the language used, and are therefore inadvertently causing misunderstandings or misinterpretations of the facts. Moreover, the high frequency of errors reflects poorly on the professional competence of the individuals, calling into question their ability to perform their duties effectively.

Results of the analysis show that it is not the case that the higher the frequency of a category of error, the more inaccurate the statement. For example, the most frequently occurring error is incorrect use of capitalisation; however, incorrect capitalisation does not affect the accuracy

of the statement. It is equally true that a lower frequency of a category of error does not imply a correspondingly lower effect on accuracy; even one spelling error or misplaced comma can have a serious effect on accuracy and meaning. In the samples, the lower occurring errors such as omissions and additions had a marked effect on accuracy. Thus, the seriousness of the error depends on the degree of change that it introduces to meaning. Some minor or rarely occurring errors alter meaning considerably; some more frequently occurring errors have a negligible effect on meaning.

Sworn statements with a linguistic error in every line are likely to be viewed with suspicion and skepticism, making it more difficult for a prosecutor or witness to convince the court or relevant authorities of the truthfulness of the statement. It can also make it harder for the complainant to access justice, as the errors can obscure or distort the facts, leading to a misrepresentation of events. This being the case, it is crucial to ensure that sworn statements are free from linguistic errors, in order to guarantee their accuracy and reliability and to promote access to justice.

6.3. Findings

6.3.1. The challenge of second language translation

As discussed in Section 2.1, the Constitution of South Africa explicitly protects linguistic rights. The infrastructure and organisational realities that go hand in hand with this ideal make it challenging to put into practice in the legal system. Ralarala (2015) is of the view that in the current era, the reality of the situation is intolerable and unsustainable. The language of record, namely English, has in effect excluded African languages from their rightful recognition, and its dominance may be seen as a contributing factor to the issue of inaccuracies made by police officers, most of whom speak English as their second or third language. The current linguistic arrangement in South Africa is effectively disadvantaging most of its users, since so many people struggle to use it in official situations such as when making and translating sworn statements. Numerous initiatives established on the basis of the Constitution have been initiated to protect linguistic rights in South Africa, such as the South African Police Service Act, discussed in Section 2.4. However, in practice, English continues to place demands on speakers of other languages, placing them at a disadvantage in official situations, such as when dealing with organs of the State. Thus, it effectively promotes inequality.

The challenge of second language translation among police officers in South Africa is a complex and multifaceted issue that has significant implications for the delivery of justice and access to justice for complainants. South Africa is a linguistically diverse country, with 11 official languages recognised by the Constitution. This diversity poses a challenge for the police, who are required to investigate crimes and gather evidence from individuals who may not speak the same language as the police officers do. This challenge is compounded by the fact that many South Africans, including police officers, are not proficient in English (Kekana & Montle, 2022).

This research has shown that linguistic errors made by police officers in translating statements from one language to another can have significant implications for the accuracy and veracity of sworn statements. While some of these errors may seem minor, they alter the meaning and interpretation of a statement in subtle ways, and in addition, they cast doubts on the reliability of the statements.

One of the main challenges of second language translations for police officers in South Africa is the lack of training and resources available to them. The ability to translate effectively requires a high level of proficiency in both languages involved in the translation process. This research has shown that police officers in South Africa are not adequately trained in second language translation, and they do not have access to translation tools or resources that could help them in their work. This lack of training, evident in the samples shown in Chapter 5, lead to a number of problems in the translation process. Without proper training, police officers struggle to understand the nuances of English, which makes it difficult to accurately convey the meaning of the original statement made by the complainant. The lack of training and resources leads to linguistic errors in translations, which have serious consequences for the delivery of justice. As discussed in Section 2.3, Kekana and Montle (2022) interviewed police officers in training who spoke of the ineffectiveness of the training they received. One respondent said, “Some members that come on course are not equipped to speak English and that is a very big problem”. Another respondent said, “Nah, I think the trainers they are not teachers, so why do I expect them to teach English? They are not trained teachers, finish.” The experiences of the respondents in Kekana and Montle’s (2022) study are reflected in the results of this research. The translated sworn statements are all inadequate attempts to complete a task that should be relatively easy for police officers, and would be, if they were adequately trained in language proficiency and the basics of translation.

Another challenge of second language translation for police officers in South Africa is the issue of power dynamics. Mienie (2020:109) stated that “no one poor, rich, or young has confidence in the state – there is fear in the state.” The police are often seen as a powerful institution in South Africa and complainants may feel intimidated or afraid to challenge the accuracy of a translation made by a police officer. This can lead to situations where errors in translation are not corrected or challenged, leading to inaccurate and unreliable evidence being presented in court. Evidence of this is illustrated in the sworn statements analysed in this research, where the speakers of African languages (the complainants) signed the translated statement in spite of the fact that they contained errors. This suggests that they may have been afraid to challenge the accuracy of the statement, or simply could not recognise these linguistic errors themselves because their mother tongue was an African language and not English.

Finally, the challenge of second language translation with police officers in South Africa is compounded by the historical legacy of apartheid, which created deep linguistic divisions in the country. According to Kamwangamalu (2003) apartheid influenced everyday linguistic interaction and aided in the transition from indigenous African languages to English, particularly in urban Black communities. During the apartheid era, different languages were used in different parts of the country, and some languages were favoured over others. This has led to a situation in which some police officers may be more comfortable with one language than another. This legacy of linguistic division has made it difficult to create a unified approach to translation and interpretation in South Africa, and could cause the quality of translations and interpretations to vary widely from one region to another.

6.3.2. Findings of EA as a micro level of analysis

At the micro level, Error Analysis, discussed in detail in Section 3.3.1, revealed that police officers frequently make errors when dealing with certain aspects of the English language, which is clearly a challenge for non-native English speakers. The analysis revealed a detailed picture of the specific linguistic errors made by police officers when they translate sworn statements. These errors were categorised to allow easy identification of the problem areas. The results show that the categories of linguistic errors which occurred the most are capitalisation, punctuation, grammatical and spelling errors. The frequency of these errors provides important information to language training providers, as it shows the main areas of difficulty that police officers have with regard to English language translation. The use of EA

in this study brought to light the frequency and distribution of these errors. It was found that there was at least one error in each line of all five statements. This reveals the low language proficiency of the police officers.

While the most frequently occurring errors reveal a lot about the language proficiency of these police officers, it is important not to miss the errors which occurred less frequently. The errors which occurred less frequently but contribute significantly to the accuracy of the sworn statement were omission and addition errors. It is crucial to ask why these errors are made. In some of the statements, the police officer would be interrupted by other police officers or individuals in the police station at the time of statement-taking, as shown in row 4 of the pre-statement in Statement 2 and Statement 5. This would cause distraction and could lead to vital information being omitted from sworn statements. However, in cases where there were no interruptions, one questions whether these omissions and additions could have been caused by bias or intention on the part of the police officer. For example, in Statement 1, the police officer mentioned that it was not the first time the complainant had laid a charge against the accused, but omits to mention that it was the third time. The exact number of charges adds emphasis to the fact that the accused is troublesome and dangerous, since it was a case of assault and theft. In addition, the police officer did not mention that the complainant's previous charges were ignored by police officers as they told the complainant that they were "giving up". The omission of this vital piece of information could be based on the fact that this police officer did not want to expose his colleagues' negligence to their duty to serve and "render effective service of high quality", as stated by the South African Police Service Code of Conduct.

6.3.3. Findings of CDA as the macro level of analysis

Critical Discourse Analysis provided a framework for a macro level of analysis, as discussed in Section 3.2.1. CDA unveils the way language is used to maintain and reproduce power. CDA is useful for examining the language used by police officers in their translations, which includes the use of specific words and phrases, omissions and manipulation of information, all of which can indicate bias. CDA sheds light on the power dynamics in society, highlighting the nature of the relationship between police officers and complainants.

The micro level of analysis shows that police officers omitted vital information, such as in Statement 1, or added information, such as in Statement 4. As discussed in Chapter 2, additions or omissions in an official sworn statement can lead to the statement being "falsified" if the

translated statement is inconsistent with the original statement made by the complainant. These micro-level errors are relevant to the macro level of analysis. Under Section 24(1) of the South African Police Service Act, 1995 (Act No. 88 of 1995), Regulation 5(3) states, “An employee will be guilty of misconduct if he or she - (aa) gives a false statement or evidence in the execution of his or her duties; (bb) falsifies records or any other documentation.” In light of the nine additions and fourteen omissions made by the police officers who wrote these five sworn statements, one is compelled to question whether they were in fact guilty of misconduct by falsifying legal documents. One also questions who would be to blame for their errors. It is possible that these linguistic errors would not have been made had English not been the only language of record. Thus what EA reveals at the micro level of analysis is properly and more fully understood in light of what CDA reveals about the macro factor at play – that is, power.

The results of this research highlight that the institutionalisation of power and dominance through language is evident in the legal system of South Africa. Despite the recognition of 11 official languages, the government’s commitment to advance historically diminished languages, use at least two official languages, and promote and create conditions for the development and use of all official languages, as set out in the South African Constitution, English continues to be prioritised above the other ten official languages. This is particularly the case in South Africa’s courts of law, as a result of Judge President Justice Hlophe’s ruling that only English should be used in court records. His hope was that adopting English as the single official language of record would result in the speedier adjudication and finalisation of all judicial matters. However, the results of this study show that the enforced use of English and the disregard for complainants’ home languages (and that of the police officers) may be impeding the course of justice, rather than speeding it up. In addition, it may be leading to inaccurate, unreliable and even untrue statements being used in court. If a sworn statement is inaccurately translated, it can lead to delays in an investigation or a complainant’s verbal testimony not matching the sworn statement – which can result in a case being thrown out of court. This essentially makes matters both unjust and less efficient.

This practice highlights the control exerted by the dominant, English-speaking part of South African society over the language used in legal proceedings, which reinforces existing power hierarchies in society. The legal system thus perpetuates and upholds this hierarchy by favouring English, the language of the dominant group, over other official languages. In addition, the ongoing failure to comply with the South African Police Service Act and

regulations introduced by the government will persist in placing the burden of dire consequences on marginalised speakers of African languages, as they are forced to accept highly compromised procedures with regard to their sworn statements, which can lead to compromised access to justice – or no access to justice – because of inadequately trained police officers. In addition, their lack of training and access to translation-related resources makes the police officers vulnerable, too. They are open to being accused of misconduct, based on the stipulations of Regulation 5(3), if they produce a sworn statement that is deemed falsified because of English linguistic errors which they were never trained to note and prevent.

6.3.4. The value of the mixed-methods approach

As specified in Section 4.3., the combination of both quantitative and qualitative approaches in this research provided a thorough and insightful understanding of the issue of linguistic errors in police translations. The quantitative approach provided numerical data to measure the frequency and severity of errors, identify patterns and trends, and draw conclusions based on statistical analysis. The qualitative approach shed light on some of the underlying reasons for these errors. By integrating both approaches, this research was able to present a more complete and nuanced picture of the issue under investigation.

Moreover, the use of both approaches enhanced the validity and reliability of the research. The quantitative approach provided objective and empirical evidence to support the findings, while the qualitative approach added depth and context to the data, making it more meaningful and relevant. The combination of approaches enabled triangulation of the results, and therefore yielded a more robust and accurate understanding of the implications of linguistic errors in police translations.

The use of both approaches was particularly suited to the context of this research, since the issue of linguistic errors in police translations is complex and multifaceted. A quantitative approach alone would have provided limited insight into the issue, while the qualitative approach alone would have lacked the precision and clarity of numerical data. The combination of both approaches was essential in achieving the research objectives of this study, and in providing answers to the research questions. More importantly, the inclusion of CDA as part of the mixed methodology has provided the evidence that English as the sole language of record creates an injustice to society, as discussed in Chapter 1.

6.4. Recommendations

The literature reviewed during the course of this study yielded insights with regard to the issues that surround linguistic errors in translations of complainants' sworn statements. The findings in Chapter 5 and the discussion in this chapter create a basis for a set of recommendations that, if adopted, could go some way to alleviating the evident challenge associated with the use of only English in official settings. It is acknowledged that these recommendations would take time to implement and would require resources, many of which may not be available immediately.

To address the issue of the causes of linguistic errors in sworn statement, the broader most influential problem should be solved first. My first recommendation is that government agencies consider implementing policies that prioritise the use of African languages in official documents and proceedings, as outlined in the Constitution. This would not only promote linguistic diversity and preserve cultural heritage, but also ensure that all citizens are able to fully participate in legal proceedings and access justice. In addition, if this problem were solved, the problem of police officers with low English proficiency having to translate sworn statements would not be an issue. This would go some way to eliminating the problem of linguistic errors in sworn statements and ultimately provides greater justice to all citizens.

It is acknowledged that the first recommendation may be too complex to implement in the near future. My second recommendation is that proper linguistic training be implemented for all South African police officers. In Section 2.3, it was noted that police training does not include linguistic training, but there is a clear need for training of this sort. The language barrier is evidently affecting the quality of sworn statements. This research has identified the specific types of linguistic error made by police officers. These linguistic errors can be addressed and prevented, since the study has revealed the nature of the linguistic errors made, and hence the areas on which training needs to focus.

It would not be sufficient to include linguistic training only in the Basic Police Development Learning Programme (BPDLP). This brings me to my third recommendation. This is to employ teachers/lecturers at the appropriate level, who are qualified to train police officers in the disciplines of English grammar and translation. As discussed in Section 2.3, research by Kekana and Montle (2022) showed that police trainers are not qualified to teach this subject

area. Since the language of record is English, a training component is required that focuses on understanding fundamental aspects of the English language.

Police officers who write down sworn statements should be fluent in speaking and writing in both English and the source language to avoid linguistic errors during the translation process. In addition, it is recommended that the original statement made by the complainant be audio recorded and that a forensic linguist and translator assess, provide advice or correct the final statement made by the police officer. This is the fourth recommendation.

Lastly, since the challenges are rooted in the act of translation from one language to another, employing qualified translators and forensic linguists in the South African Police Service Training and Recruitment Facilities is the study's fifth recommendation. They could assist new recruits with the fundamentals of translation and documentation analysis. The training programme could include input by translation professionals and forensic linguistics, which would help elevate the quality of translations. This would result in error-free sworn statements which have been translated accurately and which very closely resemble the original statements provided by the complainants.

6.5. Conclusion

This study has conducted a micro-level analysis of linguistic errors of translations of complainants' sworn statements. It has combined this micro level of analysis with a macro-level analysis in order to reveal a comprehensive picture of how the use of English as the language of record affects the accuracy of sworn statements. The research aimed to fulfil the objectives of the study through a mixed-methods approach. The study has fulfilled this aim and has answered all four research questions in some detail.

The findings reveal that without accuracy and precision in translation, linguistic errors are all too common in sworn statements, detracting from their veracity and accuracy. Each linguistic error made affects the readability and understanding of the sworn statement. Inaccurate, ambiguous and confusingly worded sworn statements have serious implications for complainants' right to justice, and can lead cases being thrown out of court.

This research has highlighted the issue of linguistic errors in police translations and their possible contribution to the miscarriage of justice and lack of access to justice. By highlighting

the frequency and types of errors found in the translations of sworn statements in cases, the research has exposed the challenges faced by police officers in accurately and effectively translating statements from one language to another.

Furthermore, this research has emphasised how even less frequent errors, such as the misspelling of a name, an incorrectly placed word, the omission of vital information and the addition of 'facts' that were not expressed by the complainant can significantly affect the accuracy and reliability of a statement, potentially leading to a wrongful conviction, the acquittal of a defendant or the weakening of a complainant's case. The presence of linguistic errors in translations of sworn statements can have significant implications for all concerned, leading to a miscarriage of justice, limiting access to justice for complainants, and calling into question the competence of the police service. It is important for the legal system to recognise the potential impact of linguistic errors and to take steps to ensure that accurate and reliable translations are provided for all parties involved.

In addition, this research has highlighted the importance of the inclusion of all 11 official languages in the South African justice system. The research has demonstrated that the current practice of relying solely on English as the language of record in a multilingual society such as South Africa is problematic, as it marginalises those who do not have a strong proficiency in English. This is particularly relevant in the justice system, where the accurate translation of sworn statements is critical for ensuring that all parties have equal access to justice. By highlighting the numerous linguistic errors made by police officers when they translate statements to English, the research has underscored the importance of including all 11 official languages in the justice system. This would help to ensure that everyone, regardless of their proficiency in English, has access to justice and can effectively participate in legal proceedings.

Finally, this research contributes to the domain of Forensic Linguistics in South Africa as it highlights the role that language plays in the legal system and the impact it can have on delivering justice to society. By identifying the linguistic errors in police translations, this study has exposed the limitations and challenges that exist in the current legal system.

The study fills a gap in the literature on Forensic Linguistics, providing new knowledge on the linguistic errors in sworn statements and police interviewing. It has helped to raise awareness

of the importance of language and translation in the legal context, and the need for improvements in this area to ensure that justice is served.

Lastly, by exposing the flaws in the system, this research reveals a need for further investigation into the ways in which language is used in legal contexts, and the kinds of improvements that could be made.



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