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Play of Legalese in Witness Examination: A Forensic Perspective on Courtroom Discourse

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Abstract

Courtroom discourse constitutes an integral component of the dispensation of justice. This paper explores courtroom discourse about questions and responses on the witness stand during the proceedings of criminal cases in the courts of Islamabad, Pakistan. The discourse under study comprises examination-in-chief and cross-examination. The study attempts to highlight the strategic orientation of the courtroom discourse and, for this purpose, has collected and qualitatively analyzed three-tier data: transcripts of the recorded testimony from the District Courts; observations of courtroom proceedings; and open-ended questionnaires from witnesses, lawyers, and judges. Taking insights from Coulthard, Alison, and Wright (2017), the analysis is carried out at three levels, i.e., asymmetrical relations between the interlocutors, distinguished audience, and institutional context. Findings show that the language of the counsels restricts the responses of the witnesses owing to strategic phrasing of the questions, the exercise of control through language, and the unfavorable environment of the court. This study may be of assistance in training witnesses to deal with the situation on the stand, may guide forensic linguists about the intricacies of courtroom discourse, and may help ameliorate the deteriorated condition of the justice system in Pakistan.

Introduction:

Language is basic to the resolution of crimes in the courts. The nexus of language, law, and crime falls under the field of Forensic Linguistics. The interface between language and law in the courtroom provides a means for the solution of crimes (Olsson, 2008). Courtroom discourse is a distinctive type of discourse with textual and contextual features. The context in courtroom discourse remains highly formal and institutionalized and is governed by norms of legal

settings (Cottrell, 1998, 2003; Shuy, 1981, 2006). Additionally, language has a real impact on people's experience of place and space within the legal system (Harley, 2014). This is more so in the case of courtroom interaction, especially during cross-examination, when laypersons are called as witnesses to the courtroom for recording of testimony.

Witness examination constitutes an integral component of criminal trials as well as of courtroom discourse. The counsels ask different questions from the witnesses during cross-examination in criminal trials. During such questioning, they may sometimes attempt to influence the witnesses into giving answers that cast doubts on the earlier version presented by these witnesses (Goldberg, 1982; Stenström, 1984). The dominant tools for such manipulation may be language, its structure, and discourse settings, among others. The relationship between the parties (lawyer and witness) in courtroom discourse is asymmetrical. This inequivalence places witnesses in a subordinate position; lawyers control them through various means, primary among which is language (Coulthard & Johnson, 2010). They oftentimes influence the witnesses by attempting to put words in their mouths. This study is an attempt at explicating such issues in Pakistani courtrooms.

Literature Review:

The asymmetrical relationship between lawyers and witnesses has been explored from various angles. Coulthard and Johnson (2010) explore this relationship from three angles, that is, asymmetry of relationship, audience, and context, which they refer to as "inequivalence" (p. 12). To them, it is the imbalance of relation – placing one party above the other – which is more than inequality. One can observe this inequivalence concerning its various dimensions, such as position within a group, familiarity with norms and knowledge, etc. In this asymmetrical relationship, one party (lawyers) controls the other (litigants). Control is realized through the "dominance" of lawyers over witnesses. Such dominance is composed of four types, that is, quantitative dominance, interactional dominance, semantic dominance, and strategic dominance (Coulthard & Johnson, 2010). Quantitative dominance relates to the amount of talk and turns-at-talk taken by the concerned parties; interactional dominance refers to the control of lawyers concerning their strong moves as against the weak moves of witnesses; semantic dominance implies the power lawyers wield to select the topic and interpret the utterances of witnesses; strategic dominance is used by lawyers through interruptions to either avoid or elicit a response.

Discourse within a courtroom may either be symmetrical or asymmetrical. Symmetrical discourse has common ground, shared knowledge, and reciprocity. In asymmetrical discourse, these factors may have different levels from symmetry to asymmetry (Wang, 2006). In

asymmetrical courtroom discourse, lay litigants are to respond to the questions of lawyers as they (lawyers) hold the charge of the floor. The asymmetrical relationship shows an imbalance between the interlocutors, i.e., who speaks to whom. Professional setting assigns roles to the participants and the roles also have power tied to them. In the courtroom, this power vests in lawyers which is rather added to their professional knowledge and orientation to the structure, design, and conduct of the talk (Matoušková, 2020). This privilege of lawyers affects the audience both present in the court and future audience, i.e., in courts of appeal (Coulthard, Johnson & Right, 2017).

In the courtroom, the audience is composed of three kinds: the questioner, the judge, and the people present in the open court (Wang, 2006). Questions of the lawyers in the courtroom are geared toward keeping in view the audience to make up their minds about the testimony of the witnesses (Schacter, 2016). Cross-examining counsels have more power to suggest to their audience the incredibility or probability of the testimony. This has become an icon of lawyers' craftmanship. Asymmetrical relationships are promoted in the courtroom owing to the role of lawyers as commonality, mutuality and reciprocity are weakened in the institutional practice/context.

The very context of courtroom discourse also adds to the vulnerability of the witnesses on the court podium. A layperson sees himself/herself as an intruder in the private space of judges and lawyers. Dialogic recording of evidence, presence of people in the open court, nonverbal cues, interruption by the lawyers clad in robes, arcane legal verbiage, etc. make the lay litigants vulnerable. Power-oriented context enables lawyers to convince the court about the witness's story in any way. They try to question the validity and reliability of the testimony (Coulthard & Johnson, 2007). Laypersons have their perspectives of the stories which come in conflict with institutional perspectives about which the witnesses are unfamiliar.

Material conditions do influence meaning which may differ from global and general meanings. The meaning in place and outside world, i.e., meaning in context is different from the personal as well literal meaning. Texts produce meaning when they are acted in a context that is out of reach of common people. The result of this semantic gap created by the courtroom context adds to the subordinate position of witnesses in the courtroom context. As laymen do not know the legal register, legal perspective of deciphering issues, legal knowledge, etc., they fall prey to lawyers' elicitation for restrictive responses owing to the semantic gap (Coulthard & Johnson, 2010; Coulthard, Johnson, & Wright, 2017). These issues are further multiplied when the language of litigants is different from the language of the court.

Precision in language is next to impossible (Gibbons, 2003). In multilingual courtrooms, interpretation and translation require knowledge, training, familiarity with context, idioms of languages and cultural elements, etc. (Coulthard & Johnson, 2007). Speaking through an interpreter may reinforce a non-English-speaking client's subordinate position. It becomes a deficient realization of a defendant. The presence of an interpreter in this sense is a hindrance in communication instead of facilitation (Aliverti & Seoighe, 2017). Defendants with low English proficiency (LEP) face many challenges in the courtroom. Mistranslation by interpreters harms LEP defendants and there is no way out as verbatim of testimony is not recorded (audio/video). Coulthard and Johnsons (2010) note that defendants in many cases claim inadequate competence in the language of interview (language of arrest and language of charge). Therefore, they underperform on trials due to language incomprehension. The same restricts their production as well. Hale (as cited in Coulthard & Johnson, 2010) opines that if a defendant does not understand the language of proceedings, s/he is denied justice. Translation and transcription are emerging issues in criminal trials as the expertise of interpreters is not up to the mark. Legal systems across the multilingual world seem to have failed to recognize the importance of training and expertise of court interpreters. Even highly trained bilingual interpreters face cross-linguistic and cross-cultural issues. Coulthard and Johnson (2010) also provide ample insights to locate, analyze, and discuss language issues in courtroom settings.

A confessional statement (witness statement) of the accused is sufficient to dispose of the case provided the confession is without duress and undue influence, devoid of ignorance of the rights of the deponent to remain silent or refuse, and is with free will, with the understanding that the same will be used against him (Miranda v Arizona, 384 US 436, 1966). It was held that an elicited incriminating statement, without warning by an accused, is violative of the constitutional rights of the accused. Linguists have analyzed language in legal contexts with various perspectives causing revision/annulment of the decisions. Language is a power-assigning tool in courtroom settings. It is the medium of social control, most conspicuously in legal settings (Coulthard & Johnson, 2007). Exercise of the control of lawyers over lay litigants is done through the structuring of language (Coterill, 2003).

Law entails power in it, by its nature, to control human behavior. In highly hierarchical courtroom settings, the asymmetry of relationships places laypersons under the domination of lawyers as they do not know the hierarchical order, structure, norms, etc. (Coulthard & Johnson, 2010; Coulthard, Johnson, & Wright, 2017). Numerous studies focus on courtroom interaction from various angles, especially from legal-lay interaction (e.g., Eades, 2012; Fuller,

1993; Goldberg, 1982; Quirk et al, 1972; Raymond, 2003; Stenström, 1984). Concerns of laypersons are given weight across continents.

The discussion above makes it amply clear that courtroom discourse is different from general conversation where interlocutors normally have opportunities to contribute freely. Inside the courtroom, witnesses are not free to depose and may not be able to get their testimony recorded at will. One of the very integral reasons for this is the very language that is used in the court. This is more so in the case of courtroom discourse in Pakistan. Since for most of the witnesses, English is a second, if not a foreign, language, translators and interpreters may not bridge the communication gap; they may distort the version of the witness which becomes part of the evidence in transcribed form (Haworth, 2018; Marko, 2019). Additionally, counsels have been found to exploit the witnesses, mainly through their discourse tactics, to achieve the required answers during cross-examination (Holt & Johnson, 2010; Tkačuková, 2010). Most of the frequently asked questions on cross-examination are restrictive and attempt to elicit favorable answers from the witnesses.

Witnesses in Pakistani courts become more vulnerable due to exotic language, its texture, as well as highly strange settings. Their verbatim testimony on direct examination also makes them cautious about their responses on cross-examination. In a nutshell, asymmetries of various kinds emerge during courtroom interaction mainly due to the language that is used, the audience involved, and the attitudinal stance of the lawyers. Article 251 of the Constitution of the Islamic Republic of Pakistan, as well as the verdict of the Supreme Court of Pakistan (2015 PLD 1210 SC; Dawn, 8 Sep 2015), recommend the use of national language to avoid 'absurd and farcical outcomes' in the courtroom. In practice, however, witnesses lack familiarity with legal language and its structure. In this background, this study explores language-related issues being faced by litigants in courtroom interaction. The study informs about the implications of courtroom discourse and provides some know-how to potential witnesses in criminal trials. It further informs the law majors about courtroom discourse structure in criminal trials.

Research Methodology:

This study investigates the use of language during criminal trials in the courtrooms of Pakistan and informs about the nature, structure, and implications of courtroom discourse. Courtroom interaction in criminal trials requires micro-level investigation into the nature, structure, and texture of the discourse. The legal-lay interaction results in evidence, which is recorded by a competent court according to 'Qanoon-e-Shahadat Order 1984 vis-à-vis CrPC 1898'. The evidence is arranged in a sequence in a log known as 'chatha shahadat' (bundle of evidence). The record of evidence is maintained on a paper by the courts/commissions who are appointed

to record the testimony during direct examination (also referred to as examination-in-chief). Adversary counsels cross-examine the witnesses based on their testimony in the examination-in-chief. Transcripts of these interactions have been prepared by the court.

The transcripts of five statements recorded by the courts were gathered from Ahlmad (record keeper) in Islamabad Capital Territory (ICT) of Pakistan. Both the order and structure of the discourse were qualitatively analyzed. Lawyers' questions and witnesses' answers were examined according to the methods used in Coulthard (2003); Coulthard and Johnson (2007); Coulthard and Johnson (2010) and Coulthard, Johnson, and Wright (2017).

Witnesses were also approached to explore their language issues during the judicial proceedings through a questionnaire. Five scripts of the response by the lay witnesses in different matters are made part of the explication of the language used in the witness dock. Lawyers – the main players in a dramatic presentation in the courts who act as commissions for the recording of evidence, or prosecutors or defendants – were approached to know their take on the issue at hand. As the verbatim of the witnesses is rendered into the language of the court either by lawyers or judges, they were requested for their feedback on the issues. Another questionnaire designed for this purpose was served to the court interpreters. Five open-ended responses from the lawyers are also a part of the data. Three honorable judges were kind enough to illuminate with learned legal acumen on language orientation about the solution of the crimes, specifically during the record of testimony.

Transcripts and interviews were further supplemented by observation of five cross-examinations as an observer. For this purpose, an observation sheet was prepared to note discussions in the courtrooms during the cross-examination. The data was analyzed qualitatively by identifying the main themes through coding and categorization.

Findings and Discussion:

The following extracts from the data have been chosen for analysis. It is a part of the transcript (monologue form) of the testimony of a complainant of an under-trial murder case (State versus Zubair etc. under Sec 302 PPC).

Extract from examination: "On 10.1.2018 at about 12/12.15 of the night I received a call from a relative of accused Zubair, who informed that Ambreen and Zubair had burnt due to blast of cylinder…. On making a call to a Shoaib, he said to me to come to Al-Shifa Hospital. When I reached Al-Shifa Hospital, I found Ambreen helplessly lying without any attendant…She didn't talk to me. Doctors told me that Ambreen disclosed to them that she was badly burnt by Zubair…. Due to the serious and critical condition of Ambreen, I brought Ambreen to PIMS

Hospital. Before this occurrence, my daughter called me and complained about physical beating/torture by the accused Zubair".

Extract from cross-examination: "I don't remember the name of the relative of Zubair who firstly telephonically informed me about the incident…I received a call from one Shoaib…I don't remember the cell phone number of Shoaib. It was about 12:45 a.m. on the day of the occurrence when I left home after receiving information of the occurrence along with my tenants namely Shumaila and Safeer…. I inquired from the Security Guard who informed me about a burnt patient in emergency. I don't know the name of the doctor who informed me that the deceased disclosed the fact that she was burnt by Zubair…. I don't know who paid the bill for the medical treatment of the deceased in the Shifa Hospital. When we reached PIMS Hospital, the doctor told us that the deceased had died. In the PIMS Hospital, neither anyone from the accused side nor the police were present…. I never visited the house of the accused before the death of the deceased. I told the police about a stain of blood on the wall of the room of the house of the accused…I requested Zubair many times through call for not torturing my daughter. I did not directly contact Zubair but through my daughter. I directly requested Zubair and requested not to torture my daughter".

As is visible in the second extract, the cross-examining lawyer has tried his best to cast doubt on the version of the witness by deeming it self-contradictory. Extracts from observations during the hearing substantiate this fact, as reported below:

The lawyer holds the floor and controls the process of cross-examination.

L: What was the name of the person who informed you about the incident?

W: I don't remember the name of the relative of Zubair.

By using interactional dominance, the cross-examiner brings a strong move in the discourse despite the witness's inability to tell the name of the person who informed her about the burning of the deceased and the accused.

L: Who called you that night?

W: I received a call from one Shoaib.

During the examination, the witness said that she reached the hospital alone, whereas in the cross-examination, she mentioned two other people. The lawyer tries to expose inherent contradiction within the statement using strategic as well as semantic dominance.

L: With whom did you go to the hospital?

W: After receiving information of the occurrence, I left home along with my tenants namely Shumaila and Safeer.

L: Who told you in the hospital that Ambreen was burnt by fire?

W: I inquired from the Security Guard who informed me about a burnt patient in emergency.

Another very crucial point according to the law is that the police should take the injured to a hospital. Laypersons lack knowledge of the law and try to blame the police for non-feasance. Being ignorant of the law, they become prey to lawyers' cross-examination. For instance, the cross-examining lawyer uses his strategic dominance to cast doubts on the deposition of the witness.

L: Was the deceased brought to the hospital by the accused or the police?

W: In the PIMS Hospital, neither anyone from the accused side nor the police was present.

Lawyers repeat the same questions to solicit different answers which may go against the witness; such strategic control has semantic clues for the audience. For example, the complainant contradicts her statement in response to the same question twice in the following extract:

L: Did you ever ask Zubair not to torture the deceased?

W: I requested Zubair many times through call not torturing my daughter.

W: I did not directly contact Zubair but through my daughter.

W: I directly requested Zubair and requested not to torture my daughter.

This interaction between a lawyer and a counsel informs about the nature of asymmetrical courtroom discourse. Witnesses become vulnerable due to non-familiarity with the courtroom environment, the language used therein, and the discourse tactics of lawyers. Hence, they are coerced using language as a manipulating tool; they depose against their will and their testimony becomes other than the one they wanted to be recorded if they were free to depose. Issues relating to language, interpretation, and transcription have been further explicated through analyses of questionnaires, transcribed versions of testimonies, and observations during the trial.

1) Transcript of the Court Examination:

a) In a criminal case of the murder of a doctor, a friend of the doctor – an eyewitness – is cross-examined. The examiners inquired about the relation of the people who brought the dead body to the hospital. The examinee could not reply to it. The question is asked to cast doubts on the version of the story of the prosecution. Towards the end of the examination, the witness said that when the deceased and accused left the clinic, the deceased told him that they were going to F-11. The witness could not talk about the surroundings of the clinic. Also, the witness admitted that he knew relatives of the deceased but could not recognize them in the hospital due to the rush. Again, doubt is created through questioning strategies.

b) The witness was asked about his present address, which he did not disclose due to security issues. The witness also denied his relation (maternal uncle holding the office of the secretary of Cabinet Division). The witness volunteers that the uncle is the secretary Ministry of Food. Also, he added that his paternal uncle was a Joint Secretary, and he was not sure if the uncle was a law graduate. He admits the application was typed by a service provider at G-11 Markaz. Then he presented it to the police. He denied any service of divorce notice to the union council. This very question to the witness was declared irrelevant by the court. The witness inquired about his neighbors in his village. He was unable to identify them by name. Other questions regarding his relatives in the police service were denied. The witness also denied any connivance with the police to usurp the property of the accused by fabrication of the false story of the case. He never compelled the accused to dispose of her property to purchase some property at ICT.

c) The deceased was not a friend of the witness. The witness admits his phone call to the complainant about the quarrel. There was no meeting of witnesses to the complainant at the place of occurrence but in the evening at some other place. The registration number of the car couldn't be recalled by the witness, he didn't see the same either. Any connivance with the complaint was negated along with false deposition by the witness.

d) The eyewitness inquired about the color of the motorbike mentioned in the complaint after a long time. Also, the witness was not sure about the Engine power, make, and model of the bike. He did not know whether the features of the assailants were written by the investigation officer (IO), but he shared the same with him. Also, the witness could not tell who drove the bike and who shot the deceased according to the defense

counsel but the witness insisted that he told it to the IO about the accused and showed the IO the electric light and pole where the accused stood. The witness was not sure whether the IO wrote the same down or not.

e) The application was typed in by the counsel of the witness. He rushed to the hospital after receiving a phone call from the police but could not meet the deceased over there. He met the deceased after three or four days. Again, the witness said that he met the deceased on the same day. When he went to the hospital following the police phone call. The witness repeated that he met the deceased along with his wife and another prosecution witness. He also remained there in the hospital for eight days.

2) Court Observation Notes:

a) The prosecution witness was examined by the judge himself. The witness was a literate employee of the state. Only English (court language) was used for the recording of the testimony, but the examination was conducted in Urdu and not in the mother tongue of any of the participants. Jargon and complex legal lexis were used. The lawyer started the examination, took longer turns, and restricted the responses of the witnesses. The examiner interrupted the witness's responses time and again. The examiner used threatening language, tone, and tenor. It was used to influence the witness. The witness was defensive. He was stammering and jabbering. Control of the situation/event made the witness threatened. He was not able to tell the exact time of the occurrence, the quantity of the sample, and the conveyance used by him to take the sample to the laboratory. The judge and the court staff were using vernacular/mother tongue in the court, but the testimony was recorded in English from the Urdu version of the witness.

b) English, the language of the court, and Urdu, the language of the witness, along with a lot of difficult words/jargon used in the discourse event. The witness was hesitant due to the difference in language and level of education. The control of the event remained with the examiner (defense counsel). The defense counsel took longer turns than the witness and forced the witness to the shortest possible responses. Several interruptions made the female witness weep. The witness lost her confidence due to the threatening behavior (tone) of the examiner. A lot of repetitions were needed to make the witness understand the questions of the examiner. Stammering and jabbering made the version of the witness jumbled up and confused. Therefore, repetitions were requested. There was a lot of delay in recording the cross-examination resulting in non-correspondence between the chief and the cross. The contradictions were caused due to the delayed

cross-examination. This situation could have been worst if the examiner and the examiner were not of the same sex (females).

c) Testimony was furnished in Urdu and was recorded in English. The witness was a Punjabi speaker. Difficult words, and jargon, i.e. make/model of the gadgets created problems for the witness. The public prosecutor translated the responses of the witness into English. The controller of the event (defense counsel) used intimidating and threatening language. The witness was in an unfavorable environment of the court. He faced a language barrier. Lawyers tried to assist the witness. The interpretation by the examiner, at times, rescued the witness. Repetitions were required to make the questions understandable to the witness. The witness was under-confident due to the delayed conduct of the cross-examination. The prosecutor used the mother tongue (Punjabi) of the witness to bail him out.

3) Witnesses' Responses:

All the respondents agreed that the difference between the language of the witness and the court creates problems for them 'I think easy language and mother tongue usage can help in reducing and removing problems. They unanimously supported the use of the mother tongue of the lay witness on the witness stand. '[I]t can be translated into Urdu/native language to make the clients properly understand the court orders and proceedings. Use of the mother tongue in the court was not noted in the observations but the response was evenly divided, which may be again, ascribed to language inaccessibility. Use of a language other than the first language or the witness could affect the performance is all agreed. The response to the question of engaging a lawyer of the same tongue was opted by all the respondents. Confidence level was not up to the mark according to the responses. Most of the respondents could not understand the language of the lawyers in the events. The majority could not understand the language of the charge in the First Information Report (FIR). None could understand the questions of the counsels completely. A mixed response to the question of understanding the language of the Investigation Officer was received. Respondents could not appreciate the question on the facility of interpreters in the court as there was none in the court—as there is no such service available in the courts; however, it could not work satisfactorily when done by the lawyers according to 60 percent of the respondents. Respondents were of unanimous opinion that they could not reply to the questions of lawyers adequately during the recording of testimony. On free will during the deposition, the responses were equally divided. Some of the respondents could not tell the story completely in court. The majority of the respondents were interrupted on the witness stand which restricted their responses. The setting was described as unfamiliar

and also intermediating for some witnesses. The divided response related to the start of the event was owing to the understanding of the witness/respondent. The majority of the respondents were interrupted by the examiners or the judge. The same amounted to the restricted responses that followed. Interruptions and assertions during the event affected the responses that could follow. The language of the court/jargon created problems for the witnesses. It was, however, pacified by the use of Urdu language subsequently. The difficulty of the verbiage was resolved by changing the language of the court vernacular (Urdu) according to the respondents. Interruptions and language complexities restrict witness responses and, hence, may affect the decision of the case.

4) Lawyers' Responses:

Lawyers plead in court on behalf of their clients. They were approachable to know about their experience with the witnesses. The sample agreed to the basic role of language in the solution of crimes and the use of language other than the first language of the witness creates a problematic situation. The use of the mother tongue of the witness in the court was supported by the respondents. Though such practice could not be found, the responses upheld it. The Urdu language is preferred for witnesses by all of the participants in a court and English as the court language to be made part of the case file. Both languages affect the record of the examinations. The counsels preferred to talk to the clients/witnesses in their mother tongue (MT). A mixed view on understanding of the question by the witnesses may be due to comprehension of the question itself. The majority admits that they tend to interrupt the witnesses. Also, the same affects the free deposition adversely. The same might curtail the free will of the deponent. Three out of five admitted that they try to make questions understandable for the witness whereas others were uncertain, but in practice, it is done by all the counsels and the judges so that witnesses can answer the questions. No translation facilities are available on the courts. Volunteer interpreters are not trained enough and are unable to convey properly. The confidence of the witnesses is very low in very institutionalized settings of the courts, but frequent court visitors and habitual criminals were quite confident. The recording testimony starts with the administration of the oath. The difficulty arises concerning the English language, jargon and lexes. The same, however, can be overridden by using Urdu. Counsel interrupts irrelevant long responses to let the witnesses to the point. It may be an exploitative tool to get their intreated response. The counsel may interrupt to get a clear answer from the witness. Interruptions by the controller of the event may affect the decision of the case according to the respondents. In the courtroom language related issues can be resolved by the government by appointing trained interpreters and by using MT of the witness/es in the courtroom proceedings.

Furthermore, practice does not permit any changes in the written version of testimony despite contemplation in the law related to the recording of testimony. This practice must be brought in consonance with the contemplation of Qanoon-e-Shahadat (1984) and the rules given in CrPC (1898).

5) Judges' Responses:

The role of language is constitutive, not ancillary to solve the cases for two out of three judges who participated in this pilot study, but on the use of MT, all agree. Does language affect the response of the witnesses? Two agree out of three agree. The language of the witness/victim is preferably used by the sample/respondents as it eases them amidst the legal/court settings. Suggestions and interruptions restrict the version of the witness divided into two 'yes' and one 'no'. The respondent tried to facilitate the lay witnesses at their level best, but the non-availability of a court interpreter is affirmed. Interpreters may provide the needed support to the witnesses by using their skills. To the learned respondent, the courts must boost the confidence of the witness and encourage them to depose freely. The rule of free deposition of recording of testimony should be adhered to from the very beginning. The Hon'ble judges thought that language-related difficulties may not be resolved by them; trained court interpreters may do it well. Nonetheless, the court must interrupt to rescue the witness when desirable. However, interruptions by the opposing counsel may impede the naturally occurring response of the witness. The same may adversely affect the decision and render the justice system less efficient. The interruptions may change the mind of the court and impede what the witness wants to say. These are tactics to create doubts in the version of the witness. All respondents emphasized the presence of a court interpreter for fair dissemination of justice.

Conclusion:

The analysis of the courtroom discourse in recording testimony informs that language plays a key role in the resolution of cases in the criminal courts of Pakistan. The context/settings influence the discourse events in the courtroom. Lay litigants are disadvantaged by being unfamiliar with the court and language norms. The court setting is very formal, and rule-governed. The control of testimony recording rests with the legal fraternity. Language happens to be the 'weapon' to influence, restrict, and distort the actual version of the accused, victim, and witnesses (Hale, 2001). Hitherto little attention has been paid to addressing linguistic implications, especially in the recording of testimony, which is a sine qua non of justice systems universally. Language is being used, amidst unfamiliar and unfavorable court settings, for exploiting the lay witnesses at the hands of counsels. The counsels use their controlling position to get their ends. Language-related issues may affect the responses of the witnesses and

consequently the decisions by the courts. Based on the data discussed in the previous section, courtroom discourse happens to be an outcome of language, law, crime trio, and a nexus thereof. It is created by the actors of the legal fraternity unimpededly, and lay litigants fall prey to the controllers, the context, and the audience. Most of their problems can be ascribed to the language of the courtroom discourse. The issue may be resolved by taking measures such as the use of the vernacular in the courts of law, the provision of trained interpreters to guide and assist the lay witnesses, and the enactment of an environment where witnesses could be deposed at free will. These corrective steps may place a check on counsels' control over the event as well as witnesses' exploitation. It will not only assist the lay witness in deposing according to the rule of free deposition but also promote the dispensation of justice to the masses, thereby ameliorating the deteriorating conditions of the judicial system in Pakistan.

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