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# A Critical Discourse Analysis of Elicitation and Response Techniques in Courtroom Cross examination on Murder Case: The Case of Bahir Dar Higher Court

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**BAHIR DAR UNIVERSITY**

**FACULTY OF HUMANITIES**

**DEPARTMENT OF ENGLISH LANGUAGE AND  
LITERATURE**

**A CRITICAL DISCOURSE ANALYSIS OF ELICITATION  
AND RESPONSE TECHNIQUES IN COURTROOM CROSS  
EXAMINATION ON MURDER CASE: THE CASE OF BAHIR  
DAR HIGHER COURT**

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**JULY, 2023**

**BAHIR DAR, ETHIOPIA**

**BAHIR DAR UNIVERSITY**

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**Department of English Language and Literature**

A Critical Discourse Analysis of Elicitation and Response Techniques in Courtroom

Cross examination on Murder Case: The Case of Bahir Dar Higher Court

By: Mulugeta Dagneu

A Thesis Submitted to the Department of English Language and Literature, In Partial Fulfilment of the Requirements for the Degree of Masters in Applied Linguistics and Communication

Advisors: Abebe Admassu (PhD) and

Mellese Gelaneh (PhD)

July, 2023

Bahir Dar, Ethiopia

## **Declaration**

This is to certify that the thesis entitled A Critical Discourse Analysis of Elicitation and Response Techniques in Courtroom Cross examination on Murder Case: The Case of Bahir Dar Higher Court is submitted in the partial fulfillment of the requirements for the degree of Masters of Arts in Applied Linguistics and Communication in the Department of English Language and Literature in Bahir Dar University, is a record of original work carried out by me and has never been submitted this or any other institution to get any other degrees or certificates. The assistance and help I received during the course of this investigation have been duly acknowledged.

Mulugeta Dagneu \_\_\_\_\_ Date \_\_\_\_\_ Place \_\_\_\_\_

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## ***Abstract***

*This study critically analyzed elicitation and response techniques in courtroom cross examination on murder cases which were heard at Bahir Dar higher court. Qualitative research, critical discourse analysis design was employed. Audio recorded data and observational notes were used to collect data. Twenty two sample extracts were taken from audio recorded data and observational notes. The data was analyzed using Fairclough's critical discourse analysis technique. The findings of the study revealed that though legal professionals employed several elicitation techniques during cross examination in courtroom trials, they frequently elicited to confirm, to clarify and to receive information. Another finding of the study showed that witnesses and defendants used different response techniques. They mostly used irrelevant response technique to give unrelated response which helped them to change the topic without providing enough information, illogical response technique which was used to persuade the legal professionals without providing true evidence about the case and denial response technique which was used to deceit the legal professionals through technical use of language. The findings uncovered that there were power inequalities between courtroom participants in the trial. Power abuse was mainly used by the powerful group to dominate or abuse the powerless group. For example, legal professionals restricted the witnesses and defendants from asking unclear idea. The researcher recommended that the data of the current study was taken from audio recorded documents. It was impossible to manage non-verbal language. Based on this limitation the researcher recommended that further study can be done through the use of video recorded data and non-verbal language can be one of discourse research area.*

*Key terms: CDA, courtroom, text, power and DA*



## **List of Acronyms and Abbreviations**

**P:** prosecutor

**J:** judge

**W:** witness

**D:** defendant

**CDA:** critical discourse analysis

**DA:** discourse analysis

**E.C:** Ethiopian calendar

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# CHAPTER ONE

## 1. BACKGROUND OF THE STUDY

Ali and Ibrahim (2020) stated that human language serves as a means of subjectivity and discourse creation as well as a tool for communication and information transmission. The study of language has captured the interest of linguists. They research language from a semantic, phonological, syntactic, and pragmatic standpoint. Gee and Handford (2012) discussed that discourse analysis is the study of language in use. It is the study of the meanings we attach to language and the actions we take when using language in specific situations.

Fairclough (1995) defines discourse analysis as an approach that involves linguistic description of the language text, interpretation of the relationship between the (productive and interpretative) discursive processes and the text, and explanation of the relationship between the discursive processes and the social processes. The unique feature of the approach is that discourse practice serves as a link between sociocultural practice and text; how a text is produced or understood, in terms of what discursive practices and conventions are drawn from what order(s) of discourse and how they are articulated together, depends on the nature of the sociocultural practice to which the discourse belongs (including the practice's relationship to existing hegemonies); the nature of the discourse practice; How a text's qualities are understood depends on both the text's surface characteristics and the discourse surrounding text interpretation.

Critical discourse analysis is a subset of discourse analytical study, focuses on how text and talk in the social and political context act out, reproduce, and challenge social power abuse, domination, and inequality. Critical discourse analysts take a firm stand with this form of dissident research in order to investigate, expose, and ultimately combat social injustices. Critical discourse analysis seeks to offer an alternate way of thinking, analyzing, and applying ideas generally. Several subjects may adopt a more or less critical viewpoint, including pragmatics, conversation analysis, narrative analysis, rhetoric, stylistics, and sociolinguistics, ethnography, or media analysis (Van Dijk, 1993).

Wodak (2001) unlike other approaches critical discourse analysis does not focus on identifying what is "good" or "bad." Critical discourse analysis should reach conclusions and be transparent about them at every stage of the research process. It should also give a theoretical explanation of why certain interpretations of discursive events are more important than others. Wagner and Cheng (2011) in order to discredit the witness and testimony or to emphasize new facts that were not covered during direct examination, the opposing attorney will typically re-examine the witness during cross-examination. While a witness is being cross-examined, the focus is typically on the facts that came up during direct questioning, the witness's reliability as an expert or eyewitness and perhaps the witness's past criminal convictions.

Elicitation is an action that seeks a response from participants, whether that reaction be verbal or nonverbal (Coulthard, 1992). Another scholar Barton (2015) explains that elicitation techniques are a class of research activities that use visual, verbal, or written cues to entice participants to discuss their thoughts. These examination techniques are particularly useful for probing topics that could be uncomfortable to bring up in formal interviews because they are delicate or rely on tacit knowledge. Vitale (2020) elicitation is a sophisticated techniques used to gather useful information through the power of human communication, more specifically in its various forms conversation, interviews and interrogatories. From the point of view of intelligence-gathering the aim of information elicitation is to gather information of intelligence or law enforcement value in a manner that will not alert the way to extract information from people without giving them the feeling that they are being interrogated by strategies based on anthropological, biological and psychological studies of the human being and its complex mechanisms.

In each conversation involving two or more persons, each person takes turns speaking. The last speaker usually sets limitations on the subsequent speaker. In other words, no one ever speaks alone. The connection may be overt that is related to the linguistic elements used or covert that is deduced from the speakers' shared understanding of the outside world. Reactions might be vocal, nonverbal, or a combination of both. It could be

a word, a repetition of the previous speaker's words, an action, just thinking, or a combination of two or more of these (Taiwo, 2006).

In the process of courtroom proceedings discourse plays a special role for lawyers in order to receive concrete evidence for different legal cases. However, defendants and witnesses also use language in order to protect their rights as well as in order to persuade lawyers about their legal cases and make themselves free from the crime. Therefore, language plays crucial role in the legal context for both lawyers and defendants and witnesses in courtroom proceedings. Both the lawyers and defendants and witnesses express their ideas through language in different ways. This language may be used either overtly or covertly. However, the covert language needs more attention in the legal arena. So the current researcher was interested to analyze how language is used in courtroom.

## **1.2 Statement of the Problem**

Murder is a serious social problem which has negative consequence on the society. Its negative consequence transmitted from one family to another family, from one society to another society and its destination is connected to blood relationships. Since murder is a critical social problem and loss of one's life either intentionally or unintentionally, the guilty person will be sentenced to life imprisonment up to death penalty by legal decisions. Then, the legal justice systems of criminal cases are implemented through legal argument. This legal argument is conducted by the use of language. Therefore, legal professionals and participants of the trial may use either effective language strategies or ineffective language strategies in courtroom proceedings. In doing so, well uses of language strategies help the legal professionals to receive concrete evidence and help them to identify who is/are guilty or commit the crime. On the other hand, ineffective uses of language strategies fail to gain true evidence about the cases. For instance, effective uses of language strategies has positive effects to give fair and balanced justice but ineffective uses of language strategies has negative effects to give balanced decisions of justice or unfair justice will be happened.

Now a day legal discourse has been the subject of numerous studies both domestically and abroad. Ahialey (2011) conducted the study on elicitation and response strategies in



courtroom cross-examination and the researcher conducted the study on courtroom discourse in English language speakers in Ghana courts. The finding of the study revealed that counsels used leading questions and complex sentences to discredit defendants/witnesses and their testimonies, confuse them, lure them to confess their guilt and constrain their responses and defendants and witnesses use variety of response strategies. Kiguru (2014) studied on a CDA of language use in selected courts of law in Kenya and discussed on pragmatic strategies and comparing direct and cross examination and the use of various speech acts to express power imbalance. The findings showed that counsels most frequently used polar and alternative questions and in direct examination, violation of turn was used to support the witness to give more systematic evidence with the necessary details as required in the courtroom set up. Gessesse (2012) conducted the study on Language use in the criminal justice process the case of Raya Alamata Woreda and he discovered on code-mixing, code-switching and professional jargons. Lawyers use code-mixing and code switching unconsciously and professional jargons are challenges of language in criminal justice process.

Derb (2015) conducted his dissertation on analyzing the discourse of courtroom interaction: the case of north Gondar high court. His work focused on the power relations between courtroom participants and communication difficulties encountered by participants, discourse strategies used by courtroom participants and the function of questions raised by lawyers and their impact on witnesses. The findings of his study showed that the legal professionals (especially of the judges) made use of a variety of discursal strategies available to them to attain their respective goals and interests during the different examination stages of the criminal hearings. There was also unequal power relation between the legal professionals (for example, judges vs. prosecutors or attorneys). Adugna (2021) conducted his study on the practice of oath in Oromia courtrooms a critical discourse analysis and he focused on how linguistic devices and discursive strategies employed in the oath. The findings of the study demonstrated that the linguistic devices and discursive strategies employed in the oath are powerful to impact witnesses to tell truth.

However, according to my reading comprehensive review of related literature shows that there were no previous research works on critical discourse analysis of elicitation and response techniques on courtroom cross-examination in the local context though Ahialey conducted in Ghana on English language speakers in the case of Ghanaian courts. Then the current study has focused on the use of elicitation and response techniques on courtroom cross-examination and it is different from Ahialey's study in research site (it is in Ethiopia), different in language (Amharic language), cases of the study also makes it different ( Ahialy discussed without selecting courtroom cases but the current study focused on murder case). Generally, it is different from Ahialey in objectives, research site and sampling methods. Even though many local researchers had conducted their studies on legal discourse particularly on courtroom discourse, they did not focus on a critical discourse analysis of elicitation and response techniques in courtroom cross examination in the Ethiopian context. Therefore, the researcher believed that there should be a research to be conducted to fill this gap. This motivated me to conduct the study.

I was also motivated to conduct this study mainly because I have heard the story of courtroom discourse from my father since my father was part of different courtroom proceedings. Based on my father's experiences, I was motivated and observed the discourse of courtroom language in courtroom cross examination. During my observation, I have seen different elicitation and response techniques that were employed by courtroom participants in murder proceedings. This elicitation and response techniques were used by the participants in a hidden ways. Then, the researcher was motivated to uncover the hidden language as means of discourse creativity and the researcher critically analyzed this discourse through critical discourse analysis. This was the problem of the research that the researcher addressed in the current study.

### **1.3 Research Objectives**

#### **1.3.1 General Objective**

The general objective of this study was to critically analyze elicitation and response techniques of courtroom cross-examination on murder case at Bahir Dar higher court.

### **1.3.2 Specific Objectives**

Below were the specific objectives of the study:

1. To critically analyze the functions of elicitation techniques that were employed by legal professionals during cross-examination in court.
2. To analyze response techniques that witnesses and defendants used during courtroom cross-examination.
3. Uncover how power inequalities were addressed through elicitation and response techniques in courtroom during cross-examination in court.

### **1.4 Research Questions**

1. What are the functions of elicitation techniques that were employed by legal professionals during cross-examination in court?
2. What are the response techniques that witnesses and defendants used during courtroom cross examination?
3. How power inequalities were addressed through elicitation and response techniques in courtroom during cross examination in court?

### **1.5 Significance of the Study**

The outcomes of the study may contribute in the educational area particularly in the academic field of language education like: language teachers, language educators, language trainers and language learners. The study might also contribute to language user in the legal arena particularly for courtroom discourse users such as: judges, prosecutors and attorneys to use effective language strategies. It may also be used as an initial point for novice researchers who are interested to conduct further study in the area of legal discourse. The study may also contribute to the researcher to develop his research experiences on courtroom discourse.

## **1.6 Scope of the Study**

The study focused on a critical discourse analysis of elicitation and response techniques in courtroom cross examination on murder case in the case of Bahir Dar higher court. The research was conducted at Bahir higher court. The researcher was delimited to only Bahir Dar higher court because the researcher took only one court due to time and resource constraint. Moreover, the researcher took only murder case in courtroom proceedings because the case demands very careful elicitation techniques and response techniques. So, the researcher was only delimited at Bahir Dar higher court and only on murder case.

## **1.7 Limitations of the Study**

Although the researcher tried to control the limitations of the study that he faced in his thesis work, there were some limitations that he couldn't control due to the nature and the rule of organization and its complexity. The first limitation of the study was consent of the court. I tried to get consent of the court by emphasizing the value of my study but the consent was given only to take previous audio recorded data since pending or active proceedings are not allowed for no one even government media are not allowed to take pending trials. Then the researcher limited to take only previous audio recorded data due to unwillingness of the organization. Another limitation that I faced was video recorded data was not available. Of course the work principle of the court is established only on audio recording and this working principle restricted me from getting video data. The study also limited to murder case rather than addressing other cases because it focused on critical use of courtroom language in criminal case and it was difficult to manage other cases beyond this.

## **1.8 Operational Definition of Key Terms**

**Courtroom discourse:** is a type of discourse delivered within the context of the courts of law (Aldosari and Khafaga, 2020).

**Elicitation techniques:** is a sophisticated techniques used to gather useful information through the power of human communication, more specifically in its various forms conversation, interviews and interrogatories (Vitale, 2020).

**Response techniques:** it is the reactions of verbal, non-verbal or a combination of both. It could be a word, a repetition of the previous speaker's words, just thinking, or a combination of two or more of these (Taiwo, 2006).

**Critical discourse analysis:** is a type of discourse analytical research that primarily studies the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in the social and political context (Van Dijk, 1993).

**Cross-examination:** It is a legal process that appears in the court trial. It is the part of the adversarial legal system which consists of an oral presentation of evidence (Mahdi et al, 2019).

# CHAPTER TWO

## 2. REVIEW of RELATED LITERATURE

### 2.1 Discourse

Fairclough (2003, p, 124) discourses include representations of the actions, connections, and structures of the social world as well as the "mental world" of ideas, emotions, and beliefs. Researchers frequently need to think about how distinct discourses relate to one another since different features of the world may be depicted in various ways. Discourses represent different points of view on the world and are connected to different ways that people relate to it. These linkages are affected by people's positions in the world, their social and personal identities, and their links to other people on a social level. Discourses function as projective, envisioned worlds that might exist and are linked to efforts to change the world in specific ways, in addition to just presenting the world as it is (or is thought to be). The interactions between many discourses have an impact on connections between different people. These interactions might be friendly or hostile or one discourse may even dominate the others. One tool people use to interact with one another, keep their distance from one another, collaborate, compete, and dominate over one another, as well as to try and change how they interact with one another is discourse. (Chik, et al. 2015) the word "discourse" is used in many different settings and has a wide range of meanings. It can be used to explain larger systems of knowledge that impose restrictions on what people are allowed to say, to write or to think. It can also be used to explain the formal properties of semiotic artifacts that allow them to "hold together" as particular kinds of "texts" the ways in which people use language and other semiotic systems to carry out specific social actions.

Discourse analysis employs a method that includes linguistic description of the language text, interpretation of the relationship between the (productive and interpretative) discursive processes and the text, and explanation of the relationship between the discursive processes and the social processes. The distinctive aspect of the approach is that discourse practice acts as a bridge between sociocultural practice and text; how a text is produced or interpreted, in terms of what discursive practices and conventions are

drawn from what order(s) of discourse and how they are articulated together, depends on the nature of the sociocultural practice to which the discourse belongs (including the practice's relationship to existing hegemonies); the nature of the discourse practice; How a text's surface features are understood depends on the discourse practice surrounding text interpretation as well as the text's surface features. Critical discourse analysis brings the critical tradition of social analysis into language studies and contributes to critical social analysis a particular focus on discourse and on relations between discourse and other social elements (power relations, ideologies, institutions, social identities, and so forth). Critical social analysis can be understood as normative and explanatory critique. It is normative critique in that it does not simply describe existing realities but also evaluates them, assesses the extent to which they match up to various values, which are taken (more or less contentiously) to be fundamental for just or decent societies (e.g. certain standards material but also political and culture of human well-being). It is explanatory critique in that it does not simply describe existing realities but seeks to explain them, for instance by showing them to be effects of structures or mechanisms or forces that the analyst postulates and whose reality she or he seeks to test out (e.g. inequalities in wealth, income and access to various social goods might be explained as an effect of mechanisms and forces associated with 'capitalism') (Fairclough, 2010).

Linguists study language use to determine its impact and purpose in a range of social contexts, such as the media, politics, journalism, reporting, advertising, war, criticism, and other comparable circumstances. Speaking, writing, and sign language are only a few of the various forms of communication that discourse analysis focuses on. It makes it easier to understand how people communicate, how their messages affect the audience, and how this affects society (Manzoor et al., 2019).

## **2.2 Critical Discourse Analysis**

Critical discourse analysis extends the critical tradition of social analysis into language studies and adds a special focus on discourse and on connections between speech and other social factors to critical social analysis (power relations, ideologies, institutions, social identities, and so forth). It is possible to think of critical social analysis as explanatory and normative critique. The fact that it analyzes reality and quantifies these

effects rather than just describing them makes it normative critique, correspond to a variety of ideals that are thought to be essential for just or decent society (more or less contentiously) (e.g. certain standards material but also political and cultural of human well-being). It is explanatory critique in that it seeks to explain realities rather than merely describing them, for example by demonstrating that they are results of structures, mechanisms, or forces that the analyst hypothesizes and seeks to test the reality of for example, inequalities in wealth, income, and access to various social goods may be explained as a result of mechanisms and forces associated with capitalism. Critical discourse analysis is a sort of critical social science that aims to better understand the nature and causes of social wrongs, the obstacles to resolving them, and potential solutions to those obstacles. Social wrongs can be broadly interpreted as characteristics of social systems, forms, or orders that are harmful to human welfare and that, in theory, could be improved upon, if not entirely abolished, though possibly only through significant modifications to these systems, forms, or organizations. Examples include things like racism, inequality of any kind, and poverty. Of course, the definition of a social wrong is debatable, and critical discourse analysis is inevitably embroiled in these ongoing discussions and disputes (Fairclough, 2010).

Critical discourse analysis lacks a unified theoretical foundation because it is not a particular research area. There are many different forms of critical discourse analysis that fall within different objectives and they can be fairly different theoretically and analytically. A critical examination of a conversation is considerably different from a critical analysis of newspaper articles, lessons or school instruction. However, because critical discourse analysis shares a perspective and has broad objectives, it is possible to find general conceptual and theoretical frameworks that are closely related. The majority of critical discourse analysis focus on the ways in which particular discourse structures are used to perpetuate social dominance, No matter what genre or setting they are in, whether it be a conversation, a news piece or another type. Thus, many academics in critical discourse analysis regularly use terminology like power, dominance,



hegemony, ideology, class, gender, race, discrimination, interests, reproduction, institutions and social order in addition to the more well-known discourse analysis ideas (Van Dijk, 1993).

Critical discourse analysis (CDA), a subfield of discourse analytical research, examines how text and language act out, replicate and challenge social power abuse, dominance and inequality in social and political contexts. Critical discourse analysts adopt outspoken stance with this form of dissident research in order to comprehend, expose and ultimately combat societal injustices (Hamilton et al., 2001). Another scholar (Paltridge, 2012) the relationship between language use and the social and political circumstances in which it takes place is examined in critical discourse analysis. It looks at how texts are formed and affected by problems including gender, race, cultural diversity, ideology, and identity. It also looks at how language both creates and is created by social relationships. A critical analysis could start with a thorough textual examination before moving on to an explanation and interpretation of the findings. The discussion might then shift to disputing and analyzing the text or texts under consideration. This could involve specific ideological presuppositions and biases inside a text, analyzing those presuppositions and biases, connecting the text to other texts as well as to people experiences and beliefs and so on.

### **2.3 Power and Discourse**

Power is the capacity A possesses to influence B's thinking and actions in order to get them to behave or do what A wants. Individuals negotiate their interactions inside organizations and exert power over others in a variety of ways. A has control over B when B feels dependent on A or when B requires something at A has (Bicer, 2020). Chiang (2015) Power and discourse are two hotly debated topics. Discourse often refers to the use of words as a form of social action, whereas power is sometimes defined as a person's capacity to affect other people's behaviors. The relationship between the two is greatly influenced by the diverse views that various academic disciplines have regarding what constitutes power and how discourse works. Power and discourse are discussed openly or implicitly in many studies because language and social interaction examines how language usage and social behavior interact. Power is a natural part of social interactions.

Discourse both reveals and shapes power dynamics in social contexts. Power and discourse have been extensively studied in a variety of academic disciplines. The conflicting ideas about what power is and how discourse works heavily influence the relationship between power and discourse. A selected group of powerful and well respected professionals include judge and prosecutors are susceptible to criticism of the abuse of power in democracies and their own comfort in using power depends on public legitimacy. They offer knowledge on how diverse power structures affect professionals role by taking part in these constellations (Blix and Wettergren, 2015).

#### **2.4 Legal Discourse**

Zhenhua (2019) the language employed in the legal profession, or the law, is referred to as legal discourse. Language's "common core meaning" is enhanced by the legal sense, including the legislative aspect, the judicial element, and the judiciary and law enforcement aspect. Justice and fairness are characteristics of the meaning in legal discourse. This is accurate because the primary goals of the law are to uphold social order and control behavior. In addition, the "common-core meaning" of language is expanded to include the ideational meaning of the law. The meaning of legal discourse is also connected to the individuals who enact laws, carry them out, interpret them, and change them. When people engage in these activities, the legal discourse reflects their level of linguistic competence, level of professional expertise, values, beliefs, position, viewpoint, intention, and other factors. These qualities give the "shared core meaning" of language employed in the legal sector interpersonal significance. Aldosari and Khafaga (2020) law and language are inextricably linked and the spoken or written language of law contains many linguistic notions that merit linguistic study. Many researchers have done on this link. Many laws are presented in courtrooms to defend or accuse parties. These laws are explained verbally during a conversation that takes place in the context of legal discourse. The way in which these regulations are expressed in language influences how they are interpreted in a significant way. Discourse participants are linguistically familiar with enough information relevant to provide an accurate interpretation for what is being communicated when they are able to see beyond the simple linguistic expressions of laws, how they are delivered in courtrooms and the pragma-semantic meanings these linguistic expressions convey makes discourse participants linguistically acquainted with

enough information relevant to provide a proper interpretation for what is being communicated.

In criminal and civil proceedings, suspects and witnesses are questioned in police stations and courtrooms. Because local and private dialogue is repeated as it reveals from interview to courtroom and enters the public consciousness through the media and this has social significance for the citizens involved. Speech is documented either in written notes or in official audio recordings, making it feasible for the accused or a witness to be cited, repeated and contextualized across time and location during an investigation and in any ensuing trial or legal processes. The world's media hears, evaluates and selectively disseminates the words used in court as oral evidence to the public (Johnson, 2014).

Different people will give you different replies when you ask them what the language of the law is. Some claim that it is the language used in the creation of laws and other legal documents, such as contracts, wills, statutes and legal reports. Others include terminology from the courtroom and police (spoken and written and about legal subjects generally or only when geared toward legal action). Non-professional language is other one of them. Any discussion that uses legal jargon or a legal writing style to portray a particular issue is about law (for instance, in newspaper feature). Some claim that legal language is anything lawyers say about the law (even informal group discussion), whereas people's discussion of the same topic is talk about law but does not use legal terminology. Whatever parameters we choose, what we refer to as legal language is a type of discourse: a broadly classifiable collection of utterances with sufficient regularities to stand out significantly from other types (such as parenting, cricket, menus or salon conversation). Legal terminology clearly varies from field to field. Instead, it is a collection of uses that are dispersed over many dimensions. Simply grouping these as legal language creates simply a cliché. They are mixture of statutes, contracts, courtroom situations from movies and historical eras (Durant and Leung, 2016).

## **2.5 Courtroom Discourse**

Discourse that is provided in a courtroom falls under the category of discourse in a legal setting. Speech of this kind frequently takes the spoken form and differs greatly from speech used in casual conversation. The ability to support or refute a certain argument in a particular way depends on spoken contact between discourse participants. The use of language which may either be persuasive or manipulative is a key component of this defense process. The ideas of persuasiveness in courtroom speech are influenced by the speakers use of language and the recipients willingness to accept what is being communicated (Aldosari and Khafaga, 2020). Aldosari (2022) Courtroom language is manipulated for particular linguistic and ideological purposes. In most cases, these purposes target the speaker's benefits within the courtroom interaction. Deciphering the hidden ideologies and meanings in legal discourse can be analytically conducted through an extensive linguistic investigation, which, in turn, serves to explore the different meanings in discourse. Thus, in order to be able to understand what is going on in a legal interaction between courtroom participants, a linguistic analysis is needed to show the connection between law and language in discourse.

## **2.6 Examination of Witness**

Blumenson (2012) stated that cross examination has nothing to do with everyday interpersonal communication. It has nothing in common with a conversation or an interview. Its goal is to get the witnesses to confirm the lawyer's claims rather than to get information from them. These claims should be supported by a well-chosen and arranged set of favorable facts that the witnesses cannot dispute without being refuted. Andualem and Kahsay (2009) in court witnesses can introduce oral evidence by responding to queries. There are three different types of questions: the main examination, the cross-examination, and the re-examination

### **2.6.1 Examination-in-chief**

Examination-in-chief is when a party who has called a witness to testify on his behalf extracts from that witness information pertinent to the problems and helpful to the examiner's argument. A witness is first cross-examined in court by the party summoning

him. This is to imply that an examination-in-chief is a question posed to a witness by the calling party in order for the latter to provide an explanation for why he is being questioned. As discussed under hearsay evidence, indirect knowledge is actually a contentious topic. As a result, the testimonial response will refer to the two pertinent facts if the question relates to the problem.

### **2.6.2 Cross-examination**

A party has the right to cross-examine a witness once the witness has been subjected to the chief examination. Unless the courts postpone it for whatever reason, cross examination immediately follows the principal examination. The process through which a party to a lawsuit tests the reliability of an opposing witness is called cross-examination. By posing such queries, the examiner seeks to undermine a witness's testimony that was provided during the main examination. A fundamental part of the right to due process of law is the right to confrontation and cross-examination, which is a constitutional right in criminal proceedings. Cross-examination is thus not just a privilege but an unalienable right. According to the constitution, a witness against him must face the accused, and testimony cannot be used as evidence if the accused hasn't had a chance to extensively cross-examine the witness.

### **2.6.3 Re-examination**

After a witness has undergone cross-examination, the party who summoned him is allowed to attempt to undo any harm done to his opening statement by posing further questions regarding the issues that came up during the cross-examination. The interaction between the examination-in-chief and the cross-examination logically leads to the re-examination. If testimony given in answer to the examination-in-chief is discredited by cross-examination or proven to be imprecise, doubtful, or untrue, the party who called the witness may re-examine the witness to undo any harm done during cross-examination. Re-examination can only cover issues that were raised during cross-examination. The final decision on issues such whether re-examination goes beyond the bounds of cross-examination, whether the testimony given is in the nature of rebuttal, and the propriety of the question's format rests with the court. Also, when conducting re-examination, avoid

asking questions until you are certain the witness is aware of the answer. Instead, use your words carefully so the witness is aware of the specific points the re-examination will be focusing on.

## **2.7 Elicitation Techniques**

Coulthard (1992) explain elicitation is the act of soliciting a linguistic response, even if the response can be expressed without words by a nod or raised hand. Whether the speech occurs inside or outside of the classroom, "elicitation" in this context refers to a discourse category in which speech is employed to elicit a required verbal answer or its nonverbal equivalent. Coulthard (1992, p. 101) grouped eliciting techniques into the following six subcategories:

### **2.7.1 Elicitation for Information**

This type of elicit to inform involves asking the addressee to offer information that the speaker already knows. This type of elicitation is employed in classroom settings so that the teacher may confirm that the students are aware of the solution. In this situation, elicit to educate serves a completely different function than social interaction.

### **2.7.2 Elicitation for Confirmation**

The second kind, elicitations, requests confirmation of the speaker's assumption from the listener. It can be realized using declarative statements, interrogatives with positive and negative polarity, reversed polarity tags, and copy tags.

### **2.7.3 Request for Agreement**

The third set of statements asks the audience to agree with the speaker's assumption that the notion being discussed is unquestionably true. The two interrogatives which are most frequently employed to realize it are tag interrogatives and negative polar interrogatives, both of which are spoken in a falling tone.

### **2.7.4 Elicitation for Commitment**

In contrast to the previous three divisions, one more subtype of elicitation stimulates more from the addressee than merely a vocal response. Also, it elicits a degree of dedication. As a result, in addition to requiring a necessary response, this type of elicitation also asks the addressee to commit to ongoing participation. Another sort of elicitation that may be referred to as eliciting to commit is the wh-interrogative that was studied, which implores the addressee to make a contract with the speaker. This subtype of elicitation is somewhat comparable to "requests" in that it will entail commitment to a subsequent action or subsequent exchange. Yet, there is a key difference: whereas in the former, a verbal reaction is necessary, it is not in the latter.

### **2.7.5 Elicitation for Repetition**

A recurrence of the statement made before the Elicitation is anticipated in this subcategory. The former Elicit: repeat may apply. The former can be accomplished by employing phrases like "Who/When/Where/What did you say?," "Say that again?," or "Pardon?"

### **2.7.6 Elicitation for Clarification**

There are more realizations available in this elicitation subcategory. What-interrogatives such as "What do you mean?" "Which room?" "Where?" or a high-pitched repetition of a word or phrase from the previous speech might be used to realize it.

## **2.8 Related Works**

Courtroom discourse capture the attention of many scholars and many scholars conducted the study on it. Aldosari and Khafaga (2020) conducted on The Language of Persuasion in Courtroom Discourse: A Computer-Aided Text Analysis and the result showed that demonstrated that courtroom discourse is a type of institutional discourse characterized by inequality in power relations among discourse participants. This type of discourse is goal oriented; that is, it always targets specific purposes beyond the discursive practices delivered in court settings. Indrayani et al (2019) conducted on Language Power in Attorney's Leading Questions to Discredit Witness's Testimonies during Court Trial: A

Forensic Linguistic Study and the finding of the study revealed that all of the features of language power, which are 'so' summary, reformulation of the question, vocabulary landscaping, and evaluative third turn, appear. By using these features, the attorney can implicitly control the information during the interview which can strengthen his position and his arguments provided during the court trial. Therefore, linguistically, this type of question should be avoided by the attorney during a court trial in order to get the obvious information, neglect the vagueness, and create justice in the courtroom which can provide a positive impact for society. Brilliant and Suzi ( 217) had conducted on A Critical Discourse Analysis of Courtroom Proceedings in Nigeria and discovered that there is unequal distribution of power in the courtroom, the judge wielding the ultimate power, and the lawyers have authority derived from superior legal knowledge base, and from the rules that govern formal discourse in the courtroom. The lay litigants in the statuses of either the accused or witnesses are pawns in the courtroom, dominated and almost always made to dance to the tune of the dominating group. This study therefore concludes that, there is unequivocally legitimized inequality in the courtroom, and this inequality manifests through language. Ahailey (2011) conducted on elicitation and response strategies in courtroom cross examination and found that legal professionals employed elicit questions for six functions such as to constrain witnesses and defendants, to lure the witnesses and defendants to confession, to confuse, to establish counsels authority, to discredit and to seek confirmation. Vega (2019) conducted the study on Repeats in the courtroom: An analysis of the pragmatic functions of lawyers' repeats in witness testimonies and uncover on the repeats, confirmation and clarification. The results demonstrated that lawyers used repetition to clarify and confirm witnesses' testimony.



## **CHAPTER THREE**

### **3. RESEARCH METHODOLOGY**

This section presented the methodological way of how the research was carried out. These include: research design, research area, sample size and sampling techniques, data collection procedure and method of data analysis.

#### **3.1 Research Design**

In this study, a qualitative research, critical discourse analysis design was employed because the objectives required a qualitative research and qualitative research design helped the researcher to examine murder cases in detail and it allowed the researcher to analyze the data qualitatively through descriptive statement. The researcher took three cases in audio recorded data and two cases in observational notes.

#### **3.2 Research Site**

There are three courts in Bahir Dar town. These are primary court, higher court and supreme Court. From these, the study setting was Bahir Dar higher court because the researcher conducted on murder case and constitutionally murder case is addressed in higher court. In other words, murder cases are not heard in primary court and the supreme court is the last court that some people address their appeals if they believed that there is injustice in the higher court. Then, many cases were addressed in higher court and this helped the researcher to get enough and relevant information for this study. So, the study populations were courtroom participants on murder case at courtroom proceedings in the case of Bahir Dar higher court and it needs careful examination of who is/are guilty or who commit the crime. Then professional lawyers' identify the guilty through cautious and through use of an unusual language that different from everyday language and this language use needs more attention in the current study.

#### **3.3 Participants of the Study**

The study focused on elicitation and response techniques of courtroom cross-examination on murder case. In order to determine the sample size of the study from many cases in courtroom proceedings, the researcher used purposive sampling. Then, researcher

selected murder case using purposive sampling technique because murder is a critical crime that harm human's life span. Since, murder is very critical social problem by its nature and it has a wider social context, the researcher selected it purposively and the participants of the study were people who were participants of murder cases on courtroom proceedings. In other expressions, legal professionals and defendants and witnesses who were participated on murder case were the sample of this study. On the other hand, the researcher selected Bahir Dar higher court purposively because murder case is addressed in higher court and this helped the researcher to get appropriate data to his study.

### **3.4 Sources of Data**

The researcher gathered data using primary sources. The primary sources of data were collected from previous audio recorded data that found in Bahir Dar higher court and observational notes that were taken from participants of courtroom proceedings in murder cases because primary sources of data were unrevised data and all detail information were there.

### **3.5 Data Gathering Tools**

The researcher gathered all the relevant information from Bahir Dar higher court on murder case. The data gathering tools were audio recorded data and observational note. Audio recorded data was the main data gathering tool and observational note was supplementary data gathering tool of this study. Audio recorded data was gained from Bahir Dar higher court which was addressed in 2014 E.C on murder cases and observational note also was gained from Bahir Dar higher court which was addressed in 2015 E.C on murder cases.

#### **3.5.1 Audio Recorded Data**

In this study, the researcher mainly used previous audio recorded data on murder cases. This audio recorded data was collected from Bahir Dar higher court that has been recorded by the institution during in courtroom proceedings on murder cases. This data gathering tool helped the research to get every detail information since it was unrevised data. Of course the research attempted to use direct recordings from active proceedings

on murder cases but the court didn't allow the researcher to record it since it is officially forbidden to do so. Therefore, the researcher used previous audio recorded data since he had got consent on this data collection tool and it was just live recording and there was no any edition or modification on the data.

### **3.5.2 Observational Notes**

Observational note was another data gathering tool in this study. This data gathering tool played great contribution to examine or cross check the results or the findings of the study that were gained from audio-recorded data. The researcher observed and collected relevant data through observational notes and the notes were taken from courtroom cross examinations based on the research questions. The researcher attended five hearings and took notes only on two hearings purposively from courtroom proceedings on murder cases. This data gathering tool used to check the findings of the study which were gained from audio recorded data. To see the nature of elicitation and response techniques, I have observed courtroom cases and took notes. I and my assistant observed the cases and after the court we discussed what we observed and took the common points.

### **3.6 Validity and Reliability**

First, I translated the Amharic version into English version. Second, I gave for my friends to comment me the equivalence of Amharic-English translation. Third, modifications were made based on my friends comments. Then, the translated texts were given to the advisors to get valuable comments. Based on the obtained comments from my advisors, necessary modifications were made and given to the advisors for further comments, criticisms and evaluations. Based on the derived comments, improvements were made as the whole comments. To check validity of the study, the researcher took audio recorded data and observational notes. These helped the research to check the validity of the findings.

### **3.7 Methods of Data Analysis and Interpretation**

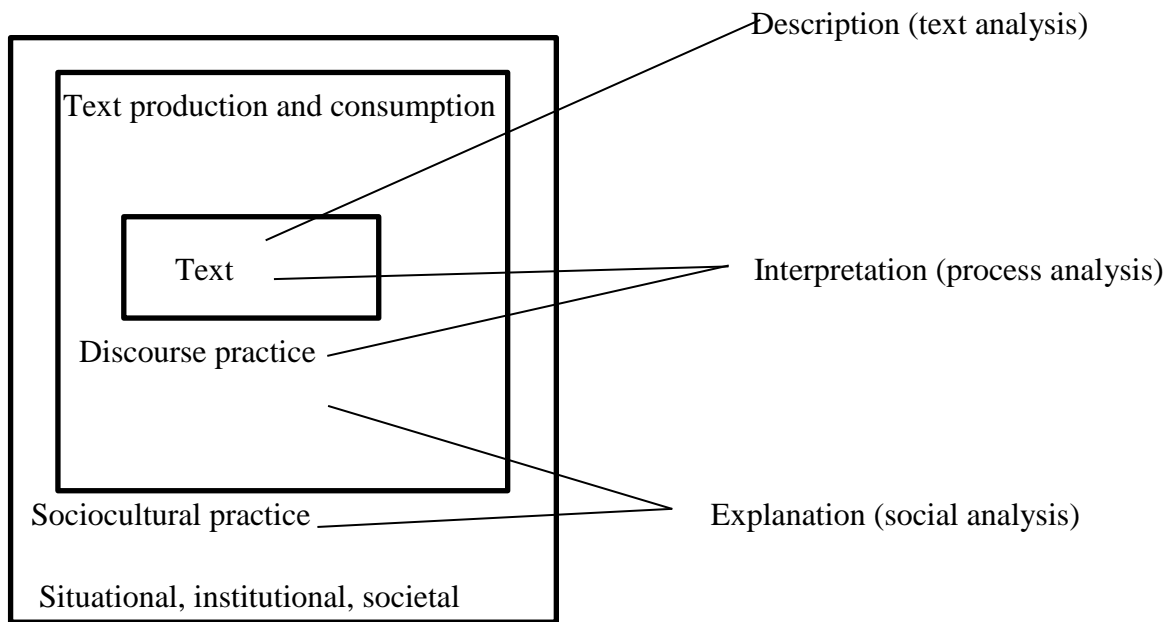
In this study, the data that were gathered through audio recorded and observational notes were analyzed and interpreted through a critical discourse analysis because the researcher analyzed the results through descriptive statement using words, phrases and sentences

qualitatively through critical discourse analysis. The researcher used Fairclough (1995) model of critical discourse analysis or three dimensional models like text, discursive practice and social practice because Fairclough's three approaches contributed to producer-consumer relations, to expose the hidden agenda, to uncover power relationships between participants of the trial.

### **3.8 Analytical Framework**

Different scholars formulated different approaches of critical discourse analysis. According to Van Dijk (1993) to do critical discourse analysis the researchers need socio-cognition approach which is containing triangle diagram socio-cognition, discourse and social structure. Wodak (2001) formulated discourse historical approach to critical discourse analysis which embraces at least three interconnected aspects, two of which are primarily related to the dimension of cognition and one to the dimension of action. The first is text or discourse immanent critique' aims at discovering inconsistencies. The second is Prognostic critique contributes to the transformation and improvement of communication. The third is socio-diagnostic critique is concerned with the demystifying exposure of the manifest or latent possibly persuasive or 'manipulative' character of discursive practices.

Another scholar Fairclough (1995) formulated the three dimensions of critical discourse analysis. CDA is presented here as a three dimensional framework where the aim is to map three separate forms of analysis onto one another: analysis of (spoken or written) language texts, analysis of discourse practice (processes of text production, distribution and consumption) and analysis of discursive events as instances of sociocultural practice. Thus, the current researcher used Fairclough's model of critical discourse analysis because the model helped the researcher to critically analyze power asymmetry in courtroom discourse and uncover the hidden agenda of courtroom discourse. Below the figure shows how three levels of dimensions was applied as theoretical framework for the current study.



**Figure 3.1 Analytical framework adopted from Fairclough 1995, p. 98**

The approach adopted by Fairclough is based on the concept of three dimensional speeches and the three dimension speech analysis process. Speaking and conducting a private sermon are considered simultaneously as spoken or written words, sermons (texts and exegetical texts) and social practice. Also, speech is embedded in various levels of culture in the current context, in various institutions or organizations and in the society. Discourse analysis methods include language description, translation (production and translation) techniques and texts and the description of the relationship between speech process and social process. A unique aspect of the approach is that the link between tradition and literature is mediated by the practice of discourse; depending on the nature of the practice, how the text is created or interpreted by practice and traditions taken from which doctrines and how they are related, the culture to which the doctrine belongs including its relationships to existing hegemonies; the nature of the text, like the text, creates a discourse and leaves traces of its external features. The practice of interpreting the text determines how the features of the text are interpreted ( Fairclough, 1995, p. 97).

The model of CDA was chosen based on a three-dimensional understanding of discourse and a three-dimensional approach to discourse analysis. Discourse, as well as any particular instance of discursive practice, is viewed simultaneously as a spoken or written

language text, discourse practice (text production and text interpretation), and a sociocultural practice. A critique of discourse that aims systematically to explore often the opaque causal and deterministic relationships between (a) discursive practices, events and texts, and (b) broader social and cultural structures, relationships and processes; to explore how such practices, events and texts emerge and are ideologically shaped by power relations and power struggles to explore how the opacity of these relationships between discourse and society becomes factor in ensuring power and hegemony (Fairclough,1995, p.132).

In the current study, the researcher used CDA as analytical tool because critical discourse analysis uncovers the hidden agenda in discourse and behind discourse. In CDA questions and critiques especially unequal power relations in wider ranges of institutional or social practices are reflected through systematic and scientific investigations of discourses.CDA as a research tool is used to deconstruct invisible agenda which have no common sense to many segments or society. Indeed, CDA makes efforts to understand and explain social problems through detailed linguistic analysis. Therefore, it tries to offer explanatory accounts and seek answers to questions such as: why do powerful social groups enact dominant discourses on the less powerful groups? Why do the strong groups do the way they do? And how does this inequality is arise? Then, I used three-dimensional framework as analytical tool to explore this connection in a certain situations.

### **3.9 Ethical Considerations**

In the current study, the necessary ethical considerations such as voluntary participation, no harm on participants, no invasion of privacy and no deception of privacy were addressed. Accordingly, the participants were informed about the purpose of the study, and they were provided with the opportunity to make autonomous and informed decisions regarding whether to participate in the study. Hence, based on this information, the participants took part in the study voluntarily. They were reassured that their conversation were treated as confidential and used for this research purpose only. Accordingly, anonymity and confidentiality of the given information concerning recordings and data were ensured. Finally, the sources used in this study were

acknowledged appropriately, and facts and opinions were made clear. Therefore, in this study, necessary ethical issues were carefully considered and addressed at each phase of the study.

# CHAPTER FOUR

## 4. DATA PRESENTATION and ANALYSIS

### 4.1 Findings and Discussions of the Study

This chapter presents and analyzes the extracts of the data generated from the audio-recordings of murder criminal case, which form the major source of data, together with extracts of the supplementary data collected using observational note. As was already noted, the present study aimed to critically analyze elicitation and response techniques in courtroom cross examination on murder case mainly from critical discourse analytic perspectives. Altogether the researcher took total of twenty two extracts.

Therefore, extracts from murder criminal cases which are found to contain much more relevant features to address the research questions were selected from the witnesses examination stage i.e. cross-examination. The researcher identified the collected data through themes, codes and sort the data based on themes and codes. First, the researcher identified the collected data based on themes. Second, the researcher gave codes for each data and sort similar data together. Then, the analysis was made in conjunction with relevant extracts from the observational data. The analysis of the English versions of the extracts also revolved around the three major and broader thematic categories: functions of elicitation that were employed by legal professionals, response techniques that were used by defendants and witnesses and power asymmetry between courtroom participants on murder case.

Upon analyzing the data, this study therefore sought to answer the following research questions: What are the functions of elicitation techniques that were employed by legal professionals during cross-examination in court? What are the response techniques that witnesses and defendants used during courtroom cross examination? How power inequalities were addressed through elicitation and response techniques in courtroom discourse during cross examination in court?



## 4.2 Functions of Elicitation Techniques that were employed

This part answered the first research question of what are the functions of elicitation that were employed by legal professionals during courtroom proceedings in cross examination.

According to Coulthard (1992) there are six categories of elicitation techniques. These include: elicitation for information, elicitation for confirmation, elicitation for agreement, elicitation for clarification, elicitation for repetition and elicitation for commitment. These elicitation techniques have their own discursive function in language conversations. Based on these classifications, the researcher analyzed and interpreted the collected data for the first research question. The legal professionals used different elicitation techniques for different functions to testify the witnesses and the defendants. Based on the collected data, five elicitation techniques were employed by the legal professionals and the following findings were demonstrated.

### Elicitation for information

It is vitally necessary to conduct research into how trial questions are put together. While questions can be used effectively to elicit important information, they can also be used as a weapon to undercut someone's credibility by imposing such coercive measures (Indrayani et.al, 2019).

This kind of elicitation technique invites the addressee to supply a piece of information. The data showed that legal professionals used question elicitation technique to get information from the witness about the criminal case. Below is sample conversation between the prosecutor and the witness and the prosecutor used technique of elicitation for information.

#### Extract 1

1. አቃ፣ ቀን አመተ ምህረት መቁጠር ትችላለህ? (P: can you count date and year of grace?)
2. ም፣ አላውቅም አልተማርሁም (W: I don't know. I didn't learn)
3. አቃ፣ እ? (P: what did you say?)

4. ም፤ አልተማርሁም ቀን አመተ ምህረት አልቆጥርም (W: I didn't learn. I don't count date and year of grace)

5. አቃ፤ አትቆጥርም? (P: you don't count?)

6. ም፤ አዎ (W: yes)

As it is indicated in the above extract line one (1), the prosecutor elicited the question for the witness to offer a piece of information whether he counts date and year of grace or not. The function of this elicitation technique is to provide request for the witness to address piece of information for the prosecutor. This elicitation technique has hidden function to the prosecutor. This elicitation technique may help the prosecutor to ask the witness's evidence based on the witness's knowledge. Therefore, this elicitation technique was employed by the prosecutor to get information that he didn't know about the witness's background. This elicitation technique was also observed during researcher's courtroom observation in the trials and the following related data was gained from the observation. The following extract is analyzed as follows.

### **Extract 2**

1. አቃ፡ ተከሳሽ ምን አድርጎ ነዉ የተከሰሰ (P: Why the defendant is accused)

2. ም፡ ሰዉ ገድሎ (W: He killed a person)

3. አቃ፡ መቼ ወር መቼ ዓ.ም (P: At which month and at which year of grace)

4. ም፡ ሰኔ አሰር 2014 ዓ.ም (W: June 10, 2014 E.C)

The above extract reveals that the prosecutor elicited question to get some information about the defendant's why he is to be suspected criminal. In the extract above, line one (1) the prosecutor asked the witness to give some information about the defendant and the witness shared information what he knows about the defendant person in line two (2). The function of this technique was to receive piece of information about the case.

### Elicitation for confirmation

Elicit to confirm is an elicitation technique used to invite the addressee to confirm speaker's assumption. This technique can be realized by tag interrogatives, both reversed polarity tags and copy tags, declaratives and positive and negative polar interrogatives. Therefore, the gathered data showed that legal professionals used elicitation techniques to confirm the witnesses' assumption. For example, here there is sample extracts that were taken from audio recording of courtroom proceedings during cross examination which was collected from murder case.

#### Extract 3

1. አቃ: ቀን ዓመተ ምህረት መቁጠር ትችላለህ (P: Can you count date and year of grace?)
2. ም፤ አልተማርሁም ቀን አመተ ምህረት አልቆጥርም W: I didn't learn. I cannot count date and year of grace?
3. አቃ: መቁጠር አትችልም (P: you cannot count)
4. ም፤ አዎ (W: yes)

In the above extract, the prosecutor's function of question elicitation is to seek confirmation about his proposition by asking negative declarative and the witness confirm the prosecutor's proposition by providing "yes "answer". Line 3 shows that the prosecutor elicited negative declarative to confirm witness's proposition. The researcher also has got similar result through observational data. The following data was taken from courtroom observation.

#### Extract 4

1. ከዚያ ቀን በኋላ አብረን አደርን እያልህን ነዉ። አይደለም እንዴ? (P: You told us that you lay over together after that day. Isn't it?)
2. ከዚያ በኋላ አብረን አደርን... (W: After that we lay over together.....)

3. አቃ፣ ኸረ እሱን አይደለም የምልክ። እየውልህ የምጠይቅህን ብቻ መልስ።  
ከዚያ ቀን በኋላ መቼ ተገናኛችሁ? (P: Ah! I don't say this. Give response only  
what I ask you. After that day, when did you meet him?)

4. ም፣ አልተገናኘንም (W: We didn't meet)

The above extract shows that the prosecutor elicited the question to the witness in order to confirm whether the witness's first proposition is confirmed or not. As it is indicated in the above extract line one (1), the prosecutor narrates the first proposition of the witness through declarative sentence and provide tag interrogative to the witness. However, the witness was not able to answer directly as it is stated in line two (2) rather the witness tried to answer through narration. But the prosecutor interrupted the witness's narration and ordered him to respond only the relevant answer in line three (3). Then, the witness confirmed that he didn't lay over with the defendants. Therefore, the prosecutor elicited the question to confirm the witness's proposition through the use of tag interrogative.

### **Elicitation for agreement**

Elicit to agree is another elicitation technique which invites the addressee to agree with the speaker's assumption that the expressed proposition is self-evidently true. It can be done through tag interrogatives and negative polar interrogatives both spoken with a falling tone. In connection to this, the following extract revealed a fact.

### **Extract 5**

1. አቃ፣ ባህር ዳር ከተማውን ታውቀዋለህ? (P: Do you know Bahir Dar town?)

2. ም፣ አላውቀውም (W: No I don't know)

3. አቃ፣ አታውቀውም? (P: You don't know it?)

4. ም፣ አላውቀውም (W: No I don't know)

In the extract above, the prosecutor elicited question to the witness to agree with his proposition. In the first utterance line one (1) showed that the prosecutor asked positive polar interrogatives and the witness's response was negative. As it is stated in line three

(3), the prosecutor elicited negative interrogative with low tone or falling tone for the witness to agree with his first proposition whether it is true or not. Then, as it is indicated in line four (4), the witness responded the answer without change negative response and the witness agreed with the prosecutor's proposition. Therefore, one can understand from this, the legal professionals elicited negative polar interrogatives with falling tone for the witness whether the proposition is self-evidently true or not. This was done through falling tone that was elicited by the prosecutor in line three (3).

The above finding also assured through additional data that gained from observation of courtroom proceedings. The sample data was taken from courtroom direct observation in cross examination of murder case. Based on the collected data, the researcher got similar findings of the study which was gained from audio recorded data.

#### **Extract 6**

1. አቃ: ተከሳሽ ምን እንደሚሰራ ታወቁለሽ (P: Do you know what the defendant works?)
2. ም: አላወቅም (W: No I don't know)
3. አቃ: አታወቁም (P: You don't know)
4. ም: አዎ (W: Yes)

As it is shown earlier from audio recorded data, the prosecutor elicited questions to the defendants and the witnesses to agree whether the proposition is self-evidently true or not. This language elicitation technique helps the legal professionals to gain true evidence from the participants. This language elicitation technique was also observed during researcher's courtroom proceedings observations. As it is indicated in the above extract, the prosecutor elicited question for the witnesses to agree with her first proposition is self-evidently true. This data finding has similarity with the result that gained from audio recorded data.

### **Elicitation for clarification**

Elicit to clarify is another technique of elicitation that can be done through "wh" interrogatives such as what do you mean, which room, where or a high key repetition of a word or phrase. This technique was used by the judge in this study. The data revealed that legal professionals elicited question to clarify the evidence that was addressed by the witness. Below is sample extract that was taken from the audio recording data.

#### **Extract 7**

1. ዳኛ፣ አንተ የሁሉም ትንሽ ነህ? (J: Are you the last son of the family?)
2. ም፣ መሀለኛቸው (W: The middle)
3. ዳኛ፣ እ? (J: What did you say?)
4. ም፣ መሀለኛቸው ነኝ (W: I am the middle)
5. ዳኛ፣ መሀለኛቸው ማለት ምን ማለት ነው? (J: What does it mean the middle?)
6. ም፣ የዚህው በታች የዚህው በላይ (W: Below this above this)
7. ዳኛ፣ የየትኛው ነው የዚህው የዚህው? (J: Which one? You say this this)
8. ም፣ የበላቸው ደጅን (W: Belachew Dejen)
9. ዳኛ፣ የበላቸው ትልቅ ነህ ትንሽ ነህ? (J: Are you elder or younger of Belachew)
10. ም፣ ትልቅ ነኝ (W: I am elder)

As it is indicated in the above extract line 5, the judge elicited the question to clarify the meaning of middle (መሀለኛቸው) and the witness tried to clarify the meaning of the word by saying below this above this. But the word "this" has" no exact referent and still the clarification of the witness makes confusion to the judge and the judge again elicited question using "wh" interrogative which one? You say this this as indicated in line 7.

Then, the witness stated the name and gave clarification to the judge by mentioning the name Shumet. However, still there is ambiguity since the witness didn't clarify whether he is elder or younger of Shumet. Then the judge asked him in line nine (9) whether he is elder or younger of Shumet and the witness clarify that he is elder of Shumet. Therefore, legal professionals elicited question to clarify the witnesses testimony through "wh" interrogatives such as what does it mean middle? Where and which one?

This result was ensured by the researcher through courtroom observation and the following sample extract was taken to check the finding of the study that was gained from audio recorded data.

### **Extract 8**

1. አቃ: የት ቦታ (P: Where is the place?)
2. ም: ባህር ዳር ቀበሌ ሶስት (W: In Bahir Dar kebele three)
3. አቃ: ወንጀሉ ስንት ሰዓት ላይ ተፈጠመ (P: At what time the crime was committed)
4. ም: በግምት ሁለት ሰዓት ላይ ይሆናል (W: It was around two o clock through guess)

As it is indicated in the above conversation, the researcher observed that the legal professionals employed elicitation technique which helps them to clarify the testimony of witnesses and defendants. In the above extract line one (1) the prosecutor elicited question to clarify the testimony of the defendants and the witnesses. This was done through the use of wh question and the prosecutor used this elicitation to identify the place where it was happened. Therefore, the observation data finding has the same result with the finding of audio recorded data.

### **Elicitation for repetition**

Elicit to repeat is a technique used to ask respondents to repeat words or phrases. This can be implemented through "Wh" interrogatives such as who, when, where, what did

you say, say that again or words such as sorry, pardon or huh. This elicitation technique has been used in the following extract.

### **Extract 9**

1. አቃ፣ የአባትህ እናት ማን ነው የሚባለው? (P: Who is your father's mother?)
2. ም፣ እ ውዳላት (W: Wudalat)
3. አቃ፣ እ? (P: What did you say?)
4. ም፣ ውዳላት (W: Wudalat )

In the above extract, the prosecutor asked the witness to provide elicits to repeat the first utterance of his proposition. As it is indicated in above, the prosecutor provided elicit to repeat for the witness in line three (3), “what did you say?” Then, the witness repeated the first utterance of his proposition through repetition of the first utterance in line four (4). Therefore, one can understand from this, legal professionals use elicit to repeat to ensure what the witness said and the elicitation technique of repeat is used to assure the witness's evidence by requesting elicit to repeat. On the other hand, socio cultural practice was observed in the above utterance. In line one (1), the Amharic version showed that the prosecutor gave respect for the witness's grandparents. This implies that it is socially acceptable practice to respect old person. This finding also related with the finding of observational data. The following sample extract reveals that legal professionals employed elicitation for repetition technique during cross examination of murder case.

### **Extract 10**

1. አቃ፣ መጠህ ጠይቀህዋል? (P: Have you visited him?)
2. ም፣ አረ የለም (W: No)
3. አቃ፣ እ? (P: What did you say?)
4. ም፣ አልጠየኩትም (W: I haven't visited him)



5. አቃ፤ አልጠየከውም? (P: You haven't visited him?)

6. ም፤ የለም (W: No)

The extract taken from courtroom observation demonstrated that the legal professionals employed elicitation for repetition during courtroom cross examination. This elicitation technique was employed for the purpose of ask for repetition of the first utterance again. In the above extract line three (3), the prosecutor asked the witness to repeat his first utterance by asking question like “What did you say”? And following the elicitation technique of the prosecutor the witness repeated his first utterance to the prosecutor. Thus the function of this elicitation technique helps to check the reliability of the evidence.

### 4.3 Response Techniques of Witnesses and Defendants

This sub section answered the second research question of what are the response techniques of witnesses' and defendants during courtroom cross examination in the proceedings. The witnesses and defendants used different response techniques during courtroom cross examination.

#### Irrelevant response

Some witnesses were observed using irrelevant response techniques intentionally or unintentionally. For example, the following extract showed irrelevant response techniques.

#### Extract 11

1. አቃ፤ በጣም ጥሩ እናት እና አባትህ እናት እና አባት የምትላቸው ማን እና ማን ናቸው? (P: Very good your mother and father. Who are your mother and father?)

2. ም፤ እናት እና አባት ማለት እንግዲህ የወለደ እናት እና አባት ማለት ነው (W: Mother and father means mother and father who born me)

3. አቃ፤ እና ማን እና ማን ናቸው? (P: So, who and who are they?)

4. ም፤ እ ደጅን በላይ (W: Dejen Belay)

5. አቃ፣ እና እናትህ ማን ነው ስሟ? (P: And your mother name?)

6. ም፣ እ ውዴ (W: Wudie)

7. አቃ፣ ውዴ ማን? (P: Wudie who?)

8. ም፣ እኔ እንዲያው አባትየው ግር ይለኛል በሰው አገር ስላለ (W: I missed her father's name since he lives in another country)

In the above extract, in line one (1) the prosecutor asked the witness to mention his parents name but as it is indicated in line two (2) the witness gave the definition of mother and father which is irrelevant to the elicited question. This shows that the witness had his own goal that he wants to achieve. His goal oriented response was uncovered by questions and answers in line seven (7) and line eight (8). When the prosecutor asked his mother's father name, he responded that as he didn't know him. In this utterance, one can say that the witness is not real testimony of that proceeding or he may be either a paid testimony or a close relative because he informed unacceptable evidence that ignore our community value. No one missed his grandparents whether he or she is educated or uneducated in our community. The witness also mentioned false reason in order to leave the elicited question through inappropriate response. This response technique was also employed by the witnesses and the defendants during the researcher's observation time. The following extract was taken from courtroom observation during cross examination of the trial.

### **Extract 12**

1. አቃ፣ በአንተና በወንጀለኞቹ መካከል ምን ያህል ርቀት ነበር (P: How much distance was there between you and the defendants?)

2. ም፣ በግምት 15 ሜትር (W: It was around 15 meter I guess)

3. አቃ፣ አንተ በቀኝ በኩል ነህ ወይስ በግራ (P: Were you in the right side or in the left side)

4. ም: ሶስት ነበርን በቀኝም በግራም ሆነን ያዝናቸዋል (W: We were three and we hold them half of us in the right and half of us in left side)
5. ዳ: የምትጠየቀውን መልስ አንተ በግራ ነው በቀኝ የሄድህ (J: Give response to what you have been asked. Were you in the left or the right side?)
6. ም: ከወንጀል ጋር በቀኝ በግራ ምን ያገናኘዋል (W: How do the left and the right is related with the crime)
7. አቃ: እኔ የምጠይቅህን መልስ (P: Give response to what I am asking you!)
8. ም: በግራ በኩል (W: In the left side)

As it is shown above, the witness used irrelevant response technique to change the topic and to take the prosecutor to proceed into another question. In the above extract line three (3), the prosecutor asked the witness to tell the location of his own, but the witness didn't put clearly his direction rather he responded their number and he didn't specifically answer his own direction. As it is indicated in line four (4) question and answer conversation, the witness answered irrelevant response which is not related to the prosecutor's question. The prosecutor asked the witness to state his own direction but the witness hides his direction though the prosecutor forced him.

### **Illogical response**

The witnesses also provided illogical response techniques that are not scientific or acceptable in our community. The following extract was taken from the audio recording data and the extract shows that the witness offer illogical response.

### **Extract 13**

1. ዳኛ፣ ስሙ ጠፋህ? (J: Do you miss your grandparent's name?)
2. ም፣ ስሙ እየጠፋኝ (W: I miss it)
3. ዳኛ፣ እረ! ማን እንደሚባል አባቷ ስምተህ አታውቅም? (J: Oh! Didn't you hear your mother's father name?)

4. ም፤ አይ አላውቅም (W: I don't know)

5. ዳኛ፤ ይህን ያህል ዕድሜ እስከምትቆይ? (J: Till you are adulthood?)

6. ም፤ ምን ሰው ካልተማረ ምን ያውቃል (W: If a person doesn't learn, she or he knows nothing)

7. ዳኛ፤ የአያትህን ስም ለማወቅ መማር ግድ ይልህል? (J: Is it mandatory to learn to know your grandparent's name?)

8. ም፤ የአባቴን ገጥ ነው የማውቅ እንጂ የእሷን አላውቅም (W: I know my father's relatives but I don't know hers)

In the above utterance, the judge asked the witness in line five (5) “till you are adulthood” and the witness response technique was illogical and he mentioned that he is uneducated person as it is indicated in line six (6) in his response. But this is illogical reason that he mentioned as a response. When we see in our community people who are not educated know their grandparents. This false response technique was also uncovered by his next utterance in line eight (8). When the judge asked him learning is not mandatory to know grandparents, he responded that he knows only his father's relatives. Even if the reason is the matter of learning, how he knows his father's relatives.

### Denial response technique

The extract below shows how the witness used denial language through a systematic way.

#### Extract 14

1. ለወላጆችህ አንተ ስንተኛ ልጅ ነህ (P: Are you the first, middle or last child of your parents?)

2. ም፤ ስንተኛማ ሶስተኛ (W: I am the third )

3. አቃ፤ ማን ነው ትልቅ ካንተ እና ከታዮ? (P: Who is elder from you and Taye?)

4. ም፤ ታዮ (W: Taye)

5. *(አቃ፣ ከታየ ቀጥሎስ? (P: Next to Taye?))*
6. *ግ፣ እኔ (W: I)*
7. *አቃ፣ ሁለተኛ ሆንህ ማለት ነው? (P: You are the second)*
8. *ግ፣ እ እኔ ነኝ (W: Yes I myself)*
9. *አቃ፣ ሶስተኛ ብለህኝ ነበር ሁለተኛ ሆንህ ማለት ነው? (P: But before you said that you are the third and now you are the second)*
10. *ግ፣ አዎ ሶስተኛ ማለት ያሉትን ልጆች ማለት መስሎኝ እኮ ነው (W: Yes I understand that third mean the total children of our family)*

In the above utterance, the witness denies the prosecutor through trick use of language in line nine (9). In the above extract, as it is shown in line two (2) the witness perform his response as he is the third child for his family, but when the prosecutor asked the witness to tell the first child and the second child of his family in line three (3) and line four (4), the witness stated himself as he is the second child of his family. Then, the prosecutor asked him by “You said to me earlier you are the third but now you are the second” then the witness accepted the prosecutor’s proposition and tried to deceit the prosecutor through agreement of “yes I understand that third means the total children of our family”. This is the response technique that the witness provided to the prosecutor through the use of deceit language. So, the witness provided denial language to convey the prosecutor about his proposition.

**Polite agreement response**

Based on the collected data, the witness responded his answer with polite agreement. The following extract shows how the witness provides his response through polite agreement.

**Extract 15**

1. *አቃ፣ እረ እሱን አይደለም የምልክ። እየውልህ የምጠይቅህን ብቻ መልስ። ከዚያ ቀን በኋላ መቼ ተገናኛችሁ? (P: Ah I don't say this. Give response only what I ask you. After that day, when did you meet him?)*

2. ም፤ አልተገናኘንም (W: We didn't meet)

3. አቃ፤ ከመቼ በኋላ ነው ያልተገናኛችሁ? (P: After when you didn't meet?)

4. ከህዳር 12 ቀን በኋላ አልተገናኘንም (W: After November twelve, we don't meet each other)

5. አቃ፤ አልተገናኛችሁም? (P: You don't?)

6. ም፤ አዎ (W: Yes)

In the above question and answer response, the witness response technique is polite and he agreed with prosecutor's proposition. As it is indicated in line five (5), the prosecutor asked the witness negative interrogative with falling tone and the witness responded his answer in line six (6) through polite agreement 'yes' response. Therefore, we can say that the witnesses used polite agreement response techniques during cross examination.

### **Refusal response technique**

The researcher identified refusal response technique from the defendant's response technique. As it is stated below the defendant refused his legal proceedings as he is not criminal.

### **Extract 16**

1. ዳ፡ የተከሰሰክበትን ታወቃለህ (J: Do you know why are you accused)

2. ተ፡ አዎ አወቃለሁ (D: Yes I know)

3. ዳ፡ በምንድን ነው የተከሰሰህ (J: Why are you accused?)

4. ተ፡ ሰው ገደልህ ተብቶ ግን እኔ አልገደልሁም (D: I am accused of killing a person but I didn't kill)

The extract showed that the defendant used refusal response technique when he provided response to the judge's question. The judge asked the defendant whether he knows or not

the issue he is accused of as it is indicated in line one (1). The defendant responded as he knows the issue in line two (2). In line three (3) the judge again asked the issue he is accused of and the defendant answered that he is accused of murder and he refused his accusation and he responded that he didn't commit the crime as it is indicated in line four (4). The goal of the defendant to use this kind of response technique is to make him free from crime by refusing his compliant.

#### **4.4 Power Relations of Participants**

This sub section answered the third research question how power equalities were enacted in courtroom discourse during cross examination in court.

Fairclough (1995) stated that “Power is conceptualized both in terms of asymmetries between participants in discourse events, and in terms of unequal capacity to control how texts are produced, distributed and consumed (and hence the shapes of texts) in particular sociocultural contexts”.

To begin with among others, researchers such as Brilliant and Suzi (2017) conducted their research on critical discourse analysis and they discovered that there is unequal distribution of power in the courtroom, the judge wielding the ultimate power, and the lawyers have authority derived from superior legal knowledge base, and from the rules that govern formal discourse in the courtroom. Power inequalities were seen between courtroom participants in the court proceedings. They have observed power inequalities that were addressed in different ways.

In the current study, unequal power distribution between courtroom participants during courtroom proceedings in court cross examination was observed. Power was demonstrated in different ways through language. Legal professionals manipulated power through direct order of witnesses and defendants not to do or to do something. In the current study, power domination and power resistance were gained from the data.

#### **Extract 17**

1. አቃ፤ አመቺ በፊት? (P: Before when?)

2. ም፤ ብዙ ጊዜው ነውጊዜው.... (W: It is long time ago the time is....  
(interruption)

3. አቃ፤ አዳምጠኝ! ሀዳር 12 ቀን አብረን ሄደን አደርን እያልክኝ ነው (P: Listen to me! You said that you lay over together with the defendants in November twelve)

4. (አዎ) (W: Yes)

Here in the above extract in line one (1), the prosecutor asked the witness through the use of Wh question to give information on the issue. As it is indicated in line two (2) the witness attempted to respond through long utterance. However, the prosecutor interrupted the witness's response through imperative utterance as it is stated in line three (3). The prosecutor used imperative utterance to make the witness to be specific and to give only the relevant response. This shows that the prosecutor abused the power of the witness through the use of inappropriate interruption. Therefore, based on the above extract there is power inequality between the prosecutor and witness. The prosecutor emphasizes his power by controlling the communication through direct interruption of the witness's utterance as it is stated in line three(2) and the witness listened as he has been ordered by the prosecutor and he cannot say anything, simply he agreed with prosecutor's proposition. The prosecutor interrupted the witness's utterance through command and the witness listened the prosecutor without any ignorance since the witness has less power than the prosecutor. Then, one can conclude that power can be expressed or reflected through the use of language and this creates domination of power or failure of domination through discourse.

### Extract 18

1. አቃ፤ የተጠየኩት ብቻ መልስ (P: Give response only what you have been asked!)

2. ም፤ እ? (W: What did you say?)

3. ዳኛ፤ ጥያቄው ግልጥና አጭር ነው መልሱን ባጭር (J: The question is clear and short. Give the answer in short)



From the above utterance, there is power imbalance between the legal professionals and the witness in courtroom proceedings. In the above speech line one (1), the prosecutor ordered the witness to express only the relevant information that the prosecutor asked him and in line three (3), the judge also restricted the witness from asking questions even if it is unclear or an audible. Based on the above extract, the judge and the prosecutor have more power to control the courtroom proceedings. In the extract line one (1) showed that the prosecutor used imperative utterance to make the witness to be specific and to give relevant response. The power was expressed through order of language. However, the witness tried to elicit question to repeat as it is shown in line two (2) and his elicitation for repetition was ignored by the judge. As it is indicated in line three (3), the judge prohibited the witness not to ask question. This implies that both the prosecutor and the judge reflected their dominance of ideology and they abused the witness's power. Therefore, based on this data, one can say that there is unequal power distribution in courtroom proceedings and only the legal professionals has power to ask questions and witness has no power to ask questions.

**Extract 19**

1. ዳኛ፣ አትቡር (J: Don't turn)
2. አቃ፣ ማይክሮን አትልቀቀው (P: Don't leave the microphone!)
3. ም፣ አሺ አሺ (W: Ok, ok)

In the above extracts, there is still power asymmetry between the witness and the professionals. Here the legal professionals have power domination over the witness. They expressed their power dominance through language of direct command like "(J: Don't turn), (P: Don't leave the microphone)" and the witness accepted their power hegemony through polite expressions by saying (W: Ok, ok). Therefore, the utterances showed that there is power inequality between professionals and witness. Even the witness accepted their power domination through the use of polite agreement.

**Extract 20**

1. ዳኛ፣ የአባትህ እናት? የአንተ እናትም የአባትህ እናትም ውዴ ናት? (J: Your father's mother? Is Wudie your mother and your father's mother?)

2. አቃ፤ የአባትህ እናት ማን ነው የሚባሉ? (P: Who is your father's mother?)

In the above utterances there is power asymmetry between the legal professional. Here the professionals take turn one another without permission. In these utterances the professionals tried to take power domination one another. They tackled or interrupted each other without permission. In line one (1) the judge asked the witness to confirm his proposition but before the witness provide response the prosecutor interrupted the communication and asked the question as it is indicated in line two (2). So, there is horizontal power relation between the prosecutor and the judge since no one control or take dominance in the utterances. Therefore, one can say there is power resistance between legal professionals during courtroom proceedings.

### Extract 21

1. ዳኛ፤ ቆይ ቆይ ሳትዞር አትቀልድ! ቀልድ ጀመርክ! (J: Wait wait don't turn. Don't joking. You are starting joke)

2. ም፤ እረ ቀልድ አይደለም የምሬን ነው (W: No I am not joking. I am serious)

3. ዳኛ፤ ቆይ ቆይ አዳምጥ! (J: Wait wait listen! )

4. ም፤ እሺ (W: Ok)

Based on the above utterances, the power relation between witness and the legal professional was unequal. The judge expressed his power domination through a powerful word that shows warning for the witness in line one (1) (J: Wait wait don't turn. Don't joking. You are starting joke). But the witness tried to resist the judge's power domination through high tone speech with impoliteness manner in line two (2) (W: No I am not joking. I am serious). However the judge uttered words with high tone and showed his power domination on the witness through direct command utterances in line three (3) (J: Wait wait listen!). This language utterance indicates that though there is power resistance between the witness and the judge, the judge is powerful to control courtroom proceeding and he abused the witness's right to express his reason. Then the witness accepted the judge's power through polite language expression in line four (4) (W: Ok). Though the witness tried to resist the judge's power domination, the judge is the winner of power resistance and dominated the witness.

These results have relation with observational findings and this was ensured by the researcher's direct observation of courtroom proceedings on murder case. The researcher also observed and gathered additional data through observation based on the research questions. Therefore, based on the collected data, the researcher got the following findings and the power was exercised through discourse. For example,

**Extract 22**

1. *ዳ: ቁጭ በይ! ይህ ገበያ አይደለም* (J: Sit down! This is not market)
2. *ዎ: እሽእሽ* (W: Ok ok)
3. *ዎ: አንዴ ልናገር* (W: Let me to speak once)
4. *ዳ: መጀመሪያ አዳምጭኝ* (J: First listen to me)

Based on the above extract in line one (1), the judge controls the courtroom proceedings through order of language. This shows that the judge has absolute power over the witness and he ordered the witness through command and he told to the witness that it is not like market it is court and the witness accepted the judge's power through polite language use as it is shown in line two (2). In line three (3) the witness asked permission to speak but the judge did not allow to the witness to speak rather he ordered the witness to listen him. Here the judge imposed his power through language use as it is indicated in line four (4). One can understand from this utterance, courtroom is not like other social areas and it is different from other social interaction. The judge expressed his power through order of language "sit down" and the witness simply accepted his power with polite expression "ok". Then the power relation between the judge and the witness is unequal and the judge grouped under the dominant group whereas the witness grouped under the dominated or the less dominant group. In addition, from the above utterance in line one (1) socio cultural practice was reflected by the judge. The judge expressed the sociocultural practice of the institution through comparison. He expressed to the witness that sociocultural practice of the institution is different from other social practice.

#### **4.5 Discussions**

The findings of the present study showed that both the prosecutors and judges used five elicitation techniques for different purposes. They employed elicitation for information, elicitation for confirmation, elicitation for agreement, elicitation for repetition and elicitation for clarification. These language elicitation techniques were used by legal professionals for specific function such as to inform, to confirm, to agree, to repeat and to clarify the witness evidence in a hidden way. These findings are different from Ahailey's study except elicitation for confirmation. Ahailey (2011) found that legal professionals elicited questions for six functions such as to constrain witnesses and defendants, to lure the witnesses and defendants to confession, to confuse, to establish counsels authority, to discredit and to seek confirmation. These findings go in line with the findings of Vega (2019) that the researcher conducted on Repeats in the courtroom: An analysis of the pragmatic functions of lawyers' repeats in witness testimonies and uncover on the repeats, confirmation and clarification. The results demonstrated that lawyers used repetition to clarify and confirm witnesses' testimony. However, in the current study two other elicitation techniques were revealed that were not investigated in Vega's study. These are elicitation for information and elicitation for agreement were not discovered in Vega's study and Vega conducted only on the function of repeats. On the other hand the findings of the study demonstrated that defendants and witnesses used different response techniques such as irrelevant response technique, they provided illogical answers, they tried to use denial language, polite agreement response and refusal response techniques. From these findings denial response technique, polite response technique and refusal response technique go in harmony of Ahialey (2011) conducted on elicitation and response strategies in courtroom cross examination: a critical discourse analysis and uncover that different strategies have been adopted by counsels to pin down defendants and witnesses in cross-examination, so also, defendants and witnesses have adopted different strategies of responding to these elicitations in order to wriggle themselves from the trap set by counsels. Altogether, 16 types of response strategies were identified in the data. These are Explanations, Denials, Narratives, Compliance, Polite agreement, Polite disagreement, Affirmative/ agreement, Non-affirmative disagreement, Refutals, Counter assertions, Counter questions, Evasiveness, Non-committal statement, Appeal

to the failure of memory and Appeal to ignorance. However, Ahaily did not find irrelevant and illogical response techniques which were discovered in the current study. The findings of the study revealed that there were power inequalities between courtroom participants during courtroom cross examination. This was done through use of language in a hidden way that creates discourse during cross examination. The legal professionals abused the witnesses and defendants from asking questions and they interrupted their communication inappropriately. Based on the data, the result showed that the legal professionals have more power than the defendants and the witnesses. The legal professionals managed and controlled courtroom communication. Even though there was power domination of legal professionals over the defendants and the witnesses, sometimes there were power resistances that were addressed by defendants and witnesses during courtroom cross examination. In line with this Negm (2014) discourse is an environment for power to be questioned, challenged, contested and resisted. In addition to a setting for power to be enacted, exercised and sustained. Derd (2015) conducted his dissertation on analyzing the discourse of courtroom interaction: the case of north Gondar high court and he found that there is power asymmetry between legal professionals and witnesses. The legal professionals perform power over the lay participants. (Brilliant and Suzi (2017) conducted the study on A Critical Discourse Analysis of Courtroom Proceedings in Nigeria and they discovered that power is unequally distributed in courts with judges having supreme power and lawyers with superior legal knowledge and rule based authority to govern formal debates in court. Common litigants defendants or witnesses positions are pawns in the courtroom, dominated and for the most part forced to dance with the dominant group. There is clearly justifiable inequality in the courts and that inequality is manifested in language. However, these scholars did not address power resistance of participants in their study unlike the current study and the current study uncovered power resistance.

Finally, the present study tends to imply that legal professionals need to understand the invisible language use in courtroom interactions because the way that legal professionals use of language in their elicitation and ways of approaching are likely to be the main determinant factors on witnesses and defendants interactional contributions and on the outcomes of court cases. For example, legal professionals would understand their hard

approaches such as: acts of being aggressive, blameful and sarcastic approaches may have negative impacts on witnesses and defendants and the nature of their responses during courtroom cross-examinations. Of course, the witnesses and defendants ways of responses may affect negatively on legal professionals ways of questioning. This implies that legal professionals need to understand that just responding a question may not necessarily mean fully answers are performed because there were irrelevant and illogical responses techniques which were investigated in the current study. Therefore, legal professionals need to use appropriate elicitation techniques.

It was discovered that witnesses and defendants gave responses in a hidden ways. This may be either purposively to leave their real messages to achieve a specific goals or it may be for some strategic reasons. This kind of response technique may lead misunderstanding of mutual communications. Hence, this study implies that legal professionals need to understand contextual or pragmatic knowledge to apply it in the judicial processes and this pragmatic knowledge helps them to make fair decisions about the cases.

It was also uncovered that there were power inequalities and power resistance between courtroom participants during cross-examination on murder cases. Legal professionals were under the dominant group whereas witnesses and defendants were under the dominated group or under the less powerful group. Power resistance was investigated between legal professionals themselves. These power relations distorted smooth flow of communication and it leads into distant relation between the participants. Thus, this study implies that legal professionals need to have appropriate power relations with the witnesses and defendants and with their co-workers.

## **CHAPTER FIVE**

### **5. SUMMARY, CONCLUSION AND RECOMMENDATIONS**

This chapter presents summary, conclusion and recommendation of the study that were drawn from the major findings.

#### **5.1 Summary**

This study focused to critically analyze the function of elicitation and response techniques that were employed by legal professionals, to identify and analyze the response techniques that were used by defendants and witnesses and uncover how power inequalities were enacted.

In this study three research questions were formulated. The study questions were first, what are the functions of elicitation techniques that were employed by legal professionals during cross-examination in court? Second, what are the response techniques that witnesses and defendants used during courtroom cross examination? And third, how power inequalities were addressed through elicitation and response techniques in courtroom discourse during cross examination in court?

The data were collected from audio recording of courtroom proceedings and from observational notes that were taken from murder case cross examination. The researcher gained audio recorded data from Bahir Dar higher court that were recorded in cross examination and the observational notes were taken through direct observation of courtroom trials on murder case. A qualitative research, critical discourse analysis design was employed. Bahir Dar higher court was selected purposively and audio recorded data was taken through purposive sampling technique. Audio recorded data and observational note were used to collect data. Twenty two extracts were taken from the whole data. The researcher analyzed and interpreted the data through a critical discourse analysis method.

The findings of the first research question demonstrated that legal professionals employed five elicitation techniques during courtroom cross examination in court proceedings. These elicitation techniques were used for several functions that the legal professionals to testify the defendants and the witnesses. They used elicitation for

information, elicitation for confirmation, elicitation for agreement, elicitation for clarification and elicitation for repetition. These elicitation techniques were used in a hidden way to get accurate evidence. However these elicitation techniques affected negatively the witnesses and the defendants' responses. Witnesses and defendants sometimes were confused and they were unable to understand the elicitation techniques and they didn't know what they respond.

The result of the second research question discovered that witnesses and defendants used different response techniques that help them to achieve a specific goal. They performed irrelevant response technique to change the topic of the question; they employed illogical response technique which is not acceptable in science and in the society to make it as logical response, they provided denial response technique to give ructions for their inadequate and false testimony, they used refusal response technique to blame that as they are not criminal on the case and they used polite agreement response technique to agree with their proposition when it is related with their assumptions.

The finding of the third research question revealed that there were power inequalities between courtroom participants during cross examination in court trials. Two power relations were uncovered in the study. The first was power domination of legal professionals over the participants. This was done through language use in a hidden way. The second power relation was power resistance. Though sometimes lay participants tried to resist the domination of legal professionals' power, they couldn't attract the attentions of legal professionals and still they are dominated by the legal professionals. However, power resistances were seen among legal professionals. These power resistances were observed during communication of the trial.

## **5.2 Conclusion**

Based on the findings obtained from the analysis and discussions the data in chapter four, the following conclusions were made:

Based on the findings of the first research questions, it is possible to conclude that legal professionals employed elicitation techniques for five functions. These elicitation techniques were elicitation for information, elicitation for confirmation, elicitation for agreement, elicitation for clarification and elicitation for repetition. Legal professionals



were effective to disclose the hidden agenda of the witnesses and defendants responses through the use of these elicitation techniques.

The second research question findings revealed that defendants and witnesses used several response techniques. These response techniques were employed in a hidden way to achieve a specific goal. The defendants and the witnesses used five response techniques and each of them has its own goals. The first response technique that was provided by the witnesses and defendants was irrelevant response technique which was employed for giving unrelated response which helped them to change the topic and to skip the next question without providing enough information. The second response technique that was used by the witnesses and the defendants was illogical response. The goal of this response technique was to persuade the legal professionals without providing true evidence about the case. The third response technique that was answered by the defendants and the witnesses was denial response technique. This response technique was offered by the witnesses and the defendants to deceit the legal professionals through technical use of language. The fourth response technique that was used by the witnesses and the defendants was polite agreement response. The function of this response technique was to accept the legal professionals' presupposition. The last response technique that was discovered is refusal response technique. This response technique was used for the function of rejecting the legal professionals proposition. Though they used these response techniques, they were less effective to achieve their hidden goals.

The findings of the third research question showed that there were power inequalities between legal professionals and witnesses and defendants. In the current study, two types of power relations were uncovered by the researcher. The first power relation was power domination. During the trial the legal professionals posed burden on the defendants and the witnesses and they controlled the proceedings. For example, defendants and witnesses were prohibited not to ask questions and they can speak only if the legal professionals allow to them to speak but the legal professionals interrupted the witnesses and the defendants as they want as like. Another power relation that was unpacked by the researcher was power resistance. There was power resistance among legal professionals. During the proceedings, the legal professionals take turns each other without permission

or there was overlapping of communication between them during cross examination. However, sometimes the defendants and the witnesses tried to resist power domination that was posed by legal professionals though they were not effective. Therefore, the researcher deduced that abuse of power was enacted.

### **5.3 Recommendations**

Based on the findings of the study and the conclusions drawn, the researcher forwarded the following recommendations.

1. The legal professionals employed five elicitation techniques. These elicitation techniques were used for a specific purpose. However, when the legal professionals employed these elicitation techniques, the witnesses and defendants were confused and asked questions but the legal professionals didn't allow them to ask a question. It is therefore recommended that the legal professionals had better use flexible elicitation techniques and sometime allow to the witnesses and defendants to ask unclear idea since these helps them to get accurate testimony.
2. The finding of the study revealed that the witnesses and the defendants used different response techniques during courtroom cross examination. These response techniques have specific goals that the witnesses and defendants want to achieve. Therefore, it is advisable that the legal professionals identify the true evidence of the witnesses and the defendants' hidden response. Because the witnesses and the defendants may have hidden agenda that they don't want to tell and they may biased for one party in the proceedings.
3. The finding of the study uncovered that the legal professionals take power domination over the witnesses and defendants through command and warning use of language. This makes the witnesses and the defendants approach to be distant from the proceedings communication and this power relation affects the witnesses and the defendants' communication skill negatively because when the legal professionals pose their high power the witnesses and defendants likely to be frustrated, confused and unable to communicate smoothly. And effective, genuine and enough evidence may not be successfully gained from them. Therefore, it is recommended that legal professionals had

better employ flexible power relations since it helps them to get accurate, genuine and enough testimony on the criminal cases.

4. The researcher also recommended for further research that the current study focused on elicitation and response techniques of courtroom cross examination on murder case in Bahir Dar higher court. The study context was on Amharic courtroom trial. Since language use has different context based on different cultures, values and language differences across, it is recommended that further research needed to be conducted on other languages.

5. The additional recommendation is recommended that the data of the current study was taken from audio recorded documents. It was impossible to manage non-verbal language like facial expression, hand movement, head nodding, eye gaze and other sign languages. Based on this limitation the researcher recommended that further study can be done through the use of video recorded data and non-verbal language can be one of discourse research area.

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## APPENDICES

### Amharic and English version of sample data

**ዳኛ፣ የአቃቤ ህግ መስቀለኛ ጥያቄ የምስክሩ መልስ**

Judge: prosecutor's cross examination question witness's response.

**አቃቤ ህግ፣ አምበሉ**

Prosecutor: Ambelu

**ምስክር፣ አቤት**

Witness: yes

**አቃ፣ ቀን አመተ ምህረት መቁጠር ትችላለህ?**

P: can you count date and year of grace?

**ም፣ አላውቅም አልተማርሁም**

W: I don't know. I didn't learn.

**አቃ፣ እ?**

P: what did you say?

**ም፣ አልተማርሁም ቀን አመተ ምህረት አልቆጥርም**

W: I didn't learn. I don't count date and year of grace.

**አቃ፣ አትቆጥርም?**

P: you don't count? (Low tone)

**ም፣ አዎ**

W: yes

**አቃ፣ መከላከያ ምስክር ሁንልኝ ያለህ መቼ ነው?**

P: when did he ask you to be defendant witness?

**ም፣ እ አሁን ወደ ሁለት ወር ሁኖታል**

W; it is now around two months

**አቃ፣ ማን ሰጠህ ወረቀቱን? መጥሪያውን?**

P: Who gave you the paper? Subpoena?



**ም፤ ሰው ነው የሰጠኝ**

(.....)

**አቃ፤ ከዚያን ቀን በፊት አብራችሁ አድራችሁ ታውቃላችሁ?**

P: Did you lay over with the defendant before that day?

**ም፤ ኧረ የአገር ሰው ስለሆንን በከብት በገቢያው እንገናኛለን**

W: Since we are in the same local, we met in the market and in the cow.

**አቃ፤ የተጠየከውን ብቻ መልስ**

P: Give response only what I asked you.

**ም፤ እ?**

W: What did you say?

**ዳኛ፤ ጥያቄው ግልጥና አጭር ነው መልሱን ባጭር**

J: The question is clear and short. Give the answer in short

**ም፤ እና ያገር ሰው ነን እንገናኛለን**

W: We meet each other since we are in the same local.

**ዳኛ፤ አብራችሁ አድራችሁ ታውቃላችሁ ወይ?**

J: Did you lay over together?

**ም፤ አብረን ያኔ ነው ያደርነ**

W: We lay over only that day

**አቃ፤ ከመቼ በፊት?**

Before when?

**ም፤ ብዙ ጊዜው ነውጊዜው....**

W: It is long time ago the time is.... (interruption)

**አቃ፤ አዳምጠኝ! ህዳር 12 ከተከላካ ጋር አብረን አደርን እያልህ ነው**

P: Listen to me! You said that you lay over together with the defendants in November twelve

**ም፤ አዎ**

W: Yes

**አቃ፤ ከዚያ ቀን በፊት አድራችሁ ታውቃላችሁ?**

P: Did you lay over together before that day?

**ም፤ የለም**

W: No

**አቃ፤ ከመቼ በኋላ?**

P: After when?

**ም፤ አልተገናኘንም**

W: We didn't meet

**አቃ፤ ከመቼ በኋላ ነው ያልተገናኛችሁ?**

P: After when you didn't meet?

**ም፤ ከህዳር 12 ቀን በኋላ አልተገናኘንም**

W: After November twelve, we don't meet each other

**አቃ፤ አልተገናኛችሁም?**

P: You don't?

**ም፤ አዎ**

W: Yes

**አቃ፤ መታሰሩን መቼ ሰማህ?**

P: When did you hear about his imprisonment?

**ም፤ መታሰሩን አሁን ቅርብ ጊዜ ነው የሰማሁ**

W: I have heard his imprisonment recently

**አቃ፤ መቼ?**

P: When?

**ም፤ ወደ አራት ወር እና አምስት ወር ይሆነዋል**

W: It is nearly four and five months

**Sample Data on Case 2**

**ዳኛ፤ ዋና ጥያቄ አበቃ የአቃቤ ህግ መስቀለኛ ጥያቄ የምስክሩ መልስ**

J: The main question is completed; prosecutor's cross examination question witness's response.

**አቃ፣ ወርቅነህ**

P: Workneh

**ም፣ አቤት**

W: Yes

**ዳኛ፣ አትተር**

J: Don't turn

**አቃ፣ ማይኩን አትልቀቀው**

P: Don't leave the microphone

**ም፣ እሺ. እሺ.**

W: Ok, ok

**አቃ፣ የት ነው የምትኖር አንተ?**

P: Where do you live?

**ም፣ እ የግንድ ሎሚ.**

W: E... (አ) Yegind Lomi

**አቃ፣ ከማን ጋር ነው የምትኖረው?**

P: With whom do you live?

**ም፣ አይ ራሴን ችያለሁ እንጅ እናት አባቴ ደጀን ነው**

W: I live with myself but my mother and my father is Dejen.

**አቃ፣ በጣም ጥሩ! እናት እና አባትህ እናት እና አባት የምትላቸው ማን እና ማን ናቸው?**

P: Very good! your mother and father. Who are your mother and father?

**ም፣ እናት እና አባት ማለት እንግዲህ የወለደ እናት እና አባት ማለት ነው**

W: Mother and father means mother and father who born me.

**አቃ፣ እና ማን እና ማን ናቸው?**

P: So, who and who are they?

ም፤ እ ደጀን በላይ

W: Dejen Belay

አቃ፤ እና እናትህ ማን ነው ስሟ?

P: And your mother name?

ም፤ እ ውዴ

W: Wudie

አቃ፤ ውዴ ማን?

P: Wudie who?

ም፤ እኔ እንዲያው አባትየው ግር ይለኛል በሰው አገር ስላለ

W: I missed her father name since he lives in another country

አቃ፤ የእናትህ ስም ሲጠራ ሰምተህ አታውቅም?

P: Didn't you hear when your mother name is called?

ም፤ የእናቴን ስም ብቻ ነው እንጅ የማውቅ ሌላ አላውቅም

W: I only know my mother name but I don't know another

ዳኛ፤ የምንህ ስም ነው ግር የሚልህ?

J: whose name you missed?

ም፤ አያቴ ማለት ነው

W: My grandparent

ዳኛ፤ ስሙ ጠፋህ?

J: Do you miss his name?

ም፤ ስሙ እየጠፋኝ

W: I lose it

ዳኛ፤ አረ! ማን እንደሚባል አባቷ ሰምተህ አታውቅም?

J: Oh! Didn't you hear your mother's father name?

ም፤ አይ አላውቅም

W: I don't know

ዳኛ፤ ይህን ያህል ዕድሜ እስከምትቆይ?

J: Till you are adulthood?

ም፤ ምን ሰው ካልተማረ ምን ያውቃል

W: If a person doesn't learn, she or he knows nothing.

ዳኛ፤ የአያትህን ስም ለማወቅ መማር ግድ ይልሀል?

J: Is it mandatory to learn to know your grand's name?

ም፤ የአባቴን ገጥ ነው የማውቅ እንጅ የእሷን አላውቅም

W: I know my father relatives but I don't know hers.

አቃ፤ እናትህ ናት ወይዘሮ ወዴ?

P: Is Mrs. Wudie your mother?

ም፤ አዎ

W: Yes

አቃ፤ ለወላጆችህ አንተስንተኛ ልጅ ነህ?

P: Are you the first, middle or last son of your parents?

ም፤ ስንተኛማ ሶስተኛ

W: The third

አቃ፤ ማን ነው ትልቅ ካንተ እና ከታየ?

P: Who is elder from you and Taye?

ም፤ ታየ

W: Taye

አቃ፤ ከታየ ቀጥሎስ?

P: Next to Taye?

ም፤ እኔ

W: Me

አቃ፤ ሁለተኛ ሆንህ ማለት ነው?

P: You are the second

ም፤ እ እኔ ነኝ

W: me myself

**አቃ፤ ሶስተኛ ብለህኝ ነበር ሁለተኛ ሆንህ ማለት ነው?**

P: You said I am the third but you are the second

**ም፤ አዎ ሶስተኛ ማለት ያሉትን ልጆች ማለት መስሎኝ እኮ ነው**

W: I understand that third means the total children of our family

**አቃ፤ ስንት ናችሁ ጠቅላላ ስንት ልጆች ናችሁ?**

P: Totally, how many children are you?

**ም፤ አጠቃላይ ልጆችማ ሶስት ነን**

W: We are totally three

**አቃ፤ ማን ማን?**

P: Who and who?

(.....)

**ዳኛ፤ የአባትህ እናት ማን ናት?**

J: Who is your father's mother?

**ም፤ ውዴ**

W: Wudie

**ዳኛ፤ የአባትህ እናት? የአንተ እናትም የአባትህ እናትም ውዴ ናት?**

J: Your father mother? Is Wudie your mother and your father's mother?

**አቃ፤ የአባትህ እናት ማን ነው የሚባሉ?**

P: Who is your father's mother?

**ም፤ እ ውዳለት**

W: eh Wudalat

**አቃ፤ እ?**

P: What did you say?

**ም፤ ውዳለት**

W: Wudalat

**አቃ፤ የአባትህ እናት?**

P: Your father's mother?

**ዳኛ፤ ምንህ ማለት ናት?**

P: What is she for you?

**ም፤ አያቱ**

W: My grandparent

**አቃ፤ ውዳላት ማን ነው የምትባል?**

P: Wudalat who?

**ም፤ ገላዬ**

W: Gelaye

**አቃ፤ ገላዬ?**

P: Gelaye?

**ም፤ አዎ**

W: Yes

**አቃ፤ ገላዬ ማን?**

P: Gelaye who?

**ም፤ ከዚያ ወዲያ አላውቃቸውም**

W: I don't know above that

**አቃ፤ ደጀን በላይ ማን ነው የሚባል?**

P: Dejen Belay who?

**ም፤ ከዚህ ውጭ እኔ ሌላ አላውቅም። እነዚህን ነው የማውቅ**

W: I don't know above this. I know these.

**አቃ፤ ስለዚህ የአቶ ደጀን ስንት ልጆች አሉት? አንተ ስንተኛ ልጅ ነህ እያልኩህ ነው?**

So, how many children does Dejen have? How many are you for your father?

**ም፤ እ.....**

W: eh...

**አቃ፤ የበሀሩን ጀምረህ ጥራልኝ**

P: List down start from the first

**ዳኛ ፤ ቆይ ቆይ ሳትዞር አትቀልድ! ቀልድ ጀመርክ!**

J: Wait wait don't turn. Don't joking. You are starting joke.

ም፤ ኸረ ቀልድ አይደለም የምሬን ነው

W: No I am not joking. I am serious.

ዳኛ፤ ቆይ ቆይ አዳምጥ!

J: Wait wait listen

ም፤ እሺ

W: Ok

ዳኛ፤ ስንት ናችሁ አይደለም ጥያቄው አሁን የአንተ የእናት አባትህ ልጅ የአቶ ደጀን ልጅ የበሀሩ ማን ነው ስሙ? የመጀመሪያ ልጅ?

J: Now the question is not how many. Your mother's and father's child Mr. Dejen's child. Who is the first and the name? The first child?

ም፤ ታየ

W: Taye

ዳኛ፤ ታየ ማን?

J: Taye who?

ም፤ ታየ ደጀን

W: Taye Dejen

ዳኛ፤ ታየ ደጀን ቀጥሎ?

J: Taye Dejen. Next?

አቃ፤ ቀጥሎስ?

P: Next?

ም፤ ቀጥሎ እ..... በላቸው ደጀን

W: Next eh Belachew Dejen

ዳኛ፤ ቀጥሎ?

J: Next

ም፤ ወርቅነህ ደጀን

W: Workneh Dejen



**ዳኛ፤ አንተ የሁሉም ትንሽ ነህ?**

J: Are you the last son of your family?

**ም፤ መሀከለኛቸው**

W: The middle

**ዳኛ፤ እ?**

J: What did you say?

**ም፤ መሀከለኛቸው ነኝ**

W: I am the middle

**ዳኛ፤ መሀከለኛቸው ማለት ምን ማለት ነው?**

J: What does it mean the middle?

**ም፤ የዚኛው በታች የዚኛው በላይ**

W: Below this above this

**ዳኛ፤ የየትኛው ነው የዚኛው የዚኛው?**

J: Which one? This this

**ም፤ የወርቅነህ ደጀን**

W: Workneh Dejen's

**ዳኛ፤ የወርቅነህ ትልቅ ነህ ትንሽ ነህ?**

J: Are you elder or younger of Workneh?

**ም፤ ትልቅ ነኝ**

W: I am elder

**ዳኛ፤ እ?**

J: What you say?

**ም፤ ትልቅ ነኝ**

W: I am elder

**ዳኛ፤ የታየሰ?**

J: What about with Taye?

**ም፤ ትንሽ**

W: Younger

**ዳኛ፤ ወርቅነህ ግን እንዲያው የአቶ ደጀን ልጅ ነህ? እንትን ነው መፅሐፍ ቅዱስ ይዘህ ምለሐል። ሥለዚህ ፍርድ ቤቱ ሊያጣራ ይችላል። ሊያጣራ ይችላል! አሁን ከዚህ በጎላ አንተ ልጅ ነህ አይደለህም የሚለውን ልናጣራ ስለሆነ እውነቷን ተናገር እስኪ?**  
**ልጅ ነህ የአቶ ደጀን?**

J: Workneh are you sure you are Dejen’s child? This is what you completed oath through bible. So the court can collect information who you are. It can collect. Now after this we will collect information whether you are Alebachew’s child or not. Therefore, tell the truth. Are you Dejen’s child?

**ም፤ አዎ**

W: Yes

**አቃ፤ ትሄዳለህ ከቤቱ?**

P: Do you go with his house?

**ም፤ አሉ አልሄድም**

W: No I don’t

**አቃ፤ ሄደህ አታውቅም?**

P: Haven’t you ever gone to his house?

**ም፤ የለም**

W: No I haven’t

**ዳኛ፤ ከወንድምህ ቤት?**

J: From you brother house?

**ም፤ አዎ አልሄድም**

W: Yes

**ዳኛ፤ ለምን?**

J: Why?

**ም፤ ያልተማርሁ ሰው ከተማውን ምን ብዬ አውቁው እሄዳለሁ**

W: I am uneducated person. I don’t know the town.

**ዳኛ፤ ከወንድም ጋር ተጠራርቶ መሄድ መማር አለመማር ይላል?**

J: Does it need to educate to go to brother’s house?

አቃ፤ ጠይቀህው አታውቅም?

P: Didn't you visit him?

ም፤ አላውቅም

W: No I didn't

አቃ፤ ባህር ዳር ከተማውን ታውቀዋለህ?

P: Do you know Bahir Dar town?

ም፤ አላውቀውም

W: No I don't know

አቃ፤ አታውቀውም?

P: You don't know it?

ም፤ አላውቀውም

W: No I don't know

አቃ፤ እሺ እንዲያው ምን ሊያደርግ ነው የመጣ? መቼ ነው መጣ ያልህው?

P: Ok, for what purpose he came? When did he come?

ም፤ ወደ ገጠር ቦታ?

W: In rural area?

አቃ፤ እ

P: Yeah

ም፤ በአስራ ስድስት

W: On sixteen?

አቃ፤ መቼ አስራ ስድስት ?

P: When sixteen?

ም፤ ህዳር አስራ ስድስት

W: November sixteen

### Sample Data Case 3

ዳኛ፡ የአቃቤ ህግ ምስክር ስምሽን ማን እንበል

J: Prosecutor 's witness, what is your name

**ምስክር: ወርቁ አለኝ**

W: Workie Alene

**ዳ: ዕድሜሽ ስንት ነወ.**

J: How old are you

**ም: ፶፪ ስምንት**

W: twenty eight

**ዳ: ሥራሽ ምንድን ነወ.**

J: What is your Job

**ም: የቤት እመቤት ነኝ**

W: I am a house wife

**ዳ: ፍርድ ቤት ለምንድን ነወ. የመጣሽ**

J: Why are you coming in the court

**ም: ለምስክርነት**

W: To be witness

**ዳ: ለማን**

J: For whom

**ም: ለደሳለኝ**

W: For Dessalegn

**ዳ: የአቃቤ ህግ መስቀለኛ ጥያቄ የምስክሩ መልስ**

J: prosecutor's cross examination question witness's response

**አቃ: ወርቁ**

P: Workie

**ም: አቤት**

W: Yes

**አቃ: ዝምድና አለሽ ከተከሳሽ ጋር**

P: Do you have relation with the defendant

**ም: የለኝም**

W: No I haven't

**አቃ: ምንድን ነው የሌለኝ**

P: What you haven't

**ም: ዝምድና የለኝም**

W: I haven't relation

**አቃ: ተከላሽ ምን አድርጎ ነው የተከሰሰ**

P: Why the defendant is accused

**ም: ሰው ገድሎ**

W: He killed a person

**አቃ: መቼ ወር መቼ ዓ.ም**

P: At which month and at which year of grace

**ም: ሰኔ አስር 2014 ዓ.ም**

W: June 10, 2014 E.C

**አቃ: የት ቦታ**

P: Where is the place?

**ም: ባህር ዳር ቀበሌ ሶስት**

W: In Bahir Dar kebele three

**አቃ: ስንት ሰዓት ላይ ተፈጠመ ወንጀሉ**

P: At what time the crime was committed

**ም: በግምት ሁለት ሰዓት ላይ ይሆናል**

W: It was around two o'clock through guessing

**አቃ: የምኖር ከአንድ ግቢ ነው ብለኝል በወቅቱ ጠብ ጭቅጭቅ ሰምተኝል**

P: You said that you were living in one compound, did you hear any fight and barney

**ም: አልሰማሁም**

W: No I didn't hear

**ዳ: ምንድን ነው ያልሰማኝ**

J: What you didn't hear

**ም: ጠብና ጭቅጭቅ አልሰማሁም**

W: I didn't hear fight and barney

**አቃ: ተከላሽ ምን እንደሚሰራ ታውቂያለሽ**

P: Do you know what the defendant works

**ም: አላውቅም**

W: No I don't know

**አቃ: አታውቂዉም**

P: You don't know

**ም: አዎ**

W: Yes

#### **Sample Data Case 4**

**ዳ: ስምህ ማን ነዉ**

J: What is your name?

**ም: ሳጅን አለሙ**

W: Sajin Alemu

**ዳ: ዕድሜህ ስንት ነዉ**

J: How old are

**ም: 27 ዓመት**

W: 27 years old

**ዳ: የት ነዉ የምትኖር**

J: Where do you live?

**ም: ቀበሌ 14**

W: Kebele 14

**ዳ: የት ከተማ**

J: Which town

**ም: ባህር ዳር**

W: Bahir Dar

**አቃ: ሳጅን የመጣህ ለምስክርነት ነው**

P: Sajin you are coming as witness

**ም: አዎ**

W: Yes

**አቃ: እስከ መቼ እና የት ድርጊቱ እንደተፈጠመ ንገረን**

P: Tell us when and where the incident was happened

**ም: ቀኑ ሰኔ 15፣ 2014 ዓ.ም ሲሆን እኔ ተረኛ ነበርሁ ስጦብቅ ጥይት ተተኮሰ..... (ረጅም ትረካ)**

W: The date was june 15, 2014 E.C and I was in the work and the gun was shot.....  
(Long story

**አቃ: በአንተና በወንጀለኞቹ መካከል ምን ያህል ርቀት ነበር**

P: How much distance was there between you and the defendants?

**ም: በግምት 15 ሜትር**

W: It was around 15 meter through guess

**አቃ:አንተ በቀኝ በኩል ነህ ወይስ በግራ**

P: Were you in the right side or in the left side

**ም: ሶስት ነበርን በቀኝም በግራም ሆነን ያዝናቸው**

W: We were three and we hold them in the right and left side

**ዳ: የምትጠየቀውን መልስ አንተ በግራ ነው በቀኝ የሄድህ**

J: Give response what you have been asked. Were you in the left or the right side?

**ም: ከወንጀል ጋር በቀኝ በግራ ምን ያገናኘዋል**

W: How does the left and the right is related with the crime

**አቃ: እረ የምጠይቅህን መልስ**

P: Give response what I am asking you

**ም: በግራ በኩል**

W: In the left side

**አቃ፡ ጨለማ ነበር ወይስ መብራት ነበር**

P: Was it dark or light

**ም፡ ጨለማ ነበር**

W: It was dark

**አቃ፡ ታዲያ ተከላሾችን ጨለማ ከሆነ እንዴት ለየሀቸዉ**

P: So, if it was dark, how did you know them?

**ም፡ መብራት ነበር**

W: It was light

**አቃ፤ እኔ እሱን አይደለም የምልክ። እየውልህ የምጠይቅህን ብቻ መልስ። ከዚያ ቀን በኋላ መቼ ተገናኛችሁ?**

P: Ah I don't say this. Give response only what I ask you. After that day, when did you meet him?

**ም፤ አልተገናኘንም**

W: We didn't meet

**አቃ፤ ከመቼ በኋላ ነዉ ያልተገናኛችሁ**

P: After when you didn't meet?

**ም፤ ከህዳር 12 ቀን በኋላ አልተገናኘንም**

W: After November twelve, we don't meet each other

**አቃ፤ አልተገናኛችሁም?**

P: You don't?

**ም፤ አዎ**

W: Yes

**ዳ፡ የተከሰስክበትን ታዉቃለህ**

J: Do you know why are you accused

**ተ፡ አዎ አዉቃለሁ**

D: Yes I know



**ዳ: በምንድን ነው የተከሰሰህ**

J: Why are you accused

**ተ: ሰው ገደልህ ተብሎ ግን እኔ አልገደልሁም**

D: I am accused of killing a person but I didn't kill

**Case 5**

**አቃ፣ ከመቼ በፊት?**

P: Before when?

**ም፣ ብዙ ጊዜው ነው-ጊዜው....**

W: It is long time ago the time is.... (interruption)

**አቃ፣ አዳምጠኝ! ህዳር 12 ቀን አብረን ሄደን አደርን እያልክኝ ነው**

P: Listen to me! You said that you lay over together with the defendants in November twelve.

**ም፣ አዎ**

W: Yes

**አቃ፣ መጠህ ጠይቀህዋል?**

P: Have you visited him?

**ም፣ አሉ የለም**

W: No

**አቃ፣ እ?**

P: What did you say?

**ም፣ አልጠየኩትም**

W: I haven't visited him.

**አቃ፣ አልጠየከውም?**

P: You haven't visited him?

**ም፣ የለም**

W: No

**ዳ: ቁጭ በይ! ይህ ገበያ አይደለም**

J: Sit down! This is not market.

ም፡ እሺእሺ

W: Ok ok

ም፡ አንዴ ልናገር

W: Let me once to speak.

ዳ፡ መጀመሪያ አዳምጭኝ

J: First listen to me!

አቃ፤ እረ እሱን አይደለም የምልሕ። እየውልህ የምጠይቅህን ብቻ መልስ። ከዚያ ቀን በኋላ መቼ ተገናኛችሁ? (P: Ah I don't say this. Give response only what I ask you. After that day, when did you meet him? )

ም፤ አልተገናኘንም (W: We didn't meet)

አቃ፤ ከመቼ በኋላ ነው ያልተገናኛችሁ? (P: After when you didn't meet?)

ም፡ ከህዳር 12 ቀን በኋላ አልተገናኘንም (W: After November twelve, we don't meet) each other

አቃ፤ አልተገናኛችሁም? (P: You don't? )

ም፤ አዎ (W: Yes)