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# LINGUISTIC ISSUES IN INTERPRETING FOR NON-NATIVE SPEAKERS OF ENGLISH IN LEGAL ENVIRONMENTS: AN OVERVIEW ON EXISTING RESEARCH AND LAWS

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## **Abstract**

Language in the legal system is regarded as highly specialized and specific. The problem faced by interpreters when dealing with witnesses and suspects whose mother language is not English during legal procedures is not a widely discussed issue. This paper aims at reviewing some of the most prominent linguistic issues encountered by agents of the law, witnesses, suspects and interpreters in the light of existing research, such as questions, register and style, pragmatic issues, modality, verbs and causation. The paper also comments on the most updated guidance to interpreters, police and anyone involved in the process provided by the law through a brief discussion on the effectiveness of some points elicited by the National Agreement on Use of Interpreters in conjunction with the Police and Criminal Evidence Act 1984 (PACE) in the UK.

## **1. Introduction**

The United Kingdom is a multicultural society that is home for immigrants from the most varied places in the world; inevitably, a number of people whose first language is not English somehow become involved with the legal system. It is to be expected that issues may arise regarding the use of interpreters to assist witnesses or suspects who either do not speak English or do not have sufficient proficiency in the language. The language of the law in itself is a very distant form from everyday language used by people who do not belong to legal environments (Gibbons 2003). If an individual does not speak the language of the country proficiently this distance may be multiplied. An interpreter can serve as a possible aid for the witness to reduce this distance, provided that the interpreter is aware of the challenges of translating from one language (and therefore culture) into another. The current paper attempts to provide an overview of existing research on linguistic points that appear problematic during the interpretation of legal language to non-native speakers of English; furthermore, it briefly comments on guidance provided by the law to interpreters by the National Agreement on Use of Interpreters in conjunction with the Police and Criminal Evidence Act 1984 (PACE) in the UK.

Section 2 addresses the features of asking and answering questions during police caution delivery, complications that arise from replying to yes-no questions in differing cultures and the problematic degree of coerciveness of leading questions. Section

3 deals with the differences of meaning expressed by passive or active voice as well as with the linguistic characteristic owned by some languages which is named Ergativity. The fourth section reviews different concepts of movement expressed by languages that are classified either as Satellite-Framed or Verb-Framed. Section 5 provides some examples in the research referring to pragmatics and further observations regarding modality. Section 6 overviews and comments on existing research on style and register. The seventh section of this paper discusses whether or not there is the need for an interpreter and when the interpreter should intervene; and finally, once the interpreter is present, what should be interpreted as well as how it ought to be done.

## 2. Questioning issues

Perhaps the most evident interference in justice when dealing with foreign-language-speaking witnesses' speech is the process of asking questions to check information or to obtain information. As pointed by Coulthard & Johnson (2007), questioning is one of the most frequent structures in legal proceedings. It may be carried out from the moment the police establish contact with a suspect or a witness, in which case most questions will be asked with the intention of seeking information. Questioning is also executed in court, and it might be used as an exercise of power over the witness in order to check information.

The first problematic situation involving questions may arise when police agents need to deliver the caution to an apprehended suspect whose native language is not English. Besides the numerous complications that can surface during the delivery of the caution itself to a native speaker of English (Cotterill 2000), one specifically stands out when dealing with non-native speakers of English. It seems standard police procedure to ask the suspect the question "Do you understand?" so as to check whether there has been comprehension on the part of suspects of their rights. In some situations the police could assume the "yes" provided by the suspect is indicating actual comprehension (Nakane 2007). Anyone who has had any teaching experience, for example, knows that there is not a worse way of finding out if understanding has really taken place. Moreover, in this case not even if there were an interpreter present would the problem be automatically solved, especially if the interpreter translated the question word by word.

Answers to yes-no questions may be extremely problematic in interlingual communication. Research by Cooke (1995) and Eades (2004) on questioning Aboriginal people has shown that agreement to a yes-no question may come under the influence of fear, or simply be a mechanism of concurring. In languages like Portuguese and Spanish, for example, the tendency of many speakers to respond to a question using the negative form is to respond "yes" meaning "no". Berk-Seligson (1999: 36) exemplifies this with what she calls a negative prosodic question (example 1):

- (1) You didn't enter the house at that time?

A negative prosodic question in English signals that the speaker expects to hear

a “no” for an answer, but Spanish, like Portuguese, allows the speaker to reply with a “yes” or a “no”, both of which would mean no. That could potentially confuse interpreters, police officers, judges, lawyers or the jury. Cooke (2001:14) presents the case of an Aboriginal being questioned by the police in English; the Aboriginal’s replies (example 2) to all the questions seemed to have only the function of concurring rather than providing information:

- (2) CPol: When Stacey was speared, did you run away?  
 Witness: Yes.  
 CPol: Did you run back to the Toyota?  
 Witness: Yes.  
 CPol: Were those other Aboriginal men there with you?  
 Witness: Yes.  
 CPol: Did they run away?  
 Witness: Yes.  
 CPol: Were you frightened?  
 Witness: Yes.  
 CPol: Frightened of the dead man?  
 Witness: Yes.

Another issue worthy of attention concerns the degree of coerciveness that questions present. This degree can suffer considerable alterations when an interpreter is used either in police interviews or in court. Berk-Seligson (1999) and Rigney (1999) have conducted studies on the impact of interpretation of leading questions. Leading questions are questions designed to elicit the answer the attorney would want to hear from the witness, “incorporating answer expectations” (Woodbury 1984, cited in Berk-Seligson 1999: 33). The problem here is that in several cases there are differing assumptions being made by questioner and witness/suspect, considering that to one part the answer would be “yes” and to the other part “no”. Marsack (1961, cited in Lane 1993:166) provides a case (example 3) from a Samoan man being interrogated by a New Zealand lawyer. In this case, while at first the questioner wanted to know if the defendant was related to Paulo, the witness understood the questioner was asking about the knowledge regarding Paulo’s relation with the defendant:

- (3) Do you know if Paulo is related to the defendant? Yes.  
 Do you mean that Paulo is related to him? No.  
 Then Paulo is not related to him? Yes.  
*Counsel, in desperation, at last asks the question he should have asked in the first place.*  
 Is Paulo related to the defendant? No.

Even though several kinds of questions can function as leading questions, Berk-Seligson (1999) and Rigney (1999) classify question tags (e.g. “you were there, weren’t you?”) and declarative questions (e.g. “you were there?” with rising intonation) as the most coercive types. In spite of the affirmation by Gibbons (2003: 101) that tag questions function as “strengthening” mechanisms for coercing, perhaps

this assumption is more adequate when referring to native speakers. Berk-Seligson (1999) shows in her data that at times the translator's switch of tag questions in English to tag questions in Spanish lowered the coercing level of the question. Rigney's (1999) work with data from the interview with a Spanish-speaking witness for the O. J. Simpson case (Los Angeles, 1995), also shows how the choice of the interpreter of not translating the tag questions used by the barrister into Spanish aided in decreasing coerciveness as well.

Declarative questions entail the use of intonation to be understood as questions. Their degree of coerciveness is high due to the power these questions have of transforming a question into an actual statement (Ogle *et al.* 1980: 45). Non-native speakers of English could possibly misunderstand the nature of the question in cases where intonation in their native language does not follow the same patterns as English. It would be the job of the interpreter to attempt to maintain the same conduciveness as the original question by using some other language device in the translation (Rigney 1999).

While corroborating Berk-Seligson's (1999) findings regarding the lower coerciveness of translated questions in some cases, Rigney (1999) also presents a different perspective with other types of questions. In some cases analysed by the author, the interpreter increased the coerciveness of the barrister's questions by removing the modal verb *can* and turning the question into a yes-no question in Spanish: the interpreter disadvantaged the witness by making the question more threatening. Other aspects of modality will be discussed in section 5, such as the enormous difference of meaning between the translation in English of the semi-modal verb "do not have to" into "mustn't" in French, as shown in Russel's (2000) research.

The next section deals with the effect passive or active voice has when interpreting for speakers of different languages and with the linguistic feature of ergativity.

### 3. Causation, agency and ergativity

Cultures can express different intentions of communication through different syntactic or morphological features of the language belonging to a particular cultural environment. It is to be expected, then, as Conley & O'Barr (1998) state, that a lot of that information risks getting lost in translation, and that of course applies to legal contexts.

One characteristic that could considerably change meanings when translating is how the active or the passive voice is featured in a language. Boroditsky (2010), in her studies about how languages may shape people's thoughts, points out that in Spanish, even when someone caused an event to happen, the most common approach to describing the event is through the use of the non-agentive form. In Table 1 Gibbons (2001: 22) shows the same characteristic on the third person plural impersonal line. A Spanish speaker could be using the non-agentive form when describing a crime, for example; however, if the interpreter failed to attribute the use of the passive to common use and not to lack of agency the whole statement could be compromised:

Active	<i>Rompí un vaso</i> (I broke a glass)
Third person plural impersonal (Third person referent vague or unknown)	<i>Rompieron un vaso</i> (literally: they broke a glass / but also: a glass was broken)
True passive	<i>Un vaso fue roto</i> (a glass was broken – implied by someone)
Reflexive pseudo-passive with dative of interest	<i>Se me rompió un vaso</i> (a glass got broken around me – implies me)
Reflexive pseudo-passive	<i>Se rompió un vaso</i> (a glass got broken)

**Table 1.** Active and passive voice in Spanish, from Gibbons (2001: 22)

Another particular curiosity regarding certain languages is their ergative nature. According to Dixon (1979), ergativity is a feature present in languages whose nouns and pronouns that function as agents (subjects of transitive verbs) have a grammatical feature to mark the difference between subjects of intransitive verbs. Goldman (1993, in Conley & O’Barr 1998: 112) exemplifies this with the case of Huli, a language in Papua New Guinea. In example (4a) a speaker of Huli attributes responsibility to a fire; the particle *me* is affixed to the word *anda* (house), blaming the house for the fire. In example (4b), the particle *me* is affixed to the intensifier *biag* that refers to the word *wife* (one), thus assigning responsibility to the wife for the fire.

(4a) *Ibu andame dene...* (She got burnt by means of the house)

b) *Kenobi one biagome inaga ainya delara* (Kenobi’s wife burnt my mother).

Other languages have ergative properties too, such as Hindi, Georgian and Swahili. Logically, if a speaker of one of these languages were a witness of any kind, the interpreter would have to be fully aware of this specificity of the language in order to translate everything as accurately as possible.

Further linguistic characteristics that may complicate interpretation from one language into another regard verbs, thus Section 4 points out differences of movement description among languages.

#### 4. Satellite-framed vs verb-framed languages

Some features of language originally approached by cognitive linguists have been used to enlighten forensic linguists as to how different languages communicate, for example, events of motion. Filipovic (2007) gives an account of how research from Talmy (1985) and Slobin (1997) regarding satellite-framed or verb-framed languages can aid/hinder translation between languages. Satellite-framed languages are languages which provide the information of how the motion event was realized (manner) through the verb, and the direction or location (path) of the motion is provided by another element in the sentence. English is amongst the category of satellite-framed languages, together with Chinese and others (Littlemore 2009). Examples (5) and (6) are from Filipovic (*ibid.*):

(5) She staggered (*manner*) into (*path*) the hotel.

Verb-framed languages are ones which provide the path in the verb, and usually do not provide information on the manner unless relevant. Languages such as Italian, Portuguese and Spanish are included in this category (Littlemore 2009). Another example by Filipovic (in Spanish) is as follows:

(6) *Ella entró (path) en el hotel tambaleandose (manner).*  
(She entered the hotel in a staggering manner).

The research by Filipovic (*ibid.*) concentrated on Police Interviews with suspects/witnesses with Spanish as L1, but the results can be extended to any kind of legal situation, either spoken or written, and to any language. For instance, a witness could express only the element of path (assuming that if the manner was relevant it would have been mentioned) during a deposition. An interpreter could easily alter the perspective or the details of the deposition if focus were also given to elements of manner when translating from a verb-framed to a satellite-framed language. Filipovic (*ibid.*) mentions this issue as relevant for determining key points in an investigation such as intensity of motion, intention and speed and to support further questioning by the police of other witnesses. As previously said, the relevance of this linguistic feature from the witness's point of view may well be very serious when extended to court proceedings, for instance giving the prosecutor/defence attorney fuel for cross-examination.

Section 5 provides some examples in the research referring to pragmatics and further observations regarding modality.

## 5. Pragmatic issues: politeness and modality

Illocutionary forces are reported to differ considerably among languages. Ludmila (1995) examines issues regarding different ways of requesting between English and Russian/Ukrainian speakers. Whereas in English the tendency is to address a request more indirectly, the Russian and Ukrainian languages usually use imperatives as requests. A Russian or Ukrainian witness might be regarded as rude or challenging by an English jury or a police interviewer because of this feature.

Likewise, the speech act intended when using structures such as *Can you tell me* or *What do you think* have also proven to be confusing to non-native speakers, according to the studies undertaken by English (2010: 436). The author compares linguistic proficiency tests carried out with Turkish detainees to their previous interviews with the police. She had to simplify her questions so as to be understood by the detainees, who interpreted the verb *can* and the phrase *what do you think* as structures used to elicit ability or opinion when in fact they were being used as polite motivators (example 7):

(7) Elaborated Question: 'What do you think is going on here?'  
Rephrased as 'What's going on here?'

Embedded Question: 'Can you tell me what's happening here?'  
 Rephrased as 'What's happening here?'

Modality is another tool that could interfere with illocutionary forces in a sentence. Languages do not always express modality in the same ways and the nuances conveyed by modal verbs in English might not be translatable into other languages. Russel (2000) suggests that mistranslations or omissions of modal verbs from English to French during the interpretation of police cautions led to serious changes in the message to be delivered to the suspect (example 8):

(8) Police officer's sentence: You do not have to say anything.  
 Translated into: *Vous ne devez* (you mustn't) or *Vous n'avez* (you haven't).

Nakane (2007) presents a similar case, but this time with speakers of Japanese, where the police officer told the suspect "you do not have to say anything" and the translation was "you don't have to answer the questions"; in doing so the interpreter shifted the lack of obligation to a more restricted group, the questions, instead of referring to any kind of utterance. Other sentences were translated from English to Japanese and severely altered the illocutionary force from caution to request, as in example 9:

(9) English: "I must caution you that..."  
 Translated into Japanese as: "Please answer with caution..."

The last linguistic feature discussed in this paper in the next Section focuses on style and register.

## 6. Style and register

Non-native speakers of English might on the one hand be harmed, and on the other hand be benefitted when interpreters do not reproduce style and register accurately.

Hale (2002) cites the studies of O'Barr (1982) where mock trials tested how different styles in testimonies led to different judgemental opinions regarding the witnesses. Conclusions pointed that the higher the occurrence of hedges, fillers and discourse markers in a witness's speech, the less trustworthy the person seemed to be.

Following this line of thought, Hale conducted a study in which the speech of Spanish-speaking witnesses was translated into English and taped-recorded. She found out that hesitations grew 148% more when interpreted from Spanish into English, an expected increase indeed due to the interpreter's need to formulate the sentences and analyse what is being said. The question is if the jury, which is usually composed of people who have no linguistic training, would be aware of this need or if they would assume the interpreter's hesitations are in fact the witness's hesitations and therefore conclude the witness is not to be relied upon.

On the other hand, Hale (1997, 2002) also reports cases of a decrease in the number of hedges and fillers in the translation from Spanish into English. Accord-



ing to her, this might render the witness's speech more powerful than it really is, provided that the other features of discourse follow the same logic.

Cases like this might stir one's thoughts on the likelihood of a judge not actually realizing the difference between the image conveyed by a witness who is trying to express with a certain degree of difficulty, making use of pauses and fillers, and an interpreter who changes the style and register (probably unwillingly), expressing him/herself with clarity and confidence. This leads to the feature of register, where some interesting research has been carried out by Berk-Seligson (1989) and Hale (1997).

Berk-Seligson's research on people's reactions to differences of register is, using the words of the author (1989: 79), "puzzling". She worked with the concept of a hyperformal register, a style that "sounds bookish and stilted" in order to render the speech deliverer's image as more intelligent. Even though one might expect that the use of this register could result negatively for a witness because it would picture the speaker as trying to be someone s(he) is not, her findings suggest that people tended to regard the hyperformal register as more appropriate and acceptable, thus improving the image of the witness.

In contrast to Berk-Seligson's results, Hale (1997) mentions how poorly educated witnesses came across as linguistically very competent because of the choice made by the interpreter of using a more formal register from Spanish into English. Despite seeming competent in terms of register, the witnesses' answers to the questions were not satisfactory, giving the impression that the witness was trying to conceal information or be evasive, worsening the witness' image.

The linguistic features presented in this section are among several others that could disadvantage justice once there is interpreting from one language into another involved. Thus it is necessary to supply guidelines for the police, lawyers and interpreting service agencies for the hiring of skilled interpreters. Section 7 will provide some comments on the matter.

## **7. Some comments on guidance and legislation for interpreting services in the UK**

The Crown Prosecution Service (CPS) site displays general guidance for interpreting services. This set of guidelines is named the National Agreement on the Arrangement for the Use of Interpreters, and it was published in 2008 in compliance with the guidance provided by the PACE (Police and Criminal Evidence Act, 1984). As a general rule, all interpreters working in legal environments should be registered and should present a number of skills according to section 3.3 of the national agreement. The skills mentioned include proficiency in English, translating skills and experience, understanding of legal systems and of the cultural background of the language to be translated. The required abilities seem at first glance to be satisfactory for handling the linguistic issues described throughout sections two to six, but in fact the requirements need to be more specific regarding linguistic skills. Furthermore, other factors may harm the pursuit for justice when working



with witnesses who do not speak English as their mother-tongue. Some of these factors are addressed in sections 7.1 and 7.2.

### 7.1. *The need for interpreters: if and when issues*

A challenging point is the matter of who decides or establishes the level of proficiency a non-native speaker of English possesses in order to determine the need for an interpreter or not. English (2010: 424) cites the PACE Act:

If the detainee appears deaf or there is doubt about their hearing or speaking ability or ability to understand English, and the custody officer cannot establish effective communication, the custody officer must, as soon as practicable, call an interpreter for assistance in the action under paragraphs 3.1-3.5.

One inevitably wonders if every single custody officer on duty really has the skills that a linguist would have in order to assess the witness's need for an interpreter. Furthermore, Cooke (1995) and Mildren (1999) alert to the possibility of a person appearing proficient enough in English when asked general questions but when confronted with more elaborate legal language or the need to narrate facts with various details the person is unable to understand and communicate effectively.

The solution to this problem, then, could lie in the creation of a standardized language test to be given to the suspect or witness. Cooke (2001: 33) advocates the combination of professional linguists to test witnesses' language proficiency and a formal test that would contain possible simulations of challenges to questions and information very common in cross-examining. Despite that, English (2010: 427) strongly warns that such a document would be very challenging to produce because of the dual nature that the assessment would involve: the legal and the non-legal. It would entail involving a full team of specialists in linguistics and familiar with legal language, as well as bilingually proficient in both languages to design such a test. Moreover, establishing legal validity for this document, in the case of the UK, would probably mean first obtaining approval by the Common European Framework (CEFR), a framework established by the European Council for language assessment, finally officializing it as standard procedure for the country.

Once the necessity of an interpreter has been confirmed, another issue takes shape: from what point in the interaction should the interpreter intervene and who should decide that? Even if Eades (2003) attributes this decision to judges, in an ideal world an interpreter ought to be available to the suspect from the moment of the delivery of the caution onwards (PACE 1984: 25). According to Kredens & Morris (2010), however, it is only from the interview stage on that police rely on outside interpreters. Clearly, for practical reasons, the police cannot carry an interpreter along with them at all times. Mildren (1999) gives an insight into a possible solution by pointing out that in Australia there have been attempts to prepare tape recordings of cautions in different Aboriginal languages to be used in first encounters with suspects of Aboriginal origin who do not speak English.

Nevertheless, the use of tapes would tend to keep the same complicated register and vocabulary police cautions usually present (Cotterill 2000), so undoubtedly the

value of a real interpreter is still considerable. The Code of Conduct for Interpreters from the Chartered Institute of Linguists (Section 5.4) states that the interpreter is obliged to translate the source text as faithfully as possible including register, and allows the interpreter to summarize or paraphrase what has been said if the witness so requires. This guidance avoids the trap the interpreter may unintentionally set for a suspect of a less educated background by keeping the same register when translating the caution, for instance.

### *7.2. What to interpret and how to interpret issues*

Interpreters' jobs are extremely important during delivery of cautions, police interviews and during court procedures, but their services are also of great value in written documents. The National Agreement provides coverage for the problem pointed out by Eades (2003) in Australia: even though an interpreter is provided for the suspect, the official statement transcripts are only in English. Since 2008 in the UK, foreign language statements have to be in both English and the original language. Additionally, any document relevant to the investigation that concerns the non-English speaker witness should be translated and shown to the witness, according to the Crown Prosecution Services site.

On the other hand, interpreters who translate police records are usually not given access to the original tape recording. Kredens & Morris (2010) highlight the fact that what an interpreter may be translating and showing to the suspect is not what the suspect actually said, but what the police think was said.

Another concern is the number of interpreters required for a particular case. The National Agreement (section 4.4.1) clarifies that the interpreter used during the police interview should be different from the interpreter used in court. This measure is positive to a certain extent. A switch of interpreters could aid the detection of possibly biased translations or misinterpretations if the information differs somehow during the interview and court proceedings. Nevertheless, subjectivity is always a part of interpreting (Ahmad 2007, cited in Kredens & Morris 2010: 465). It is highly unlikely that two interpreters will translate everything exactly in the same way, and then the situation may become an unending circle of who is more accurate than the other. The use of two different interpreters could also mean another barrier since public budgets may be limited: hiring capable interpreters for certain languages may not be possible due to financial issues.

A final concern to be addressed here is the use of telephone interpreting for evidence. The drafters of section 9.1 of the National Agreement wisely recommend that it is highly inadvisable to use telephone interpreting. Telephone dialogues limit the pragmatic cues (e.g. non-verbal cues) an interpreter may need to rely on when interpreting utterances whose contents can determine the future of a human being.

## **8. Conclusion**

This paper has presented an overview of some of the linguistic issues experienced by people whose proficiency in English is non-existent or inadequate for the legal environment and to comment on guidance for this matter. The research done

in the field indicates that language features like politeness, register and style as well as language structures such as questions, answers, verbs and syntax/morphology in general present enormous challenges for interpreters, witnesses, and anyone involved in the process. The guidance that the National Agreement and the PACE provide appears, on the surface, to be generally appropriate regarding the requirement of various skills for interpreters. However, perhaps it should be more specific. In addition, these documents remain inadequate in regard to certain interpreter issues such as when, by whom and how many interpreters are needed.

It is clear from the facts presented in this essay that, of the two perspectives for language presented by Ruiz (1988), language as a right or language as a problem, the latter still seems to prevail over the former. A lot more research is needed in this area, as well as more training for law enforcers and interpreters, so that justice can one day aim at being accurately applied 100 per cent of times.

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### References

#### Primary sources

- The Code of Conduct of the National Register of Public service Interpreters. Available at: <http://www.nrpsi.co.uk/pdf/CodeofConduct07.pdf> (last access 26 February 2011).
- The Common European Framework (CEFR). Available at: [http://www.coe.int/t/dg4/linguistic/cadre\\_en.asp](http://www.coe.int/t/dg4/linguistic/cadre_en.asp) (last access February 2012).
- The Crown Prosecution Service. Available at: [http://www.cps.gov.uk/legal/h\\_to\\_k/interpreters/](http://www.cps.gov.uk/legal/h_to_k/interpreters/) (last access 3 March 2011).
- The National Agreement on the arrangements for the use of interpreters. Available at: <http://tinyurl.com/83snt4y> (last access 5 March 2011).
- The PACE (Police and Criminal Evidence Act 1984). Available at: [http://www.legislation.gov.uk/ukpga/1984/60/pdfs/ukpga\\_19840060\\_en.pdf](http://www.legislation.gov.uk/ukpga/1984/60/pdfs/ukpga_19840060_en.pdf) (last access 8 March 2011).

#### Secondary sources

- Berk-Seligson S. 1989. The role of register in the bilingual courtroom: evaluative reactions to interpreted testimony. *U.S. Spanish: The Language of Latinos*. Special issue of *The International Journal of the Sociology of Language* 79/5: 79-91.
- Berk-Seligson S. 1999. The impact of court interpreting on the coerciveness of leading questions. *Forensic Linguistics* 6/1: 30-56.
- Borodtski L. 2010. How language shapes thought. Available at: <http://tinyurl.com/3a7ovdf> (last access 24 February 2011).
- Conley J. M. & W.M. O'Barr 1998. *Just Words. Law, Language and Power*. Chicago: University of Chicago Press.
- Cooke M. 1995. Interpreting in a cross-cultural cross-examination: an Aboriginal case study. *International Journal of the Sociology of Language* 113: 99-111.
- Cooke M. 2001. *Indigenous interpreting issues for the courts*. Carlton, Victoria: Australian

- Institute of Judicial Administration Incorporated. Available at: <http://www.aija.org.au/ac01/Cooke.pdf> (last access February 2012).
- Cotterill J. 2000. Reading the rights: a cautionary tale of comprehension and comprehensibility. *Forensic Linguistics* 7/1: 4-25.
- Coulthard M. & A. Johnson 2007. *An Introduction to Forensic Linguistics: Language in Evidence*. London/New York: Routledge.
- Dixon R. M. W. 1979. Ergativity. *Language* 55: 39-138.
- Eades D. 2003. Participation of second language and second dialect speakers in the legal system. *Annual Review of Applied Linguistics* 23: 113-133.
- Eades D. 2004. Evidence given in unequivocal terms: gaining consent of Aboriginal young people in court. In J. Cotterill (ed.), *Language in the Legal Process*. Basingstoke: Palgrave Macmillan: 162-179.
- English F. 2010. Non-native speakers in detention: assessing non-native speaking detainees' language proficiency. In M. Coulthard & A. Johnson (eds.), *The Routledge Handbook of Forensic Linguistics*. London/New York: Routledge: 423-439.
- Filipovic L. 2007. Language as a witness: insights from cognitive linguistics. *International Journal of Speech, Language and the Law* 14: 245-267.
- Gibbons J. 2001. Legal transformations in Spanish: an "audiencia" in Chile. *Forensic Linguistics* 8/1: 24-43.
- Gibbons J. 2003. *Forensic Linguistics: An Introduction to Language in the Justice System*. Oxford: Blackwell.
- Hale S. 1997. The treatment of register variation in court interpreting. *The Translator* 3/1: 39-54.
- Hale S. 2002. How faithfully do court interpreters render the style of non-English speaking witnesses' testimonies? A data-based study of Spanish-English bilingual proceedings. *Discourse Studies* 4/1: 25-47.
- Kredens K. & R. Morris 2010. Interpreting outside the courtroom 'A shattered mirror?' Interpreting in legal contexts outside the courtroom. In M. Coulthard & A. Johnson (eds.), *The Routledge Handbook of Forensic Linguistics*. London/New York: Routledge: 455-471.
- Lane C. 1993. "Yes, I don't understand": yes, no, and European-Polynesian miscommunication in New Zealand. *Journal of Pragmatics*: 20: 163-188.
- Littlemore J. 2009. *Applying Cognitive Linguistics to Second Language Learning*. Basingstoke: Palgrave Macmillan.
- Ludmila S. 1995. Non-English speaking witnesses in the Australian legal context: the war crimes prosecution as a case study essay. *Law Text Culture* 6: 6-31.
- Mildren D. 1999. Redressing the imbalance: Aboriginal people in the criminal justice system. *Forensic Linguistics* 6: 137-160.
- Nakane I. 2007. Problems in communicating the suspect's rights in interpreted police interviews. *Applied Linguistics* 28/1: 87-112.
- Ogle R., A. Parkman & J. Porter 1980. Questions: leading and otherwise: a framework for judicial discretion. *Judges Journal* 19/3: 42-45.
- Rigney A. 1999. Questioning in interpreted testimony. *Forensic Linguistics* 6/1: 83-108.
- Ruiz R. 1988. Orientations in language planning. In S. L. McKay & S-L. C. Wong (eds.), *Language Diversity: Problem or Resource?* Boston, Mass: Heinle & Heinle: 3-26.
- Russel S. 2000. "Let me put it simply": the case for a standard translation of the police caution and its explanation. *Forensic Linguistics* 7/1: 26-48.